

THE SPENT BALL.

By H. S. KNEEDLER.

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CHAPTER IV.



"See if you discover such a scar as the gentleman mentions."

It was spring again—not the spring of the north which May ushers in with violets and the return of the song birds, but the spring which comes creeping over the landscape of the south, the vernal season that follows the floods of February rains, which clothes the brown fields with green almost before one knows it, and brings swiftly in its train the summer's promise of fertility. I was still in New Orleans, where I had come from Memphis, though my thoughts were turning northward again. I had been doing space work on The Picayune, where Jones held a desk in the city editor's room. Some correspondence for northern papers had fallen to me and furnished a pretty decent sort of livelihood.

Since leaving Memphis not a word had reached me of Jason Brigham. If the river had swallowed him, as we conjectured, then it had not given up its dead, or else had cast its prey upon some forsaken shore, perhaps in a treacherous eddy on the rim of some great desolate sandbar, or among the twisted roots and broken tree trunks in a cove upon some wooded stretch where human eye would never see it. The affairs had ceased to be a present memory to me. I thought with pity of Brigham, and of the lonely woman whose heart had been well nigh broken, but then there are so many tragedies in a newspaper man's life that his nature hardens insensibly and he comes to pessimistically accept the cruel reprisals of fate with a fair share of stoicism.

From the effects left by Brigham I had the photograph of Emily Percival. She had told me to keep it as a memento when I offered to return it to her. There were few things beside that, and such as there were left in The Avalanche office in the hope that he might yet return to claim them.

The winter had been a gay one in the Crescent City—the season at the French Quarter never been better, the Mardi Gras a brilliant success, the town was full of gay life, which renewed and re-echoed the Latin graces among our Puritanical institutions. In the merry round I had had my share and borne my part as well of the brunt of the work incidental to the daily grind of journalism. So I found myself upon the eve of starting north in anything but a pleasant frame of mind, when the managing editor of The Picayune sent for me and said:

"I wish you would go up to Donaldsonville and do that Mine Armand murder case for us. You know I have no man here to send, and it is too big a thing for the indifferent local correspondent we have at that point to handle."

Of course I couldn't refuse—to have done so under the circumstances would have been unpardonable. But criminal affairs always nauseated me, and I hated the stuffy atmosphere of court rooms, where ignorances make pretense of knowledge to befuddle stupid jurors, and where the whole performance is a mockery of the solemnity of justice.

The case was famous or infamous enough, as such things go. Mine Armand, who owned a plantation down on the Bayou Lafouche, had been murdered in her bed, presumably for money which she was popularly supposed to keep concealed in the house. The criminal had escaped detection for several months, and then had been apprehended while employed in a timber camp where he was one of a gang of loggers. Just what evidence there was against him the officers of the state declined to make public, and the poor wretch, having no money to tempt a cormorant of the law to undertake his defense, and no friends to intercede for him, had been kept in jail to await trial at the spring term. It was understood in a general way that the evidence against the accused was incontrovertible, and it was further understood that as he was a stranger and the law needed a victim, he was to be hanged in due season.

I went up to Donaldsonville the day before the one set for the trial, and landing at the miserable and forlorn place in the evening, hunted up the prosecuting attorney. That worthy was fully imbued with the heinousness of the crime, the necessity of some one's being punished for it, with the conviction that the prisoner was the guilty man, and with the assurance that he would be hanged. Further than that he had nothing to communicate. If I wanted information I must seek the counsel for the prisoner, the judge having recently appointed a member of the bar to defend him.

This advice was good, and I took it. I found the counsel for the defense a mild-mannered young man who was evidently just breaking into the profession. But if his legal acumen was not overpowering he was to be commended for his modesty. He had not yet acquired the insolence or the vanity of the prosecuting attorney, and, what was in his favor, he took some interest in his unfortunate client.

"I do not believe him guilty," he said, "and yet I scarcely know why I believe in his innocence. The state, I understand, will bring witnesses to prove that he was seen in the vicinity of the murder, that he carries jewelry inconsistent with his occupation as a lumberman, and, what is more effective in the eyes of an ignorant and prejudiced jury, that he is not what he seems to be. This, I think, will be the most effective weapon they will use. The man is evidently of considerable refinement, of good education, and is not accustomed to the life he has lately been living. Yet he stubbornly refuses to say anything about himself beyond declaring his innocence. The inconsistency of his character and associations is so great that once demonstrated to a jury it will be ready to hang him without a qualm of conscience, if for nothing else, to show that it has the right to inflict the extreme penalty of the law."

"Perhaps he will weaken when he finds himself confronted by the stern necessity of making an effort to save his life."

"If he were guilty I might believe so, but I am convinced the man is innocent, but that for some unknown reason he would sooner die than talk."

"May he not be shielding some one else—a relative, perhaps?"

"I do not think so, for we have been unable to find any one who knows him. He seems to be a total stranger."

"What do his associates in the logging camp have to say?"

"That he walked into camp from the woods one day, applied for work, was given it and took his place. He was evidently inexperienced as an axman, and was put on duty as an assistant to the cook."

"How long ago was this?"

"Only a month. It is supposed that he had been in hiding in the woods or perhaps concealed in the cabin of some friendly negro between the time of the commission of the crime and that day upon which he appeared for work at the camp."

The next morning I accompanied Mr. Briggs, the counsel for the defendant, over to the court house—a dilapidated old frame building which had once been whitewashed, as an observer might conclude from the mottled appearance of its exterior. About the door was the customary crowd of idlers, fustlers, the benches full of gaping curiosity-seekers. Within the bar a few men sat with their feet on a long table, copying the attitude of the judge, whose dignity of station was marked by the small raised platform on which his chair was placed back of a smaller table. To be tried in such a place would give an unwelcome horror to crime, and would technically make the infliction of punishment an unusual and barbarous distortion of justice. I was still studying the faces of the auditors when the case of the "State versus Ansil Berner" was called, and the sheriff entered with his prisoner—the murderer of Mme. Armand.

As he came up the aisle I looked at him, and, my God! it was Jason Brigham, who was led forward, handcuffed and disheveled, to take his seat in the prisoner's box. I could scarcely believe that sight was not playing some trick with sense, that I was not the victim of an absurd and ludicrous hallucination. But there could be no mistake. Under the pinched and drawn face, sallow from exposure in the miserable swamps, under the long disheveled hair, the ragged, unkempt beard of three months' growth, the rough, unseemly clothes, the slothful, dogged air—beneath all these I saw the face and features and the unmistakable personality of Jason Brigham—the man without a past.

In the tumult of my feelings I was blind to everything else, unconscious of everything else, and, rising to my feet, went forward to meet him with hands extended and his name upon my lips. "Jason—Jason Brigham."

His eye met mine, but there was no recognition in it. His face took on a curious expression of surprise—surprise not at seeing in an unexpected place one he had known, but astonishment that he should be mistaken for any one else than Ansil Berner.

"But don't you know me, Jason?" I persisted. "You have not forgotten Gilman, have you?"

"You evidently mistake me for some one you have known," said the man, raising his manacled hands and then letting them fall again as the steel chains snote sharply on each other. "I never saw you before."

"Never saw me before? Why, man, what new folly is this? You do not mean to tell me you have forgotten the life we led together in Memphis?"

"Some chance resemblance leads you into error," was the reply. "I was never in Memphis, tho' I know of the town very well."

"Yes, I should think you would," I retorted; "but, sir, since you do not choose to recall the past, I will not take measures to revive it."

"Did you know this man?" asked the judge.

"I knew him very well, your honor," I replied. "We were for several months associated together upon the editorial staff of the Memphis Avalanche; we roomed together and were inseparable friends."

"How long ago was this?"

"Last fall."

"And when did he leave there?"

"In November."

"That was impossible, for Mme. Armand was murdered in October."

"Then this man did not kill her, for I will take my oath that he was in Memphis at that time."

"What interest have you in this trial?" and as he asked the question the judge looked at me sharply.

"I have no interest except in seeing an innocent man preserved from a humiliating death. I came here as the representative of the New Orleans Picayune, without any knowledge of the parties in interest. Up to the time the prisoner entered the door I had no idea I had ever seen him, but I recognize in him an old friend, and one who, in the nature of things could not have committed this crime of which he is accused."

"But the prisoner appears to deny the acquaintance," said the judge, somewhat cynically.

"He does, sir, and what his purpose is in doing so I cannot even infer."

"But is there no possibility of your being mistaken?" persisted the judge, who in the lax procedure of his court was not greatly affected by the sacredness which was supposed to hedge him in. "You know how treacherous resemblances are. Though no two faces are cast exactly in the same mold, there are sometimes such counterfeits that we can scarcely tell the spurious from the genuine."

"If this man is the Jason Brigham I know in Memphis he has a scar upon the right side of his head above the ear and well forward toward the temple," I said, with a sudden inspiration, as the memory of that indelible mark flashed on my mind.

"Sheriff," said the judge, leaning forward over his desk, "examine the prisoner's head and see if you discover such a scar as the gentleman mentions."

The sheriff in a very matter of fact way separated the prisoner's hair, which was long and unkempt. My heart seemed to stand still while he did so, but when he stood to one side and with his fingers spread apart silently directed attention to a long white scar at the place I had designated, I felt the blood rush to my brain in a flood that threatened to unsettle my reason.

"Your identification seems complete, sir," said the judge, "but you will, of course, pardon me if I point out to you how impossible it would be for us to admit your unsupported evidence in this case. You are a stranger to us all, and though I do not believe such a thing for a moment, still in the eyes of the law your motives would be susceptible to doubt. You should have corroborating testimony. But, weightier than all, the witness declares that he is not the man you say he is. You do not allege that he is insane?"

"He appears to be sane enough, but from what I know of him, in the light of present circumstances, I should be willing to believe he was insane."

"If what you know of him leaves you with such an impression, does it occur to you that he might be guilty of the crime with which he is charged?"

"Not for a moment, for though I cannot reconcile the phases of his career that have come under my observation, I have never seen any tendency toward crime in his disposition. I knew him as a generous, brave and truthful man. Besides, as I have said, I was with him at the very time Mme. Armand was murdered."

"My dear sir, you are treading on dangerous ground," remarked the judge sternly.

"I am too confident that I could prove a valid, your honor, to legal your warrant, and I can prove one for this unfortunate man, if you will give me time."

At this point the prosecuting attorney, who held his peace as long as possible, sprang to his feet and said tragically and oratorically:

"Your honor, I must enter a protest against such an unwarrantable procedure as this stranger suggests. It seems to me, your honor, that this trial is proceeding in a very odd manner indeed. I do not need to call your honor's attention to the unprecedented liberties accorded this gentleman. I merely desire to direct your attention to the fact that what he says lacks confirmation even from the prisoner himself, even from that man, sir, who would be most likely to catch at any straw which offered a reasonable hope of enabling him to escape or even to postpone the fate he so richly deserves. I move you, sir, that the trial of the accused proceed."

"This trial has indeed taken a very unusual course," replied the judge deliberately. "But you will admit that this is a very remarkable interruption. I am impressed with the sincerity of the gentleman who has so unexpectedly and so peculiarly appeared as a voluntary witness for the defense, and I feel that in justice to the prisoner he should have an opportunity of presenting testimony to support his statements. Under the circumstances I shall entertain a motion for the postponement of the case."

It is unnecessary to say that the counsel for the accused was not slow in acting upon the suggestion, and the case was continued and ordered placed on the docket for trial at the next term of court.

With the dismissal of the case and the sheriff's leading out of the prisoner I was about to hurry away when the judge stopped me and, calling me to his desk, said: "Come around to my home this evening. I want to talk with you."

I promised him I would, and went out to walk about a little and gather my scattered thoughts. There was abundant need for reflection. It began to look as though this man who disclaimed ever having had a past was to be summarily robbed of a future.

The Best Is the Cheapest.

When people accept the idea that the "best is the cheapest," then and then only will the people insist on making roads in the proper way, though they may cost more in the beginning. A road properly built adds to the prosperity of the community and the cost, if maintained in good order, need be no more than is now used for hauling mud and stone into the middle of mudholes. A country can never prosper where six months of the year all the necessary driving on the road is to be through mud and slush, where the horses are worn out and the people's tempers likewise, in just getting together the necessities of life. Is it any wonder that the farms are being given over to foreigners and our intelligent farmer gentlemen becoming things of the past—National Farmer.

There is no question before the public today which so intimately concerns the prosperity of the farmer as the country road question. Good roads mean fewer abandoned farms, fewer mortgaged farms and fewer unprofitable farms. Bad roads mean a continuation of the present disheartening condition, which, so long as it continues at all, will grow worse. The farmer's sloth of despond is formed by the mud in the roads between him and his market.

Poultry at the World's Fair.

The exhibition of poultry, pigeons and other birds at the World's Fair will be on Oct. 18 and continue to the 30th of the month. Numbered with other exhibits already issued for the guidance of exhibitors is one concerning the limit of entries, which reads as follows: "No one exhibitor of poultry from the United States and Canada will be allowed to enter more than four birds—i. e., one cock, one hen, etc., in any one class, and but one brooding pen in any one class."

The poultry department is divided into and is classed the same as in the standard—namely, class 1, American; 2, Asiatic; 3, Mediterranean; 4, Polish; 5, Hamburg; 6, French; 7, English; 8, game and game bantams; 9, bantams other than game; 10, miscellaneous; 11, turkeys, entries (single specimens, adult fowls only); 12, ducks, entries in pair, male and female; 13, geese, entries in pair, male and female (black-Wyandottes, white Langshans and Indian games are classed in their places); 14, ornamental, golden, silver and English pheasants (single), peafowls (single), pearl and white guinea fowls, pairs.

In experiments made at the Cornell university experiment station to determine the amount of excrement, and as nearly as possible the relative money value of the same obtained from the different farm animals in a given length of time, it was found that cows, well fed and yielding milk heavily, if kept in a stable with a floor water tight, may be counted upon to yield nearly ten cents' worth of valuable fertilizing materials per day.

Horses at work on the farm returned in manure rather more than four cents each per day during the time when they were in the stable, which by another trial was found to represent three-fifths of the excrement voided in an entire day.

With sheep kept on a light galvanized iron pan covering the floor of the pen, the value of the fertilizing materials obtained was about one and a half cents per sheep per day.

With swine kept in the same general way as the sheep and fed on two different rations, the value of the manure amounted to but little more than half a cent per day for well fed, thrifty shoats of medium size. Calculated on the basis of 1,000 pounds animal live weight, the value of the manure per year for each class of animals is given as follows: For horses, \$10.12; cows, \$20.82; sheep, \$38.55; swine, \$17.11.

These values are set for the purpose of making comparisons only, and the prices are those in most common use for determining the comparative value of commercial fertilizers. Nothing is more varying than the value of a ton of manure, and Director Roberts is careful to say each farmer must determine what it is worth for his own use.

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