

WHY HE COMES NOT.

She stands at the garden gate to night; No word does she then speak...

WRONGLY SENTENCED.

An Innocent Man Set Free After Five Years' Confinement.

A Story That Shows How Misleading Circumstantial Evidence May Be—The Danger of Entirely Relying on Such Testimony.

The hardships and wrongs inflicted by convictions upon circumstantial evidence and mistaken identity are well illustrated in a case which came under my notice...

In 1878 there was a man by the name of Mills arrested in Portland, Me., for arson, and delivered by the officer making the arrest into my custody as Sheriff of the county.

Realizing the awful doom awaiting me—that after the year of anguish and torture in my solitary cell, which is a part of the sentence pronounced upon me, I am to suffer an ignominious, dreadful death—by my hope of heaven, I swear to you that I know no more how that fire originated than yourself.

Nothing occurred which threw any new light upon the crime, and the community generally came to believe in his guilt. The grand jury returned an indictment for arson against him, setting fire to a dwelling house in the night time, with intent to burn the same.

His trial consumed seven days, and during the whole time he sat with calm, pale face, watching its progress with apparent indifference. His wife and lovely daughter—his only child—met him every morning as he was brought from the jail to the court-room, and they both sat by his side through all the hours of each day, showing a devotion and loving solicitude that was pathetic.

During their deliberation upon the verdict which would restore him to liberty and the bosom of his family or to a solitary cell and final execution, Mills was apparently unmoved. When the jury finally brought in their verdict of guilty the unfortunate man seemed stunned for a moment, and his wife was so overcome that the officers were obliged to remove her, while his daughter, with loving devotion, remained by her father's side, her hand in his, trying to cheer and comfort him.

Nothing now remained for the trial court to do but to pass the dread sentence. Mills was again brought into court and was sentenced to one year's solitary imprisonment, and then to be hanged by the neck until he be dead, and may God have mercy on your soul.

It became my duty, under the mandate of the court, to remove him to the State prison in execution of the sentence. I will not dwell upon the agony of the final parting from his wife and daughter at the jail, while both clung to him in an agony of despair.

There were five other prisoners who had been sentenced to various terms at hard labor, also awaiting removal to the penitentiary. We took evening

passage by steamer for Rochester, I ironed the five together, placing them in the cabin on main deck. After the moorings were cast off I invited Mills upon the quarter deck. I did not place the iron upon his wrists, not that I desired or intended to give him more liberty or better treatment than that extended to the other prisoners on board, but looking upon him more as an unfortunate victim of circumstances than as a felon, I shrank from driving the iron deeper in his soul.

The steamer had passed through the main channel, rounded White Head, and was well out to sea when we reached the upper deck; the city's lights were far behind us; the clear rays of the 'cape light' lent a brilliancy along the steamer's course, and the water's glassy surface looked like burnished silver. The moon was shining clear and bright.

No one could be seen as we paced the deck fore and aft except the helmsman at the wheel and the watch on the starboard bow. Mills was calm, but there was despair in his every movement and written in every lineament of his pale face. In a few hours I should deliver him to the warden to enter upon his solitary confinement before execution of the death sentence.

We were standing alone just abaft the wheelhouse, looking out upon the moonlit waters, when I turned, and standing before him with one hand upon his shoulder, I reminded him that he had been under my charge for several months; that during all that time his deportment had been unexceptionable; that he had been granted a fair and impartial trial—he had been defended by able and honest counsel—and while I doubted his guilt, the presumption was too great and the evidence, though circumstantial, too strong for the jury to report a different verdict from the one announced, and I said to him he could have no hope of executive clemency in his behalf; that he was guilty because the jury had so declared and the court had so adjudged, and nothing could be gained now by falsehood or equivocation.

Realizing the awful doom awaiting me—that after the year of anguish and torture in my solitary cell, which is a part of the sentence pronounced upon me, I am to suffer an ignominious, dreadful death—by my hope of heaven, I swear to you that I know no more how that fire originated than yourself. Of what avail would falsehood be to me now? I have received but kindness from you during my months of imprisonment. I can not say that my trial was not a fair one. I find no fault with the judge or jury, and my counsel were untiring in their efforts in my behalf. Yet, I repeat—and this is all that is left me now—that, as God hears me—that great Judge, before whom I am soon to stand—I am innocent.

Upon my return to Portland I at once conferred with the county attorney, and communicated to him my experience and my firm belief in Mills' innocence. He heartily seconded my efforts, and we soon had a petition signed by the judge who presided at the trial, eleven of the jury who composed the trial panel, the county attorney, and nearly all the county and city officers, with a large number of prominent citizens. The prayer of the petition was that the Governor commute his sentence to imprisonment for life. It was presented to his counsel, the Governor granted the prayer, and Mills' life was saved.

Some five years later, at nine o'clock in the morning, a white-haired man, weighed down with sorrow, came into my office and inquired for me. An apparent stranger stood in the doorway. He looked earnestly for a moment, and, seeing no recognition in my face, with a sad, tremulous voice, he said: 'Is it possible you have forgotten me?' Not until then did I know that he was the same man who five years before had been convicted and sentenced to death for a crime he never committed. Noticing my astonishment at seeing him again in Portland and at liberty, he at once explained that the warden had received a telegram from the Governor ordering his immediate and unconditional release.

In explanation of this action by the executive, I will simply state that some years after Mills' conviction a notorious character was arrested in the city for highway robbery, for which he was indicted, tried, convicted, and sentenced to thirteen years at hard labor, and was confined in the same penitentiary where Mills had so long suffered.

His dissipated habits had already destroyed his health, consequently he soon broke down under the rigors of prison discipline. Death was fast approaching him; his torments aroused his scarred conscience to right a terrible wrong. Having sent for the warden, the dying criminal confessed that it was he who had set fire to the dwelling by throwing a roll of cloth saturated with petroleum through the window and under the bed of the sleeping occupants; that he was incited to inflict this cruel wrong upon Mills in revenge for an old-time grudge and enmity against him.

general character often seems more reliable than the oral testimony of living witnesses, who may be prejudiced or bribed, is, nevertheless, sometimes too strong—proves too much, and is liable to be misused.—Denver Tribune-Republican.

THE CHARTER OAK.

Historical Trees to Be Found in All Parts of the World.

On August 20, 1856, was blown down the famous oak called Charter Oak, a tree which for many years was the object of veneration, because it was believed that it had been the means of saving the charter of the State of Connecticut. The Winfarthing Oak in England, now white and hollow, measuring some seventy feet in circumference and capable of holding in its cavity not fewer than thirty persons, was called the Old Oak as far back as the days of William the Conqueror.

The Charter Oak near Southgate, on the grounds of Michendon House, is sixty feet high and eighteen feet three inches in diameter. When in full foliage it forms a magnificent natural canopy, and has the appearance of a gigantic tent. In 1788, there fell to the ground one of the oldest and most honored trees in England. It was called Magdalen Oak, or the Great Oak of Oxford. It was called the Old Oak by way of distinction when Magdalen was founded; and it was supposed to have been a sapling when Alfred the Great founded the university. There was at one time on Mount Etna a chestnut tree, which measured 204 feet in circumference; and in the hollow some country people contrived to construct a house in which they lived. There is a yew tree near Staines, called the Oak-cryke Yew, which is supposed to be at least one thousand years old.

At this point the water swooned and the guests in the room let out a roar of laughter that gave the chandeliers the chills and fever. This made the stranger mad, and he leaped to his feet like a crazy man, took off his coat and threw it down on the floor and stamped on it and howled.

You fellows are tryin' to play me for a sucker, but by the eternal, you've struck the wrong snag! Whoopee! (and he jumped up and slapped his fists) I'm a destroyer! cyclone from Illinois, an' I kin lek the hull crowd! Spanish? I kin sling more Spanish in a holy minute than Montezuma could in a year! Kin I? Well I should elucidate that! Kin I? Let some idiot pull off his bucket and hump onto me, an' the first time I hit him he'll think he has the him-hans! Spanish! O, I guess not! My name's Jeremi—I mean Heremiah Hones, from Hacksenville, Illnoy, an' when my dander's up I'm a ravin' hyena. You played me for a sucker, but you mustn't judge a man by his looks. Whoop! I sound the hubbles. Somebody come out and face me. Let some him-crow galoot come to the front and criticize my Spanish hargon!

His friends got hold of him and took him from the room, and as he went through the door he remarked: 'I kin take a hoke, but it makes me mad for a lot o' hakes to try to play me for a greeney.'—Albuquerque (N. M.) Democrat.

It is thought by naval architects that the limit of naval strength had been reached in the construction of the Italian monster ironclads Duello and Dandolo, launched within a few years. But the Italia and Lepanto, the most recent additions, are heavier yet both in armor and ordnance. The last two carry four guns, each weighing 100 tons, and capable of throwing shells of rising 2,000 pounds weight. But the British Government is to lay down one first-class ironclad, which will be armed with two guns only, but these will be of 110 tons weight, will require more than 600 pounds to load, and will throw a Palliser steel shell of 2,500 pounds. The armor of this vessel, however, will be but eighteen inches of steel on a similar thickness of wood, showing that no attempt will be made to imitate the Italian method of thick armor. The most powerful ship in the British navy, the Inflexible, has twenty-four inches of solid iron encasing her citadel, and twenty-five inches of solid teak backing, while her eighty-ton Armstrong gun throws a shot which has penetrated her own armor plates thirty-one inches' depth.—N. Y. Sun.

White House Dresses. The white dresses so popular during the summer for general wear will remain in favor for house dresses throughout autumn. Those made of white serge will have a touch of color added by a vest, collar, and cuffs of the new plush with long pile, and dotted with metal-like beads. White pique dresses, with a vest of blue or black velvet, will still be worn by those who object to wool goods. A small Spanish jacket of velvet or plush, rounded or square in front, and edged with the new rosy beads, will also be worn with white dresses in the house.—Harper's Bazar.

Purely Unselfish. Dubbs—Ah, Jones, off to the country? Jones—Yes, going to take a little trip to the farm. Dubbs—Do me a favor, will you, old boy? Just step around to my father-in-law's house near your place and tell my wife that I'm growing thin and pale, and going into consumption. Jones—Well, but you're not. Dubbs—Never mind—she'll enjoy it, and I'll extend her visit a couple of weeks longer. You don't know how she loves me.—Tid-Bits.

THE SPANISH J.

A Greeney Who Didn't Propose to Be Abused Without Defending Himself.

A few days since a stranger from the unconverted wilds of the East, whose tenderest attain their highest state of sensitiveness, came out to Albuquerque, New Mexico, to visit a friend. While walking along Railroad Avenue he said to his friend:

There goes a man I met up at La Junta, giving the J its natural pronunciation. You mean La Junta, the friend replied. That is a Spanish name, and in that language j takes the sound of h. Is that so? Well, I must try to catch onto that.

After strolling along a short distance further he asked: Where are these James Springs, of which I see so much in the papers? You should say Haymes Springs; they are over here in the mountains about sixty miles.

Darn the language—it breaks me all up. That's a pretty louse house over there—that Armijo House, isn't it? and again he gave the j its proper pronunciation. You mean the Armijo House; yes, it's a good one, too.

Damnscha way of abusing the English alphabet. I reckon, then, that must be the Haffa Bros. store down the street there? No that is not a Spanish name. I think it is French. However, it is pronounced as spelled.

Well, how in Santa Fe is a fellow going to tell what's Spanish and what isn't? Why couldn't they build their language accordin' to the original plans? O, you'll soon catch on. You will find it safest to give the Spanish pronunciation to nearly everything here.

An hour later they sat down at the table of the San Felipe Hotel, and after scanning the bill of fare, the stranger said to the waiter: You may bring me a nice, juicy piece of roast beef, some pig's bowt with caper sauce, some freased hack-rabbit, some pork with apple belly, some boiled potatoes with the hackets on—unsken, you know—some tarts with currant ja—I mean currant ham, and, ah, some—

At this point the waiter swooned and the guests in the room let out a roar of laughter that gave the chandeliers the chills and fever. This made the stranger mad, and he leaped to his feet like a crazy man, took off his coat and threw it down on the floor and stamped on it and howled.

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LYSANDER'S WOES.

Why Parents Prefer Industrious Young Men to Social Tramps and Shallow-Pated Dunces.

Boots are now made to weigh three pounds each. Young men should think of this when they call on their best girls and hear their fathers come down stairs and tremble.

At it again, Lysander! So when you call on your best girl and hear her father come down the back stairs you tremble. Well, I am not surprised. Neither is any one else who knows you. The only wonder is how you ever manage to get into the house.

The young girl evidently is not thoroughly acquainted with you, or perhaps she is one of those young and foolish maidens who would elope with a coachman if her father was rich enough to keep a horse. No wonder her father objects to you calling on her.

Though poor, he is not an idiot, Lysander, and he has not clothed, fed and schooled a daughter for eighteen long years to have her wed a shallow-pated, long-eared dunce like yourself. He works hard for a living, Lysander, if you know what that means, and he finds it difficult enough to support his family as it is, without adding a hungry, ill-bred, idle, shiftless, fat-witted loafer like yourself to the number.

He labors from morning until night, and when he sits down to his dinner he doesn't want to have his intelligence insulted by hearing your feeble attempts to paraphrase antediluvian jokes that were moth-eaten when Noah built his ark.

Of course, Lysander, you regard the father of your best girl as your natural enemy. He is. A man doesn't raise daughters to throw them away, unless he is a god Prince in a fairy-story, or a Mormon with more girls than he knows what to do with.

But, Lysander, let a decent, honest, industrious young man, who has some purpose in life other than becoming the son-in-law of a wealthy man or a charge on the county, apply for a girl's hand, and notice how welcome he is made.

Were you ever at the seaside, Lysander? No. Not even as a hotel-waiter? Well, you ought to go there. The salt water will do you good. Just try it once, and see how the mothers of young girls fish for the right kind of young men.

Did you ever hear of match-making mammas? Well, you try reading a little, instead of writing so much, and perhaps you will learn something. The average mother and the average father are on the lookout for a young man who can do something besides eat and wear out parlor furniture.

The bull-dog is always chained when that young man calls. The father meets him at the door and shakes him by the hand. The mother greets him in the parlor, and asks why he hasn't called before. If the young man stays until midnight, the parents congratulate themselves; and if he proposes marriage, they have a notice of the engagement put in the Society Recorder, and the young lady wears her engagement ring outside of her glove, and all the other girls in the neighborhood grow green with envious, corrosive envy.

That is the way the eligible young man is regarded, Lysander. If he couldn't be caught any other way, Lysander, the father would set out a free lunch for him, and the mother would place the spare bedroom at his disposal.

The mistake you make, Lysander, is supposing that the father of a marriageable young woman wants to have her marry a man who limits his usefulness to being able to act as a scare-crow in a field of corn.

Such things, though not essential on a farm, can be hired much cheaper than they can be married. Tramps and old clothes are altogether too cheap in this great country, Lysander, for you to try and enter into competition with them in the matrimonial ray.—Pack.

LOST HIS TASTE.

How a Colored Missisippian Learned to Dislike Smoked Meats.

I was sleeping in a second-story bedroom of a planter's house in Mississippi, and it was not yet daylight, when something roused me up. I was listening to hear the noise repeated, when there came such a yell as fairly shook me out of bed. I ran to the open window, but it was too dark outside to see anything. As I stood there listening I heard the clank of a chain, followed by groans, and then all was still. I went back to bed with the idea that some crazy negro was prowling around, and slept until sunrise. Then I looked out and solved the mystery. A few rods away was the smoke-house. A big bear-trap had been set at the door, and it had caught a prize. With one leg held as in a vice, and with his hands grasping a young roe to hold him up, a burly big negro looked up at me and called out:

Say, boss, but I want to git loose of list! When I went down and told the Colonel he expressed no surprise and took no action until after breakfast. Then he walked out to the smoke-house, and, after looking the prisoner over, he said: Does it hurt? Nebber was hurted so in my life, sah.

Can't you get out? No, sah. Ize bin tryin' eber since midnight, but I can't do it. I have hams and shoulders in there. Yes, sah, I reckon you has. Are you fond of smoked meat? No, sah. I used ter be, but I ain't any mo'. I shall nebbet tech smoked meat agin! Like to walk out nights? No, sah. Ize gwine ter bed ebery night at sundown arter dis.

We got a rail and opened the trap and let him out. He went off dragging his leg behind him, and as he reached the gate he lifted his hat and said: Werry much obleged, Kurnel. If my appetite fur hams an' shoulders eber returns I'll keep 'er ar' o' dis plantashun, an' doan' you forgit it!—Detroit Free Press.

ENGLISH RAILWAY TRAINS.

A Comparison Between the Insignificantly Small English Locomotives and Cars and the American Limited Express Train.

The first impression which an American who is experienced in railroad traveling in his own country derives from the exterior aspect of an English train is unfavorable. The car, as he must necessarily call them, seem to be small; they lack, apparently, the weight and solidity of the American passenger-coach; the compartments are narrow, the ceilings low, the ventilation apparently doubtful. They stand upon two, three, or more pairs of gaunt high wheels, to the axles of which their springs are directly geared. He misses the little independent vehicle, the truck, or bogie, with its four or six, small compact, solid-looking, wide-flanged wheels, which sustains each end of the American car—that rolling gear which looks strong, so adapted to inequality of rail or curve, so resourceful against disaster, and so complete in its equipment. The cars are smaller—there is no doubt of it. They are narrower and they are shorter; and to the American eye they look even shorter than they really are, because they have no projecting platform at the ends, no overhanging roof or hood, but are buckled close up to each other, and their contact controlled by small metal buffers, the springs of which allow a play of from eighteen inches to two feet and a half between car and car. The Miller platform of the Janney coupler, the link and pin—of all the familiar devices of the United States, there is not one to be seen. The brakes? None visible. Nor, for the matter of that, a brakeman. This influential and numerous person has no existence in England. There is not even a rudimentary type of him. That you do not find him is the first stern intimation you receive that in English railroading there are no autocrats. The wheels are fitted with brakes, however, and the trained eye notes a rubber hose connection in its application to that known at home, but which nevertheless betokens the air-brake. He takes account of the distinctions of class, and reflects upon the country's veiled progress in that regard in the matter of parlor cars and limited express-trains. Then he finds that there is no baggage-master to wait the voluble Saratoga to its doom, as his own newspaper would express it. There is perhaps a luggage van or two, or there are in the carriages themselves luggage compartments according to the way in which the train is made up, the length of journey it is to take, or the custom of the particular line under observation. His final contemplation is perhaps devoted to the engine, and if he has ever given any of his attention to the American locomotive, it fills him with a deep concern. He recalls the imposing splendor of the latter, its comfortable and lofty cab of oiled and polished wood, its gray brass bell, the soul-stirring whistle, the noble head-light and the cow-destroying pilot, the great cinder-consuming smoke-stack (unless it be a hard-coal burner, in which case that feature shrinks to moderate proportions), the powerful drivers and compact cylinders, the eccentric connecting rods and compact cylinders, the connecting-rods, and all its parts radiant with the glitter of polished steel or burnished brass, or decked with appropriated vermilion or emerald green. In all these matters the English locomotive compares with it much as a lawn-mower does with a New York fire-engine. It is a humble, awkward green or monochromatic machine. It has neither polish or decoration about it. There is no cab. The engineer and his fireman—that is to say, engine-driver and his stoker, as they are styled in England—perform their duties with only such shelter as is afforded by a board screen in front of them, pierced by two round apertures filled with stout glass, technically known as "spectacles." The smoke-stack is short and thick; there is an unsightly green hump on the back of the boiler; the cylinders are under the front of the latter instead of on each side before the drivers; the wheels are all large, and the body of the engine is perched high up above them and looks top-heavy and dangerous. The whole thing is rigid and stiff-looking, and to the observer who has had to do with the external aspects of locomotives it is unattractive and unlovely. The practical American engineer whistles thoughtlessly as he surveys it, and wonders to himself how long it would be before he would ditch his train if he had to run on a new Western railroad with such an engine. Where would he be on a sharp curve, or how would such running-gear adapt itself to an unevenly ballasted track? The low center of gravity of the American locomotive, the weight distributed well down between the wheels, the play of the small broad flanges under the pilot truck, and the external gearing of the driving-wheels, all give the American engine an appearance of stability which impresses not merely the layman, but also the expert.—Harper's Magazine.

A Useful Lawyer. A certain pompous lawyer was telling his exploits at the bar to a crowd of lawyers, one of whom was a very sarcastic man.

Why, sir, said the pompous party, I have defended more criminals at this bar than all the other lawyers combined.

Of course you have, replied the sarcastic party, and you have done the county a great deal of good by your efforts.

I should say I had, sir. Certainly you have, for every one of your clients have gone to the penitentiary on long sentences and the county is rid of them.—Merchant Traveler.

Vinegar without cider: Molasses, one quart; yeast, one pint; warm rain-water, three gallons. Put all into a jug or keg, and tie a piece of gauze over the bung to keep out flies and let in air. In hot weather set in sun; in cold weather set by the stove, and in three weeks you will have good vinegar. When part of this has been used fill up with the same preparation, and in this way a supply of good vinegar can be kept constantly on hand.—N. Y. Times.