

CIRCUMSTANTIAL EVIDENCE.

A MURDERER SITS ON A JURY THAT TRIES AN INNOCENT MAN.

An interesting case of circumstantial evidence, ending in confession, comes from an Ohio town. Between two prominent citizens a bitter feud had at one time existed, but it had died out. Their names were Thomas Simpson and William Mitchell. One day, just as a farmer who was ploughing came to the road and started to turn his team around he beheld a sight through the hedge which riveted him to the spot. He saw a man, who was holding a horse by the bridle bend over the form of a man lying in the road and pull a dagger from the breast of the latter. It was a murder and the dead man was Thomas Simpson. The farmer notified the authorities, and James Walker, whom he had seen pull the dagger from the murdered man, was arrested. He was a stranger, and maintained that when passing along in the road he had come upon the dead body of Simpson and dismounted. When he was tried, Mitchell, the murderer's old-time enemy, managed to be chosen upon the jury.

The trial was an exciting one, and when the jury retired everybody expected a prompt conviction. But the first ballot stood eleven for conviction and one for acquittal. Mitchell positively refused to vote for conviction, and stood firm against the arguments and exhortations of the others. They reported to the court that they could not agree and were sent back to the jury room. On their way back one of the jurors asked Mitchell:

"Why is it you cannot agree with us and find a verdict of guilty?"

"I know the man is not guilty."

Being unable to agree the jury was discharged.

The indignation ran high when it became known to the populace that the jury had disagreed, and a mob at once organized to lynch Walker. He was taken from the jail and a rope procured, but as it was being placed about his neck Mitchell appeared in the crowd, and in a loud voice demanded that they hear a statement from him. He told them that they were about to hang an innocent man, for it was he who had murdered Simpson. He had met him in the road where the body had been found, the old feud between them had been renewed and he had killed him. He insisted that instead of punishing an innocent man they hang the guilty. He went on to say that he had thought that if he could get on the jury he might be able to secure Walker's acquittal and at the same time save his own neck, but rather than see an innocent man suffer he would give himself up.

It was a dramatic scene. Amid the most profound astonishment he was heard through, and when he finished Walker was released. The record shows that Mitchell was afterward convicted and executed.

Another extraordinary case of circumstantial evidence occurred in a town on the banks of the Tennessee River several years ago. Two travelers had gone to a hotel and were placed for the night in the same room, but in separate beds. The next morning one of them was gone, and traces of blood were found from the hotel to the river. It was believed that he had been murdered and thrown into the river. The accused denied his guilt and established an excellent reputation, and the fact that he had no object in murdering the man. Yet circumstances pointed so strongly and directly toward him that he was convicted of murder in the first degree and the date of his execution fixed. The case, of course, was published in the newspapers, and was seen by the man who was supposed to have been murdered, in New Orleans, where he was engaged in business. He lost no time in notifying the authorities and securing the release of an innocent man. He said that during the night he had been attacked by bleeding at the nose, and rising had gone to the river to bathe his face and wait till the bleeding had stopped. While there a steamer came along, and going aboard he proceeded to New Orleans. Thus were the traces of blood from the hotel to the river accounted for.—*Kansas City Times*.

Spokane Falls, Wash., Sept. 13.—The incendiary fires on Sunday and yesterday have created intense excitement, and a vigilance committee was formed this afternoon and \$1000 reward offered for the capture of any guilty person. Tonight all disreputable persons were warned to leave town under pain of hanging. On Sunday two fires were started in buildings where no stoves were used. Early yesterday morning a big lodging house was fired and the lodgers escaped with great difficulty. One man was evidently burned to death, as no trace of him could be found. Soon afterwards four other fires were started in different parts of the town. The mayor has issued a proclamation closing all the saloons from 10 p. m. to 4 a. m., and citizens are warned to keep off the streets between these hours. The fires are supposed to have been started for purposes of plunder by thieves and tramps, with whom the town has been overrun for months.

Prospective purchaser—Then you are positive in stating that this horse has had experience on the track.

Candid bystander—He's tellin' you the truth, mister; the animal dragged a horse car 17 years.

A WIND STORM IN INDIA.

THE CITY OF DACCA ALMOST DESTROYED AND MANY PERSONS KILLED.

Details have now been received of the tremendous wind storm which has lately devastated Dacca. After rain fell early in the evening and then ceased. Half an hour later, at 10 o'clock, densely black clouds suddenly appeared in the southwest, and almost immediately a hurricane of terrific force swept through Dacca, destroying every obstacle in its course. It lasted barely three minutes, and was succeeded by a complete calm. Fortunately the width of the storm's track was only about 500 feet. It struck the west of the town, and after completely wrecking the large stone police barracks and a large number of huts, crossed the river and made a circuitous sweep, utterly destroying several villages, then recrossing the river it attacked with unabated fury the magnificent palace of the leading Mahomedan of Dacca, Sir Abdul Gami Mia. It then pursued its course through the most densely populated quarter. The appearance of Dacca is described as like that of a bombarded city. The largest and most massive houses are heaps of ruins. The west wing of the nawab's palace is a mass of broken masonry, the splendid furniture being entirely destroyed. Bails of flame are said to have been observed accompanying the hurricane. The college the church and other public buildings, and the houses occupied by Europeans belonging outside the track of the storm were uninjured. Up to this date 112 dead bodies have been recovered, and 1,000 cases are being treated in the hospital. The loss of property is estimated at 100,000 rupees. The nawab's estimated loss is 50,000 rupees. He has generously subscribed 10,000 rupees to the relief fund. His European engineer had a narrow escape, for the roof fell on him, and a native by his side was killed by a falling beam. Storms of this character are almost unknown in India. The weather has, however, been abnormal, owing to the fact that during March and April there was an entire absence of the usual local storms.—*London Times*.

TONES OF THE VOICE.

SOME CURIOUS FACTS THAT ARE NOT GENERALLY KNOWN.

It is a curious fact that the tones of civilized races are louder and harsher than those used by savage tribes. Indeed, among people who are classed as civilized it will commonly be found that the more highly cultivated up to a certain point, speak in the sharper tones. Of course, when cultivation and refinement have reached the point that the tones of the voice have become a matter of attention and care, the rule no longer holds, for then low, well modulated tones are acquired as an accomplishment. The philosophy of this peculiarity seems to be that the same energy and vigor which give certain races the leadership in advancement are accompanied by unusual nervous strain, and we are well aware how plainly nervousness is indicated in the tones. The people of New England speak in a sharper and shriller voice than their cousins in Old England. They are also more intense in feeling, and more eager in action. That this difference is not due to the influence of climate is apparent upon a comparison of our people with those of the dominion to the north and east of us. It is only as climate or other agencies may affect the entire character of a people that it has anything to do with the tones in which they speak.

Commonly, as we approach the tropics, we find the voice lower and softer; but, then, this is only in keeping with the whole life of the people, which shows less of force and earnestness than of people who inhabit the temperate zone. It suggests that they are too indolent to raise their voices. The writer recalls that he has more than once been asked by persons from Brazil and from the Spanish countries of South America, who were new-comers among us, whether those whom they overheard were really scolding, for they discovered no petulance or ill-feeling except in the tones of the voice. Such questions are calculated to awaken profitable reflections.—*Youth's Companion*.

A "SHY."—Ben Butler was retained as counsel for a Boston young man whose wife had sued for divorce on the grounds of cruelty. The wronged wife's sister, a young girl of 20, was the principal witness for the prosecution, and General Butler succeeded in angering her by a sharp and irritating cross-examination. After many interruptions the witness said that the defendant had been seen "shy a book at his wife's head." "Shy? Shy a book? What do you mean by that? Will you explain in the court what the word 'shy' means?" The young girl leaned over the railing and asked her sister's counsel for a copy of "Cushman's Manual" which lay on the desk before him. She buried the volume at General Butler's head with all the force she could command. It was a good shot, and had not Butler divined her purpose in time it would undoubtedly have hit the mark. "The court now understands the meaning of the word 'shy,'" said the judge, and the girl was allowed to finish her testimony without further interruption.—*Chicago Times*.

COURAGE IN BATTLE.

LORD WOLSELEY'S VIEW OF THE SUBJECT.

The young company officers when in action have little time to gauge the feelings or character of his brother officers. His time is fully occupied in fighting hard, and a determination possesses him to do his duty at all costs, or to attract attention by reckless bravery in the "neck or nothing," "double or quits" game of self-seeking for distinction. When, however, the position of leader is reached, and he must be content to say in calm tones: "Go on!" his opportunities for studying the thermometer of human courage are endless. As a rule, in the case of a commander, success most largely depends upon the gift of knowing how to select men who will do his bidding best. The very spirit who will volunteer for all services of danger, and go straight to the point to which he is ordered, is often worth a king's ransom to an army and to the nation whose cause it is fighting. It is impossible to put down arithmetically the value of such an officer, and next to the sensations which vibrate through every nerve and muscle of the man himself, I know of nothing that stirs the whole mental and bodily fiber more completely than to watch such a hero as he bounds forward in front of his men into some deadly breach. When the affair is over, and he has cooled down from the white heat which the electrical currents running through him have engendered, ask him about his sensations. They are difficult to analyze, still more difficult to describe in words. I am, however, tolerably certain that almost every man who has ever led a storming party across the open, in full view of the enemy, will acknowledge that his prominent and all-absorbing anxiety from first to last was, "Will my men follow me?" He has no shadow of misgiving as to his own courage and determination to lead the way, but that horrid question, and the doubt it engenders, robs him of much of that frenzied enjoyment which is part of the understanding of all who have not taken part in such an enterprise. All maddening pleasures seem to be compressed into that very short space of time, and yet every sensation experienced in those fleeting moments is so indelibly impressed on the brain that not even the most trifling incident is ever forgotten in after life. What gratitude the leader feels for ever afterward to those two or three men who stuck close to his heels, whose eyes met his whenever he looked over his shoulder to see how those behind were following!

I know men whom I believe to be wanting in natural daring, but whose minds are so well ordered, whose wills are so under control, that in action they will voluntarily undergo serious danger as a matter of calculation, because it is necessary to their ambition. I need not add that they are not the men whom others follow instinctively as born leaders. Their will, however, so rules over the craven spirit that their hearts and nerves are forced to work in strict obedience to the indomitable resolve. What must be their tortures?

Hence arises the question as to which is more worthy of respect, the man who conquers his ignoble spirit and in so doing serves the State effectively, or he who, born with all the instincts or natural virtues which go to make up the brave man, shines as the hero whose heroism is needed. Whatever may be the answer, there can be little doubt as to which is the more lovable character. You may respect the former, but you are, whether you like it or not, drawn irresistibly to the latter. There is nothing so fascinating in a man as reckless courage. The philosopher with his feet in hot water or in the enjoyment of an easy chair over a comfortable fireside, may strive to persuade others and himself that the man who triumphs over his fears and is thus enabled to act, when in the face of danger, the part of a brave man, is the more to be commended. His logic may be good, his reasoning unanswerable, but in that crowd of men which constitutes an army in the field, prejudice will be against the man who has to conquer himself, and with one accord the daring, fearless young fellow will be the leader whom all will applaud and prefer to follow. The resolute purpose, the force of will that enables the weak spirited to act the part of brave men, is entirely distinct from what we call moral courage. Nor do I believe that men who are devoid of nerve can ever possess that quality in any remarkable degree.

My own experience leads me to think that what strains the nerves most is to be at a distance from operations for which you are entirely responsible, but over which you cannot exercise any direct or immediate control. It is not the danger that is around you, and that you see, that appeals. On the contrary, the excitement of action, the din, the voice of conflict, the very smell of powder, exercise an encouraging influence. But that dreadful 4 o'clock in the morning sort of courage which is demanded of the man who, condemned by cruel circumstances to remain some marches in the rear, has to receive messengers at all hours from the front, can only be fully realized by those from whom it has been required. It may be vanity, but under such circumstances it always seems that had one been present in person, things would have gone differently. You could at least have brought your individuality to bear, and self-esteem causes you to fancy that it

would have had weight, and would have influenced the result. To be aroused from sleep by the arrival of a messenger who may be the bearer of disastrous news is appalling enough, even in imagination, but the reality is a trial, a test of nerve more terrible than any other I have ever known.

Men are, I think, much more likely to do and say foolish things in moments of victory, or upon the receipt of glorious news, than in defeat. Failure is not so apt to throw the whole mental and bodily organization out of gear as great success, coming as it usually does after hours, or days, or weeks of great mental strain, when every nerve has been all the time at the very highest tension. In such a moment the danger is, that with plenty still to do and think of joy may so take possession of all your heart, and the congratulations of all around you may so carry you away as to slacken all your mental rigging, and thus for a time rob your intellect of its natural energy. Courage—that is, a stout heart and a firm grasp of all your mental and bodily powers is even more necessary in moments of victory than in moments of defeat.

Nothing affords a more curious study than those temporary lapses into cowardice which at times overwhelm large bodies of men in presence of an enemy. Such panics usually occur at night. I have seen a whole division literally crazy with terror when suddenly aroused in the dark by some senseless alarm. I have known even officers to tackle and wound their own comrades upon such occasions. Reasoning men are for the time reduced to the condition of unreasoning animals, who, stricken with terror, will charge walls or houses, unconscious of what they do. In one of the worst panics I ever witnessed an officer near me engaged a man against whom he justified in the dark and mistook for an enemy. My friend, who was a fat, little fellow, was soon knocked down, and as he fell he fired the last chamber of his revolver at what he thought was his enemy, but which to his sorrow proved to be his own foot, which showed at the moment against the rising moon. In that night's panic several lost their lives, and many still bear the marks of wounds then received.

I have heard it said that small men are generally braver than tall men, but one of the most stolidly and immovably brave men I have ever known is several inches over six feet in height. I have often seen him, from pure laziness, when relieved from duty in the advanced trenches before Sebastopol, step out calmly in rear of the parallel where he happened at the moment to be, and take a bee line for camp, exposed for many hundred yards to a heavy rifle fire from the advanced works of the Russians. He might have walked home through the trenches in safety, but he was too lazy or too careless of his life to go so far around. I remember a curious instance of his imperturbability some years afterward, when I met him in China. In the assault of the Taku forts we had to cross two ditches filled with water. One of these was sufficiently wide and deep to require a bridge to be thrown over it. In carrying up a light infantry pontoon bridge to launch into this ditch a round shot went through one of the pontoons. To launch it in that condition would have caused it to sink; and we had great difficulty in getting the injured pontoon out of the ditch, under the close, severe fire to which we were exposed from the works behind the ditch. In common with all the mounted officers, I had left my horse at a safe distance behind under some cover. I was therefore astonished when, upon standing up after working at this little bridge on the ground, to see beside me a very tall man on a very tall horse. The position was actually comical, and as well as I remember, I laughed as I saw my cool friend there at the edge of the ditch, a regular cockshot for every chinaman near him. He said something to me which, owing to the great din and noise at the moment, I could not hear, so moving nearer to him, I carelessly put my hand on his leg. He winced a little as I touched him, and calmly saying, "Don't put your hand on my leg, for I have just had a bullet in there," went on with his conversation. Only a mosquito had bitten him. That man is now known to all as Lieutenant General Sir Gerald Graham, V. C., who commanded a brigade at Tel-el-Kebir, and who was afterwards in chief command at El-Teb and the many other bloody engagements which took place near Suakin.

It would be impossible for me to point to any one man and say he was the bravest man I ever knew. But I think that Captain Sir William Peel of the Royal navy possessed courage of an order that I have never seen so strongly marked in any other man. During all our bombardments at Sebastopol it was his invariable practice to walk about behind his battery on the natural plateau of the ground where he had little or no protection from the enemy's fire. This he did from no swagger, but to set an example to his men of cool contempt for danger. I can see him now with his telescope under his arm, in quarter-deck fashion, halting from time to time to watch the effects of his battery upon the enemy's works, or to direct the attention of his men in charge of guns to some particular spot or object in the Redan or Malakoff. He was thus always in view; his men could always see him, and as they were down in the trench before him, and so in comparative safety, all felt that his eye was

upon them, and that if he in that exposed position made so light of his great danger, they could not presume to wince under the shelter which the battery afforded them.

The different sorts of courage possessed by the various races from which we enlist men for our Indian army are very remarkable. In many cases some possess a species of daring not always found in the ranks of a European army. When we burst open the gates of the Sekunder-Bagh at Lucknow, in 1857, not only the garden, but the upper stories of the gate house itself, swarmed with the enemy. On each side as you entered there was a little winding staircase leading to the first floor, from whence a heavy fire was kept up on our men below. The stairs were so very narrow that even one man at a time found it no easy matter to mount them. To be the first man to go up seemed to mean certain death. Our men, who had behaved with the most dashing energy and pluck up to that moment, hung back for a second, but the Sikhs who were in the crowd sprang at once upon the stairs and in a few moments every man in the upper story had been thrown out of the windows. The Sikhs knew their enemy, whereas our men did not, and knew that the affair being considered ever when we forced the entrance, the defenders would fight no longer. And yet the Sikhs who swarmed up that winding staircase would have shrunk from facing the British soldier who hesitated to mount it, and the latter would have laughed consumedly had you asked him if he would tackle every Sikh in the Punjab.

It is curious to study in India how brave races can be pampered, or rather civilized, into becoming cowardly. In the days of Clive our Sepoy regulars fought well and bravely. As years went on, and the requirements of civil government, according to home notions, were more and more introduced into our dealings with the native soldier, he seemed to lose his former fighting instincts. I was in action with them before the mutiny, and a more spiritless body of men than those I was associated with it would be difficult to imagine. Upon one occasion a line of them that was lying down was ordered to rise and advance upon the enemy. No exertions of their English officers could, however, get them to go forward. I was with some British infantry behind them, and as we passed over their demoralized bodies I saw some of our men hit them with the butts of their muskets; and I remember that where I crossed their line, being then only a boy in my teens, I was not complimentary to a big, large-stomached native officer, over whose prostrate body I had to pass.

Upon natives in action the influence of a single man who is known and respected by them as a man of great daring is most astonishing. Men who often behaved badly, and evinced an entire absence of military spirit when under the command of a leader whom they did not know, would bravely follow men like Sir Dighton Probyn, V. C., whose prowess was the theme of every camp during the mutiny.

The best native soldiers, taking them all around, whom I ever served with in India were the Madras Sappers. Their coolness under fire, indifference to danger, their discipline, and their pride of regiment, marked them on all occasions as first-rate soldiers. Yet, strange to say, they were drawn from the same race, the same class, from which we enlisted the rank and file of the Madras army—an army that had not a very high military reputation at that time.

I could never desire a pluckier man beside me than the Madras servant I had during the first year of the mutiny. He was so greedy of loot that he would go through any danger to secure a few rupees; and in order to have opportunities of indulging this passion he always went into action with any company. In the street-fighting when we entered Lucknow he was in his glory, for he plunged into every house we came to, and went straight, as if by instinct, to the very spot where silver had been concealed. I have often heard him chaff our men if they ducked from shot or sought for cover. His cool indifference to whatever danger he incurred in his search for loot, and his contempt for our enemies, had a most admirable effect upon the young English soldiers under a serious fire for perhaps the first time in their lives.

In writing of courage it is impossible to omit a reference to my friend and comrade, Charley Gordon. His courage was an instinct, fortified by faith in God and a future life. This life had no intense pleasure for him, and he shrank from the applause of men. He did whatever came to his hand with all the loyalty of an English gentleman, and especially with the earnestness and zeal of a servant of Christ. The world was to him a sort of prison, beyond the precincts of which lay that New Jerusalem from which his waking thoughts and very dreams even never wandered. While in this mundane prison he tried to do God's bidding with that unbounded sympathy for the sufferings of all animal creation that was one of his most remarkable characteristics. And yet he had absolutely no regard for human life. To die, to be killed, or to kill, was as natural, as much a matter of course to him as to be born. He cared nothing for his own life and could not understand why others should set any value upon theirs. It always struck me when conversing with him that he was, more than any man I ever knew, well made up of opposite qualities. The God whom he worshipped was at