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A CONFLICT OF EVIDENCE.

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Author of "An Artist in Crime."

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CHAPTER XV.

MR. BARNES ON HIS METTLE.

Mr. Barnes and Virginia returned to Riverside farm, reaching there just as the people were assembling for the funeral services. The squire greeted Virginia cordially and looked interrogatively at Mr. Barnes, evidently a little confused at seeing them together. Virginia hastened to explain.

"Squire, I hope you will be glad to hear that Mr. Barnes is now working in my interests? He does not believe that Walter is guilty."

"Is that true?" said the squire, quickly interested. "I am glad to hear it, for, though Burrows seems to have made out a complete chain of evidence, if you, Mr. Barnes, with your experience, are unconvinced, there must be a weak spot in it. Tell me, how is it?"

"Mr. Burrows is mistaken," said Mr. Barnes. "His evidence is all good and most important. His deductions, however, are incorrect. As you say, there is a flaw. I pointed it out to him, but he is obstinate and refuses to see it. He cannot convict Marvel without proving that Miss Lewis here was an accomplice after the fact if not before."

"God forbid that he should do that."

"I was afraid that he would have brought out this point before the grand jury, and that Miss Lewis as a consequence would have been still in prison. That he has not done so shows that he secretly fears that he could not sustain the charge."

"Well, but do you think you can clear Marvel? If so, who did kill Lewis?"

"Your last query is a hard one to answer, but I must do so if I am to prove Marvel's innocence. All I can say now is that I hope to accomplish that. Now, I wish to see the body again. Will you come with me?"

Mr. Barnes approached Will Everly as he was about to leave and said: "Do you remember me, Mr. Everly?" "Certainly; you are Mr. Barnes. Miss Lewis tells me that you are now devoted to the interests of Mr. Marvel. Is that true?" "It is, and now I wish to intrust to you an errand that may serve him. Will you undertake it?" "Just give me a chance." "Have you a fast horse?" "I have, and can get a faster if there be any need."

"What I wish done is very simple, but it must be done without delay, for I wish to have word tonight, as I shall be obliged to leave here tomorrow."

"I can go where you wish at once."

"Go then to Dover and hunt up the clerk of the court. His name is Ainsley."

"I know him very well, and where to find him."

"All the better. See him, and tell him that you wish to look at the locket which has played so conspicuous a part in this case. If he has not the custody of it, he will be able to take you to the one who has. See the locket tonight, if possible. Look on the outside and find out what the inscription is, whether it is 'W. M.' or 'W. to M.' The word 'to,' if on the trinket, will save your friend's life. Lose no time."

Everly needed no second bidding, but was off on a run at once. Mr. Barnes seemed satisfied, and turned into the house. Here he found Lucas and spoke to him.

"This is a sad business, Mr. Lucas."

"Indeed it is. I would gladly take the place of the prisoner for the sake of his sister, if not of himself."

"Miss Marvel has passed through a trying ordeal. How is she now?"

"She is very ill. Of course she was prostrated at the inquest because of the



From that point he studied the apparent conditions.

part which she took in it herself; so much so that we did not dare to tell her of the charges against Miss Lewis. But through the stupidity of a servant she heard today of the fact that her brother is now the accused, and she has been delirious ever since. I have waited after the others to tell Miss Lewis this, but now I am anxious about Miss Marvel and will leave you. I hope that you may be successful in your defense of Walter. I cannot believe that he is really guilty."

"It shall not be for want of honest endeavor if I fail." Mr. Barnes bowed courteously as Lucas retired.

A moment later Miss Lewis appeared. "I am glad you are here, Mr. Barnes," said she, "for I want to go to work at once."

"Very well. Let me ask you a few questions. What was your mother's name?"

"Matilda. I don't know her married name. Every one knows that 'Lewis' is only the name given to me by my adopted father. That was his name, and as I am his sister's child of course she must have changed hers when she married, but to what my uncle never would tell me. So I have been Virginia Lewis in spite of myself."

"But perhaps you know your father's first name, if not his last?"

"No. Whenever I asked any questions my uncle would say, 'You never had a father.'"

"Well, your mother's name was Matilda—that is, the first name has 'M.' for the initial. And I feel satisfied that your father's initial was 'W.'"

"Is it a matter of any importance?"

"It may be. The ring that your uncle wore bore the inscription 'W. to M.' I have sent Everly to Dover to find out if he is the same as that medallion. I may have overlooked the word 'to' when I had it in my hand, and if it is there it will indicate that there were two of those lockets."

"And that would help to prove that Walter is innocent, would it not?"

"It would help, for it would show that the one which you found in the dead man's hand was not the one which Mr. Marvel had."

"God grant it. Otherwise I should never forgive myself for furnishing that evidence against him. But what about the clothes which he says he threw into the river? The squire told me that he and my cousin, Mr. Lewis, have had the stream dragged, but did not find anything."

"I mean to have a try at that myself. Now I have another point which I wish to investigate, and if you will excuse me I will be off."

"You will return and take supper with me, will you not? The proprieties will not be invaded, for Sarah is here with me and will stay as long as I wish her. Therefore you can have a room here if you desire."

"Thank you very much. Don't lose heart, Miss Lewis. If it be in the power of man, I will clear your lover from this charge."

Virginia showed her gratitude in her face, and the detective went away. From the farm he went to the house of Dr. Snow and was fortunate enough to find him at home, though he had but just returned from a visit to Miss Marvel, whom he reported as slightly improved. Mr. Barnes proceeded to ask a few questions of the old physician about the people most nearly connected with the crime and its consequences. Finally he said:

"There is a question that I would like to ask, doctor. Would a man's fingers swell or would they shrink after death?"

"That would depend upon the circumstances of the case. If the death were from droopy or from some poisons, they would swell, but ordinarily of course they would shrink. Again, the time has something to do with it, for in all cases the tissues must waste eventually."

"Since there is some doubt about it, I must give you a specific case. Take the body of Mr. Lewis, for example. Would you expect any shrinking of his fingers?"

"I think I should, though they may not have done so to any considerable extent in the few days which have elapsed."

"They would not have swollen?"

"No, I am positive that they would not."

"Thank you, doctor; you have settled an important point for me. When the trial comes on, please remember this interview, in case you should be questioned about it on the witness stand."

"I will testify, of course, though as yet I cannot see what it is that you are trying to prove."

"Pardon me if I say no more at this time. I must think only of the interests which I am serving, and I deem it wisest to work quietly, as yet. Will you oblige me by not mentioning this to any one?"

"I will be discreet, since you seem to think it is important."

Leaving the doctor's house, Mr. Barnes went to the bridge from which Marvel claimed that he had thrown the bundle of clothing. Looking over the edge, into the water, he concluded that on whichever side it had been thrown the bundle must have been carried by the current toward the dam; otherwise it would have been found on the bank, which were shelving on the south side of the bridge.

Next he left the bridge and went to the side of the stream north of the dam, and from that point studied the apparent conditions. "Well," thought he, "if Marvel had sought for a place to lose a thing he could not have chosen better." This conclusion was most probable, for he saw a large number of enormous bowlders of jagged rock projecting from the water, which is shallow as it passes over the stones, and these rough projections made innumerable eddies and smaller currents. A bundle of clothing might easily be caught and held among these rocks and held there against all time, or at least long enough to be of no practical value to Walter Marvel.

The detective saw that he had almost a hopeless task to make this river yield up its secret, if indeed it held one. However, he was not a man easily daunted by obstacles, and he determined to make an attempt that night. He chose the night for his experiment, deeming it wisest to make the conditions as nearly as possible similar to those under which the accused had acted. He thought that the currents among these rocks might be different at night, as then the mills would not be working. He closely examined the dam and conceived a new idea. The dam was made of wood, and as its construction must be clear to you in order that you may understand the course pursued by Mr. Barnes it becomes necessary to describe it.

The bridge is about 100 feet south of the point where the water goes over the dam. Standing on this bridge, one notices a smooth body of water flowing toward the place where it rushed over the dam, but he forms no idea of the power of the current from this point of view. On the line where the stream dashes downward he sees some boards projecting above the surface from each side of the river toward the center for a distance equal to one-quarter of the width of the stream. Between these points where the dam rises above the level the water rushes over the dam, which is two feet lower along the center than at the sides. Going below the dam—that is, to the north of it—one easily sees how it is constructed. Immense triangles of timber are laid along the rocks, resting on the short sides. Thus their hypotenuses face the south, and on them are nailed the boards which form the dam. Therefore, as the water rushes over, there is a space under the dam where it is comparatively dry—at least, no great amount of water finds its way there, as only what leaks through drips down.

It was while looking at this space that the new idea occurred to the detective. In order to turn the mill wheels, sluices are built which conduct the water in the desired direction. When these are open, it is evident that a strong current sets in the direction of the mill. This is so powerful and, there is such a

suction downward that objects on the surface would be drawn below and carried into the mill, were it not that the sluice gates are furnished with gratings to keep out such jetsam. Studying this point, it became evident to the detective that if the sluices were open on Sunday night, the bundle of clothing must be looked for at these gratings.

He therefore went to the mill and asked for the man who had the care of the sluices. From him he learned that they had been closed on the night of the murder, and then persuaded him to have them closed this evening also, so that the conditions might be the same.

Leaving the vicinity of the mill, he went back to Riverside and enjoyed his supper with Miss Lewis. After the meal he said:

"Where is Mr. Lewis? Is he not staying here?"

"He accepted an invitation to visit the squire tonight."

"All the better; the fewer people who know what I do tonight the more pleased I shall be. Now, then, I want a suit of your uncle's clothing; old ones will do."

"I will get what you want." Virginia left the room, returning a few minutes later with some clothing. The detective placed the articles in a pail of water, allowing them to become thoroughly wet before he removed them. Next he rolled them into a compact bundle, which he tied securely.

"I am now ready for my experiment. My idea is to go to the bridge and throw that bundle over, as Marvel claims that he did, and then see what becomes of it. I am sorry that I cannot ask him at just what point he did this, but I must do the best I can without this knowledge. The probability is that he tossed the bundle over as soon as he got on the bridge and with his right hand. Therefore he would have thrown it over on the side nearest the dam. At any rate, that is what I shall do."

"I see what your idea is and am anxious to have the experiment tried. Shall we go at once?"

"No. I cannot tell what difference the hour may make on the currents, and so many days after they may be totally different. However, I shall go at the same hour as he did. At least it will insure our not being observed. Besides, I wish if possible to see Everly, and I think he will return before 11 o'clock."

"You will wait till that hour?"

"Yes. You left Marvel at the river and reached your room at 10:30. He came here after that, then went to his own house and back to the bridge, where he must have arrived at or about 11:30."

The evening passed slowly, most of the time being consumed by these two in a discussion of the subject which absorbed their minds, until, at about a quarter to 11, a horse's hoofs sounded without, and a moment later they were joined by Will Everly.

"Well," said the detective, "what news?"

"I found Ainsley and through him was enabled to see the locket."

"Very good! What is the inscription?"

"Simply 'W. M.' The word 'to' does not appear, and the letters are so close together there is no chance that it ever was there. It occurred to me that it may have been and have become worn out, but that is impossible."

As this hope was dispelled Virginia seemed much disappointed.

"What do you think now, Mr. Barnes?" said she. "This is discouraging, is it not?"

"Do you know if your mother had more than one name?"

"I cannot be certain, but I never heard of any other except 'Matilda.'"

"Still she may have had another, and it may have been 'Winona' or some other with 'W.' for the initial. We must look that up. If the initials are here, it will answer our purpose as well. Now we will start on the other errand. Mr. Everly, you may come with us if you wish. We are going to try to recover the clothes which Marvel says he threw over the bridge."

"I should like to go with you, but I doubt if you will succeed. Young Mr. Lewis inaugurated a regular search, and besides I went myself and looked thoroughly more than once after the inquest. I think I should have made up a bundle for them to find, only I could not supply the locket which he said is in the pocket."

"No, no! We must not resort to manufacturing any evidence. If Marvel is guilty, he must suffer, but if he is innocent he must be saved. Let us work only for the truth." So saying, he took up the bundle of wet clothing and started. Virginia and Everly followed in silence, neither of them relishing the last speech of the detective, however just they knew it to be. The trio soon reached their destination, and Mr. Barnes stopped at a point near the rail.

"Here," said he, "if my calculations are correct, is the place from which I think Marvel must have thrown his bundle. I will now explain to you what I expect will happen. I have soaked my bundle, because his was wet. If dry, the clothes would float nearer to the surface of the water and would soon be hurried over the dam, as the current here is very rapid. But being wet, and therefore more weighty, this bundle will float below the surface, if at all. My companions listened with much interest. He continued: "I will now commence my experiment. Fortunately the moon is bright and we can see easily. First, I will take a piece of wood."

He looked about and soon found a large, heavy piece of timber near the sawmill. Approaching the rail he said, "Now I will throw this over, and you will see that it will be carried, first against the boarding which projects

above the level, and then he swept toward the center and over." He let it drop and the result was exactly as he had predicted. "That much was easily foreseen. But my next may not be so accurate, for it is but a surmise on my part. My idea is this: That wood went over readily. But with a bundle of clothing it may be different. If it is first taken against the projecting portion, and then drawn toward the center, it will go over more slowly than if carried directly. Now, if the weight is sufficient to hold it some distance below the surface, and there are any ragged edges to the woodwork of the dam, the cloth would most likely catch on them. In that case it would not fall into the stream below, but would remain suspended awhile, finally dropping into the space under the dam. Mr. Everly, you will go around to the other side, so that in case it does go over you can see where the currents take it."

Everly at once obeyed, and receiving the signal that he was in his position, Mr. Barnes dropped his bundle. Virginia scarcely breathed, so great was her anxiety as to the outcome of the trial. As in the first experiment, the bundle, which could just be seen as it floated below the surface, drifted straight to the projecting ridge thence slowly it went toward the center, where it remained stationary for a moment. This moment seemed an age to the girl. She almost thought that her lover's fate depended on that bundle of clothing. At last it moved again, and slid over, partly disappearing; but, as had been predicted, it seemed to catch and remain hanging. Virginia was about to utter an exclamation of joy when, to her dismay, it was forced from its slender hold and carried down into the rapids below. Virginia uttered a groan as she thought the experiment had failed.

"Come, come," said Mr. Barnes reassuringly, "what did you expect? Surely not that my bundle would drop on top of the other? That would have been miraculous. You noticed that, as I predicted, it caught on the edge. Per-



He laid before the delighted gaze of the others a locket.

haps the other dropped below, even though mine did not. I may have tied my parcel tighter than the other, and so have left less chance for the cloth to be caught. Come below, and we will search under the dam. Let us see what Everly will report."

Virginia accompanied him, but when they reached the spot where Everly had last been seen by them he was nowhere in sight. His coat and hat, however, were on the bank, and from this the detective concluded that the young man, in his zeal, had entered the stream in pursuit of the bundle, and Mr. Barnes decided to await his return before proceeding further with his plan. As the minutes passed, however, first Virginia and then Mr. Barnes himself became alarmed at Everly's prolonged absence, and he was about to make some search when a loud shout arrested their attention. It came from the direction of the dam, and Mr. Barnes realized at once that Everly, instead of following the bundle which had just been thrown over, had gone under the dam in search of the original one. A few moments later he was seen emerging from among the timbers which supported the dam, presenting a very wretched and bedraggled appearance. He held a large bundle in his hands and exclaimed as he came toward them:

"God bless you, Mr. Barnes, you were right. As soon as I saw your bundle catch I could not wait, but taking off my coat I went under the dam and searched for what we were after. What is more, I found it not ten feet the other side of where yours would have fallen had it dropped."

"You have done well, and if this is really the bundle that Marvel threw over you have repaid your debt to him and saved his life."

Virginia and Everly were anxious to open the bundle at once, but the detective would not permit it until they should reach home.

"We might lose the locket here in the road," said he, "and, besides, Mr. Everly is all wet." So they were guided by him and returned to the farm, where the detective insisted on a change of garments for Everly before he would examine the bundle. When it was opened, Virginia claimed that she recognized the clothes as those worn by Marvel on the night of the murder. Mr. Barnes next searched the pockets of the vest, which Marvel had designated as the garment wherein he had placed the medallion, and withdrawing his hand laid before the delighted gaze of the others a locket, the exact counterpart of the one found in the hand of the corpse.

TO BE CONTINUED.

It's kinder funny, when you come to think of it, that a horse is frisky when he is well fed upon oats, while it makes a man frisky to sow his broadcast.

Miscellaneous Reading.

UNION THE THING.

Hector D. Lane Willing to Co-Operate in the Wilborn Movement.

Mr. J. C. Wilborn, president of the South Carolina Cotton Growers' association has received from Mr. Hector D. Lane, a communication in which it is clearly explained that there is no conflict in the purposes of the two conventions. The letter from Mr. Lane reads as follows:

ATLANTA, ALA., Dec. 2, 1897.

Mr. J. C. Wilborn, President South Carolina Cotton Growers' Association, Old Point, S. C.—My dear sir: Your highly appreciated letter, with enclosure of the proceedings of the convention in Columbia, has just been received by me. This is the first advice of the action taken by your convention, outside of what I have gathered from the public press, referring to the contemplated meeting at Atlanta on the 14th instant.

I have just returned after an absence of several weeks on an extended trip through Texas, Oklahoma and the Indian territory, investigating, as far as possible, the extension of acreage in this new Territory, that, up to date, is an unknown quantity in the production of cotton, and on account of my absence was unadvised of the calling of the meeting at Atlanta until after I made the call for a convention of the American Cotton Growers' Protective association at Memphis, on December 20. Should I have known of the Atlanta meeting I should have urged upon my associates to have our meeting at the same place and time; but I am very glad that our dates do not conflict and that there is sufficient time between the two meetings to insure an attendance at both, and I can assure you that it would be a source of great gratification to myself and associates if your convention will take action in reference to sending a delegation to Memphis.

I shall make an effort to be with you at Atlanta, and if I find that I cannot be I will send an official representative. I shall also use all the means in my power to promote the success of your meeting.

I find upon reading the proceedings of your convention at Columbia that your declaration of purposes are substantially the same as those that have governed the American Cotton Growers' Protective association during its existence of five years.

I am in thorough accord with you, as expressed in your letter, and it is the opinion of the best minds of our country that to combat these agencies that are becoming more destructive to the material prosperity of the south year by year, who, by fictitious methods, misrepresentation and sharp practice, are robbing our people of our substance, threatening our prosperity with pauperism and leaving us nothing but poverty in our homes and hatred in our hearts, can only be met and resisted by a resolute, continuous and systematic rule of action laid down by authorized representation and adhered to by the masses of the cotton growers.

You properly put it when you stated that we would have to "fight the devil with fire" to meet organization. We cannot resist their continual encroachment upon our commercial rights until our people are educated to understand the causes and the cure.

I apprehend that the remedy, to a large extent, depends upon independent, individual action upon the part of our farmers, which can be stimulated by intelligent argument inducing them to engage in an organized effort.

Hoping you unbounded success in this most patriotic and important effort, and pledging you my most earnest and active concurrence, I beg to remain, fraternally yours, HECTOR D. LANE.

MODEST, BUT SELF-RELIANT.—General Grant neither overestimated nor distrusted himself. He was modest and inclined to claim less than his due, but he was also self-reliant and persistent. An anecdote, related by Mrs. Sherwood in her "Epistle to Posterity," sets forth his disposition to accord to others their due and to claim little for himself save the virtue of "getting there."

Mrs. Sherwood told him on one occasion that an English officer who had been present at the dinner given him by the Duke of Wellington in the Waterloo chamber had told her in London that he thought him a very learned soldier.

"Well, I am not," said Grant. "I had neither the genius of Sherman, nor the learning of Lee or Macpherson. I only meant to get there."

In 1865, just after the close of the war, General Grant visited West Point, his old alma mater, accompanied by Mrs. Grant.

"We were in the library," writes Mrs. Sherwood; "the examination was going on, and Professor Bartlett left the room, coming back with Grant on his arm. The professors rose to receive him. I think poor General Grant nearly sank through the floor; he winced as he had never done in the face of the enemy."

"Those dreaded professors rising to do me honor! Why, I felt all the cadet terror all over me," he afterward said.

"He was more comfortable when he got outside and began shaking hands with all mankind and womankind, but no one who saw that notable scene can forget his modesty."