

Hand and Ring

"Then I will do it" was the dry remark of Hickory. "She will be obliged to do it," said the emphatic response of Byrd.

CHAPTER XXVIII

CHIEF WITNESS FOR PROSECUTION. Mr. Byrd's countenance after the departure of his companion was anything but cheerful.

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"Miss Dare, will you tell us when you left Buffalo?" "On the nineteenth day of August last."

"Did the prisoner accompany you?" "He did not."

"Upon what sort of terms did you part?" "Upon terms, sir."

"Did you receive any letters from the prisoner after your return to Sibley?" "Yes, sir."

"Miss Dare, may I now ask what reasons you gave the prisoner for declining his offer?"

"I told him," she declared, with thrilling distinctness, "that he was in no condition to marry, and by nature an ambitious woman, and not having suffered at that time, thought more of my position before the world than of what constitutes the worth and dignity of a man."

"Naturally many eyes turned in the direction of the prisoner. They saw two white faces before them, that of the accused and that of his counsel, who sat near him. But the latter, the one way of scorn, and that of the other—well, no one who knew the relations of Mr. Orcutt to the witness could wonder that the renowned lawyer shrank from hearing the woman he loved confess her partiality for another man."

"Miss Dare, in declining the proposition of the prisoner, did you state to him in so many words these objections you have here mentioned?"

"I did."

"And what answer did he give you?" "He replied that he was also ambitious, and hoped and intended to make a success in life."

"And did he tell you how he hoped and intended to make a success?" "He did."

"Miss Dare, were these letters written by you?" "I have no doubt these letters are mine," she rejoined, a little tremulously for these letters were not written by her.

"Now," said the District Attorney, "I propose to read two of these letters. Does my friend wish to look at them before I offer them in evidence?" holding them out to Mr. Orcutt.

"Every eye in the court room was fixed upon the latter's face as the letters addressed to his rival by the woman he wished to make his wife, were tendered in this public manner to his inspection. At that instant there was not a spectator who did not feel that Fremont Orcutt was the hero of the moment."

"Slowly turned to the prisoner: "Have you any objection to these letters being read?"

"No," returned the other, in a low tone.

Mr. Orcutt turned firmly to the District Attorney: "You may read them if you think proper," and he.

Mr. Ferris proceeded to read the following in a clear voice to the jury: "SIBLEY, N. Y., Sept. 7, 1890.

"I covered it with my foot." "Was that before you recognized it?" "I cannot say. I placed my foot upon it instinctively."

"How long did you keep it there?" "I believe I did."

"And did this woman you had no acquaintance with the murdered woman at that time?" "I cannot say, sir."

"If you cannot say, did the prisoner say when you gave evidence to this effect?" "He asked me why I desired to know her."

"And what did you reply?" "That I knew her I might be able to persuade her to listen to this request."

"And what answer had he for this?" "None but a quick shake of his head."

"Did you, up to the time of this interview, had you ever received any gift from the prisoner—jewelry, for instance—say, a ring?"

"No, sir."

"Did he offer you such a gift then?" "He did."

"What was it?" "A gold ring set with a diamond."

"Did you receive it?" "No, sir. I felt that in taking a ring from him I would be giving an irrevocable promise, and I was not ready to do that."

"Did you allow him to put it on your finger?" "I did."

"And it remained there?" suggested Mr. Ferris, with a smile.

"A minute, maybe."

"Which of you, then, took it off?" "I did."

"And what did you say when you took it off?" "I do not remember my words."

"Again receding Mr. Sibley's account of this interview, Mr. Ferris asked: "Were these letters?"

"Yes, I believe they were."

"I don't know. A stranger to me. Some one who had been sent on an errand connected with this affair."

"That is, you do not know the name of the person who showed you the ring and asked if it were yours?" "I told him it was mine, and took it and placed it on my finger."

"Which of you, then, took it off?" "I did."

"And what did you say when you took it off?" "I do not remember my words."

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"I saw him take. The instinct to have the place had its birth in my own breast."

"I told you so," commented Hickory, in the ear of Byrd. "She is not going to give herself away, whatever happens."

"But can you positively say he did not make the first motion to leave?" "No, sir."

"Mr. Ferris bowed, turned toward the opposing counsel and said: "The witness is yours."

"The witness is yours."

"To the surprise of every one, Mr. Orcutt, after a short consultation with the prisoner, rose and said he had no questions to put to the witness."

"Byrd," whispered Hickory, as Miss Dare returned somewhat tremulously to her former seat among the witnesses—"Byrd, you can knock me over with a feather. I thought the defence would have no difficulty in riddling this woman's testimony, and they have not even made the effort. Can it be that Orcutt has such an attachment for her that he is going to let his rival hang?"

"No. He believes what she says to be true, and you do not."

"Then, all I've got to say, 'So much the worse for Mansell' is," was the whispered response. "He was a fool to trust his case to that man."

The judge, the jury and all the bystanders in court, it must be confessed, shared the opinion of Hickory—Mr. Orcutt was standing on slippery ground.

CHAPTER XXIX.

THE OPENING OF THE DEFENCE. Late that afternoon the prosecution rested. It had made out a case of great strength and seeming impregnability. To quote a man who was pretty free with his opinion in the lobby of the court-room: "Orcutt will have to wake up if he is going to clear his man in face of facts like these."

The moment, therefore, when this famous lawyer and distinguished advocate rose to open the defence, was one of great interest to more than the immediate actors in the scene. It was felt that hitherto he had rather indulged in this case, and curiosity was awake to his future course. Indeed, in the minds of many the counsel for the prisoner was on trial as well as his client.

He rose with more of self-possession. Never a dissonant note or even an imposing one, he had the advantage of always raising the tone of the occasion, and either pleading with a jury or arguing with opposing counsel, flashed with that unmistakable glitter of keen and ready intellect which, once observed in a man, marks him off from his less gifted fellows and makes him the cynosure of all eyes, however insignificant his height, features, or ordinary expression.

To-day he was even cooler, more brilliant, and more confident in his bearing than usual. To save his client seemed the one predominant impulse of his soul, and as he drew himself up to speak, Mr. Byrd, who was watching him with the utmost eagerness and anticipation, felt that, despite appearances, despite evidence, despite probability itself, this man was going to win his case.

"May it please your Honor and Gentlemen of the Jury," he began, and those who looked at him could not but notice how the prisoner at his side lifted his head at this address, till it seemed as if the words issued from his lips instead of from those of his counsel. "I stand before you to-day not to argue with my learned opponent in reference to the evidence which he has brought out with so much ingenuity. I have a simpler duty than that to perform. I have to show you how, in view of this evidence, in fact in face of all this accumulated testimony showing the prisoner to have been in possession of both motive and opportunities for committing this crime, he is guiltless of it; that a physical impossibility stands in the way of his being the assailant of the Widow Clemmens, and that to whomsoever or whatsoever her death may be due, it neither was nor could have been the result of any blow struck by the prisoner's hand. In other words, we dispute, not the facts which have led the Prosecuting Attorney of this district, and perhaps others also, to infer, quite naturally, on the part of the prisoner—here Mr. Orcutt cast a significant glance at the bench where the witnesses sat—by the inference itself. Something besides proof of motive and opportunity must be urged against this man in order to convict him of guilt. Nor is it sufficient to show he was on the scene of murder some time during the fatal morning when Mrs. Clemmens was attacked; you must prove he was there at the time the deadly blow was struck; for it is not with him as with so many against whom circumstantial evidence of guilt is brought. This man, gentlemen, has an answer for those who accuse him of crime—an answer, too, before which all the circumstantial evidence in the world cannot stand. Do you want to know what it is? Give me but a moment's attention and you shall hear."

Expectation, which had been rising through this exordium, now stood at fever-point. Byrd and Hickory held their breaths, and even Miss Dare showed feeling through the icy restraint which had hitherto governed her secret anguish and suspense. Mr. Orcutt went on:

"First, however, as I have already said, the prisoner desires it to be understood that he has no intention of disputing the various facts which have been presented before you at this trial. He does not deny that he was in great need of money at the time of his client's death; that he came to Sibley to entreat her to advance to him certain sums he deemed necessary to the furtherance of his plans; that he came secretly and in the roundabout way you describe. Neither does he refuse to allow that his errand was also one of love, that he sought and obtained a private interview with the woman he wished to make his wife, in the place and at the time testified to; that the scraps of conversation which have been sworn to as having taken place between them at this interview are true in so far as they go, and that he did place upon the finger of Miss Dare a diamond ring. Also, he admits that she took this ring off immediately upon receiving it, saying she could not accept it, at least not then, and that she entrusted him to take it back, which he declined to do, though he cannot say that she did not restore it in the manner she declared for he remembers nothing of the ring after the moment he put her hand aside as she was offering it back to him. The prisoner also allows that he slept in the hut and remained in that special region of the woods until the next day; that he was but your Honor and Gentlemen of the Jury, what the prisoner does not allow and will not admit is that he struck the blow which eventually robbed Mrs. Clemmens of her life, and the proof which I propose to bring forward in support of this assertion is this:



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HARDWARE. Nails, Glass and Putty, Spades, Shovels and Rakes, Building Paper, Paints, Oils and Glass, Barb, Buckthorn and Plain Fence Wire. Varnishes and Brushes.

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City Harness Shop, Lindsay. JAMES LITTLE, - PROPRIETOR.

Having extended my business, the last move being to purchase from MR. JAMES LOVELL his entire stock and the good-will of his business, who rose retired, I am prepared to give all my old customers, and as many new ones as favors me with their patronage, satisfaction in all orders with which I may be entrusted.

My Stock of Harness, Collars, Whips, Trunks and Valises is large, well selected, guaranteed, and cheaper than any place in town. Hand made collars a specialty. Remember that all my work is finished by experienced workmen, none other employed. This is money well invested. All I ask is an inspection of my stock and you will be convinced that it is the largest and best in town. My expenses being lower, therefore I give my customers the benefit. Gentlemen, place in your orders at once and don't miss this opportunity. Repairing promptly done. Don't forget the place. Give me a call.

Lindsay, Dec. 11th, 1886.—1613.

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GREAT REDUCTION SALE DURING THE MONTH OF DECEMBER, IN WATCHES, SILVERWARE, CLOCKS, JEWELRY, Etc.

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I've determined to make a big offer for the trade in the above lines, and therefore, during the month of December everything in this store will be reduced in price. Remember Silverware at NET COST, it is unnecessary to enumerate articles and prices. Everything is marked in plain figures and a startling reduction will be made on the present prices. Our stock never was as large as now and is second to none in the county. Our prices have always been as low as the lowest, but this sale for December will outstrip any previous figures. To be convinced call and see us. Next door to the Daily House, Kent Street.

S. J. PETTY.

N. B.—Please bear in mind all repairs in our line done as usual. Lindsay, December 6th 1889.

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