

# Tried for His Life;

## WITHIN THE SHADOW OF THE SCAFFOLD.

By MAJOR JAMES FRANKLIN FITTS.

### CHAPTER XII.

#### TRIED FOR HIS LIFE.

The courts of that day at the county assizes were conducted with a grandeur and solemnity that made a popular spectacle of the administration of justice. His lordship the Judge, was brought to town in his chariot, with out-riders and trumpeters. The court was opened with great form and loud proclamation; the judges and the lawyers were seated; the witnesses stood; all about with a solemnity. With such show to preserve silence. With such show and flourish as that drama in real life, the trial of Ralph Courtenay, entered upon.

The accused man sat between his counsel and his wife. Both the Captain and the lady were pale but collected, and the atmosphere of the vulgar curiosity seemed to be upon them as they sat upon a show. The court-room was upon a high level, and the windows were next to impossible. The windows were sometimes darkened by the faces of those who, unable to gain admission, climbed up and peered in.

The accused was formally arraigned for the murder of Robert Barnwell on the night of September third, and asked to plead. He answered, "Not guilty."

After the usual delay in examining and challenging jurors, twelve men were accepted and sworn and took their places in the box. Mr. Attorney General then rose to present the people's case to the jury.

He was both able and zealous, and in a long speech he set forth a startling array of facts which he said he would plainly prove. He said, "I have a case, a case of deliberate, the most extraordinary and the cruellest murder ever committed in Essex."

"The prisoner at the bar," he went on, "is a young man of good family and position in his Majesty's most honorable military service; and these things add to the enormity of his crime. It will be in vain that you punish the low and the vicious, if such offenders as Captain Courtenay are allowed to escape. And it is proper that you should be warned at the outset, gentlemen of the jury, against a false sympathy for him on account of the deluded young woman who sits by his side, who abandoned one of the finest homes in the country to link her fortunes with this man after his arrest. I understand that she has become his wife. God bless her! but you and I have nothing to do with sympathy. We must do our duty, plainly and sternly."

"It will be shown to you that some months ago the prisoner and his victim, Robert Barnwell, were rival suitors for the hand of this girl. The prisoner succeeded in winning her affections. Some trifling collisions between these men at that time will be shown. There were hot words passed between them, but no blows; yet this is significant in the light of the dreadful occurrences of the night of September 3, for it will thus appear that the prisoner, though successful in love over his rival, cherished a bitter hatred against him."

"On the night of the fourth the prisoner and the girl were to be married at Pembroke Villa. The prisoner had obtained a week's leave of absence from Ipswich, where he was stationed, and on the morning of the second he left that place on horseback. He arrived at Colchester in the middle of the day; the distance is but seventeen miles; and there he remained over night."

"We shall show you what his object was in making this stop on his journey. He had learned that his former rival, reduced in fortune—indeed, in the saddest straits of poverty—was staying at Colchester. The prisoner went about the town inquiring for him. God only knows what his object was! I will not say that, if he had found him there, murder would have been done upon that day; but I do say that the prisoner's long wait at Colchester, and his anxiety to find Barnwell, seem now decidedly suspicious."

"He did not succeed in finding him. Robert Barnwell left the town before daylight the next morning, going about toward London. The prisoner did not take his departure till some hours later. Barnwell was a fast walker, the prisoner was a leisurely one, and it was not until thirty miles had been passed, and eight was at hand, that the horseman overtook the pedestrian. The point where this occurred is near the coast, in sight of that well-known hostelry, the Red Lion Inn."

"The man who happened to see this speaking and passing upon the road will tell you that the prisoner did not strike Barnwell, but kept right on. Yet that he recognized Barnwell, there can be no doubt. The later events of the night will be shown to you."

"Barnwell turned from the road, and entered the inn for lodging and refreshment. He went into the little parlour of the inn, and there, by himself, was paring the nails of the horse which he had ordered when the first of the series of events occurred that show the deliberate and bloody purpose of the prisoner."

"This was the coming of Ralph Courtenay to the Red Lion Inn. He paused a moment here, gentlemen, and ask yourselves why should he pause on his journey, when he had notified his brother that he would be with him that night? Why should he turn back at this inn? I think I shall satisfy you that it was he who had recognized Barnwell as he passed him; and as he rode on, his bad eyes turned him to return and seek a word with him."

"But he entered the Red Lion. He was well acquainted with the house; he had often stopped there, as had also Barnwell. He knew where to find his man without asking. Against the remonstrances of the landlord—in fact, without paying the slightest heed to them—he went into the parlour and shut the door."

"At this point, gentlemen, you will begin to be astounded by the boldness with which the crime that followed was planned and executed. You will learn with surprise that the hand of a skillful confederate, one or more, was exhibited in what next occurred, but in so mysterious a way that I confess to you I have been baffled to account for it."

"Was this whole affair a deep-laid plot of the prisoner, projected and carefully prepared before he left Ipswich? Was it suddenly conceived when he learned that Robert Barnwell was upon the road and would stop at the Red Lion? And in that case did he have the tools at hand, with which to execute it?"

"I do not know. We may never know. We are at a loss when we come to seek for the mysterious accomplices. There were—riders enough about the inn that night, country people and one or two seamen; but all my patient investigations have failed to give me a clue to the man or men whose secret assistance enabled the prisoner to execute his crime."

The speaker at this point went on and detailed at much length, and in a manner that riveted the attention of all in the great room, the particulars of the exclamations and noises in the parlour; the discovery by the landlord that the door was bolted, and, following that, the terrifying discovery that doors and windows had been locked and barred, so that those in the tap-room were close prisoners for at least thirty minutes. After describing the manner of their release and the total ignorance of the hostler and stable-boy, both of whom were near at hand all the time, as to what had occurred, the Attorney General said:

"So it will appear that all this locking, barring and bolting was both swiftly and silently done. But it was effectual! It gave the prisoner full opportunity to pursue his bloody work without molestation."

"Let me call your attention to what was actually heard by the landlord, proceeding from the parlour."

"He heard, in the voice of the prisoner, the words, 'I never did! It is false! I say I never did!'"

"Then he heard Barnwell indignantly utter the rejoinder: 'Do you say so? Then you are a liar, as well as a black-hearted villain!'"

"And the last words he heard were in the sneering, scoffing tones of the prisoner: 'Poor fool! I pass by your insults; you are beneath my contempt.'"

"We cannot be at a loss, gentlemen, as to what this meant. It was the prisoner's way of provoking a controversy, possibly of enraging his defeated rival by his mocking words into making an attack upon him. We may not know as to this. The scuffle that followed, with its terrible ending, were hidden from mortal sight, as the prisoner had contrived that they should be. But one significant fact we do know. It is that Ralph Courtenay was armed, and the inference is irresistible that he provoked that quarrel; that he goaded on his disappointed and broken-spirited rival to attack him, intending to slay him—as he did—with his knife."

Next the speaker gave a rapid sketch of the search of the landlord and his attendants outside the house; of the finding of the footprints on the beach, and the evidences of a body having been dragged to the water, the feet plowing up the sand; the examination of the parlour, the disorder, the knife, and the blood-stains upon it, as well as on the carpet. All this was recounted in an impressive and dramatic manner, of which the Attorney General's long experience at the bar had given him a mastery, which fairly thrilled his audience through, and some of the details of which made women sob and shiver with fright.

"The knife, gentlemen—the bloody knife!" he uttered, in a sepulchral voice, as he held it up before them. "Whose was this weapon of murder? It was the prisoner's. Half a dozen witnesses will be produced who will tell you that they have often seen it in his possession at Ipswich; one, at least, who saw him have it at Colchester on the 2d of September."

According to the best calculations that could be made, continued the Attorney General, these transactions occupied till about ten o'clock of that evening. The prisoner disappeared. Where had he gone?

He said that the landlord of the Black Buck would testify that about midnight, after his house was closed, he was aroused by a man whom he afterward discovered to be Captain Courtenay. His dress was disordered, his hair was matted, there was blood and a slight scar on his cheek. He wished to wash his face, brush his clothes, make himself generally presentable, and take an hour's sleep. The landlord admitted him without question, as he knew him, and received a guinea from him for this hospitality. At daylight, when the landlord awoke and came below again, Courtenay was gone. When he left, it was impossible to tell.

"Incredible as it may appear," said the speaker, "it will still be shown that this man, with murder on his soul, with his victim's body secretly and mysteriously disposed of, and with his blood just washed from his own hands, went on to Pembroke Villa, met the unhappy woman who has since become his wife, arrayed himself in full uniform, sat at the table with his father's guests, at the hour, and would actually have married her there, had not the appearance of the Sheriff, and his own arrest, put a summary stop to his career."

Much more was said to excite the indignation of the jury, and cause them to give a good summary of the case against the prisoner. He was charged with the murder of Robert Barnwell, and with the concealment of his body, and with the possession of the bloody knife.

The jury were out less than an hour. Their verdict appeared on their faces when they returned to court. It was—guilty.

### CHAPTER XIV.

#### WHERE IS THE TRUTH?

The verdict was expected by the great crowd in the court-room; it was greeted merely by a buzz of whispered remark when it was announced.

It was hoped against by the accused, his wife, and his counsel. Yet each of them was prepared for it.

Ralph Courtenay never blanched. He had set himself to meet this result, and bravely he faced it.

So did the heroic woman who sat at his side. The nameless agony of her heart was not in the least shown upon her face. She felt a lifetime of pain in that moment, but none knew it but she.

"Prisoner at the bar," commanded the judge, "stand up. What have you to say why the sentence of death shall not be pronounced upon you?"

Ralph Courtenay conferred with Mr. Lascelle a moment. Then he spoke out, clear and strong. What he said was remembered afterward; but when it was uttered it was heeded merely as another curious incident of this strange trial.

"My lord," he said, "I have not been permitted to testify upon this trial, where my own life is at stake; and in ignorance of what explanation I might give of what has here been proven against me, this jury has found me guilty of murder. But my counsel, who has done all that man could do for me, tells me now to speak freely. I obey! It will not arrest the doom that is closing about me; but my words will make known the truth, so far as it can now be known, about this mysterious affair. No; what I shall say will not save me from the cruel fate that is preparing for me; but, one day, the whole truth will be known—and then it will be seen that I have spoken truly."

"I declare, as I shall soon meet my Maker, and be judged by Him, that I cherish no animosity toward Robert Barnwell. I pitied him because he had fallen so low. I honestly wished to help him, if he would accept aid from me; because I had heard that he was very poor and in distress."

"It was with this thought in mind that I stopped over at Colchester and inquired for him. I wanted to do him a favor; I would have given him my money, could I have found him then and prevailed upon him to accept it."

"My road on from Colchester the next day. The knife that has been shown here, and testified of, is indeed mine. In some way—I know not how—but it must have been after passing Barnwell on that road, I lost it. When I next saw it, he had it in his possession in the parlour of the Red Lion."

"I suppose that I passed him on the road. But I did not recognize him; I never knew that he was nearer than Colchester until the instant that I unexpectedly surprised him in the inn parlour. My horse fell lame; most unwillingly I returned with him to that inn. I did not know at that time that the Black Buck was as near."

"It was with the greatest reluctance that I entered the Red Lion. My horse was unfit to ride; I was burning with anxiety to get on. I went in only to refresh myself, and to sit down and think how I should get to the Villa."

"I was occupied with my thoughts. The landlord may have asked me not to go into the parlour; I did not hear him. I entered and shut the door. There at the table, eating his lunch, with my clasp-knife in his hand, was Robert Barnwell."

"The sight of him, so perfectly unexpected in this place, struck me with surprise. But I recalled my kind intentions toward him. I began to speak of them, when he rose and bolted the door by which I had just entered."

"He held the knife in his hand. There was a bad look in his face. I saw danger ahead."

"I am unnamed; I cried. 'Do you mean to attack me?'"

"You have intruded upon me," he replied. "You owe me an explanation. Now that you are here, face to face with me, and we are alone, you shall make it to me. Why did you lie to Blanche Pembroke about me?"

"I never did!"

"You lie! You know you did!"

"So far we had spoken low, but with feeling. His anger was rising higher, and his voice was rising with it."

"You are going to marry her now, are you?"

"I made no answer. I saw there must be a contest, but I made an effort to soothe him. I said:

"Robert, I am not your enemy. You have no enemy but yourself. I will help you, if I can. Yesterday, at Colchester, I tried to find you. I am sorry for your misfortunes. As God hears me, I bear you no ill-will. I am far from rich; but would five pounds aid you?"

"From you!" he cried. "Never! You have taken from me all that I cared for in life. You blackened my character to Blanche. You poisoned her against me."

"My lord, you may think it strange that I can remember all this. I can only say that it is stamped upon my brain. I never forgot a word of it."

"The words followed that reached the ears of Richard Ryder. He has sworn truly; he has given the exact language."

"I was irritated; I could not help it, and I replied with some heat:

"I never did! It is false! I say I never did!"

"He came within arm's length of me, the knife in his hand. He spoke with a dangerous rasp in his voice:

"Do you say so? Then you are a liar, as well as a black-hearted villain!"

"It was plain to me now that he meant to attack me. I kept myself on the alert, and spoke as I felt.

"'Fool! I pass by your insults; you are beneath my contempt.'"

"He sprang for me, knife in hand. I seized his wrist; I gripped it so hard that he dropped the knife. We clinched and struggled. The table was overturned; the wax-candles were thrown down and trampled under foot. We wrestled there in the darkness. I found that I was much the stronger, and I was about to throw him, when he released his hold and dealt me a blow in the face. It knocked me senseless."

"From what I have heard of the events of that night, I suppose that I lay unconscious for some time upon the ground. I was lying on my back, and a woman was lying on the same side of me."

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parlor was dark, but the outer door was open; Barnwell was gone. I heard a confused sound of feet and voices from the tap-room. I felt humiliated, angry, unwilling to meet anybody about the house. I had endured that worst insult that can befall a gentleman—a blow in the face! I obeyed an impulse, left the parlour, gained the highway, and went to the Black Buck. What I did there has been truthfully told. I made no concealment; there was nothing to conceal. After the rest and refreshment obtained there I walked on to Pembroke Villa, never dreaming that there was anything worse in these occurrences than the personal humiliation suffered by myself. Man was never more astonished than I was that afternoon at the visit of the Sheriff and the nature of his errand.

"As God will judge me, I declare that the disappearance of Robert Barnwell is as great a mystery to me as to any other. I do not know—I cannot guess—what became of him."

"Nor have I the least knowledge as to who fastened the doors and windows of the tap. I knew nothing of it until I was told, after my arrest. I knew not a person in or about the inn that night but Barnwell, the landlord, the hostler, and his boy."

"It has been said that there was blood on the knife. It must have come from the cut on my face, made by Barnwell's crucifix when he fell to the floor. The knife had been dropped before."

"I can say no more. I have been most unjustly convicted. I am a soldier, and do not fear death; but it is hard to suffer a disgraceful death for a crime never committed, which I am not capable of committing. Again I say, I am not guilty!"

The judge put on the black cap. In the coldest of tones he informed the prisoner that his statement was a wild tissue of absurdities, and that there was no doubt that he had been properly convicted. And he sentenced him to be hanged by the neck till he was dead, on the second of December.

[TO BE CONTINUED.]

### MARKET PRICES.

#### New York Quotations for Produce of Various Kinds.

BUTTER.—State dairy, fancy, per lb.	23
State dairy, fair, per lb.	22
Eastern Creamery, fancy, per lb.	22
Welsh tubs, fair to good, per lb.	22
Welsh tubs, choice, per lb.	24
Elgin Creamery, new, fancy, per lb.	24
Eastern Creamery, new, fancy, per lb.	24
Western Creamery, new, choice, per lb.	25
Factory, fresh, choice, per lb.	20
BEANS AND PEAS.—Beans, mar., choice.	3.25
Beans, pea, choice.	1.80
Beans, medium, choice.	2.00
Beans, red kidney, choice.	2.65
Beans, Lima, California, per lb.	1.70
Green Peas, foreign, per bushel.	1.40
CHEESE.—State Factory, large fancy.	11 1/2
State Factory, small fancy, lb.	12
State Factory, part skims, per lb.	6
State Factory, full skims, per lb.	2 1/2
DAIRY FEEDS, ETC.—Apples, evap., 100 lb.	11
Apples, same dried, per lb.	5
Apples, California, per lb.	17
Raspberries, evaporated, per lb.	17
Peaches, evap., per lb.	12
Cherries, per lb.	9
Chestnuts, Northern, 60 lbs.	2.85
Chestnuts, Southern, 60 lbs.	2.25
Pumpkins, Southern, damson, lb.	8
Rickory Nut, new, 50 lbs.	1.00
Peanuts, shelled, per lb.	1.30
Eggs.—Western, fancy, per doz.	7 1/2
Eggs, limed, per doz.	7
Western, rich, choice, per doz.	20
FRUITS.—Apples, Greening, per doz.	3.75
Apples, Baldwin, per bbl.	3.75
Apples, ordinary, per bbl.	1.25
Cherries, Cape, per bbl.	6.50
Cranberries, N. J., crate, per lb.	1.70
Grapes, Concord, 5 lbs.	1.15
Oranges, Florida, bright, per box.	2.00
Oranges, Florida, average, per box.	1.65
HAY AND STRAW.—Hay, No. 1, per 100 lb.	90
Hay, Clover, mixed.	70
Hay, Salt.	60
Hay, shipping.	70
Long Bye Straw.	60
Short Bye Straw.	50
Straw, (all)	50
Wheat Straw.	40
FLOUR, ETC.—Western, per per: 1.80	
Fowls, Western, State and Pa., per lb.	8 1/2
Roosters, old, per lb.	5
Dressed Philadelphia chickens, per lb.	13
Dressed Western fowls, per lb.	11
Dressed Turkeys, prime.	11
Turkeys, fancy, per lb.	13
Ducks, Del. & Mo., per lb.	13
Wild Ducks, canvas, pair.	1.00
Wild Ducks, redhead, pair.	1.50
Partridges, State, per pair.	1.9
English Snipe, per dozen.	1.60
Oysters, Southern, per doz.	1.75

WHEATALS.—Celery, fancy, per doz.	65
Cabbages, Dutch, per 100.	3.00
Potatoes, Southern N. J., per bbl.	1.75
Onions, State and Pa., per bbl.	1.65
Onions, Conn. red, per bbl.	1.75
Sweet Potatoes, N. J., per doz. bbl.	3.00
Turnips, Russet, N. J., per case.	2.75
String beans, Southern, per case.	2.00
Tomatoes, Florida, per bushel.	1.20
Lettuce, New Orleans, per bbl.	3.50
HONEY.—Maple Sugar, prime, per lb.	7 1/2
Honey, white clover, per lb.	14
Honey, buckwheat, per lb.	11
Maple Syrup, per gallon can.	70
Beeswax, Western, pure, per lb.	25

### Will Renew the Silver Fight.

WASHINGTON, Jan. 19.—"I will call up my bill to coin the seigniorage of the silver bullion purchased under the Sherman act as soon as a vote is taken on the tariff bill," said Representative Bland to-day. "I will antagonize anything else that may be proposed for the consideration of the house. If any opposition is raised to my motion the house will have to decide what it will do—relieve the people of this country or gratify a desire for a purely sentimental debate."

### Buchanan's New Play.

LONDON, Jan. 19.—"The Charlatan," a new play of modern life by Robert Buchanan, had its first night at the Haymarket theatre last evening. It is a satire on theosophy. The play is badly joined, but, despite its timeworn situations, is thoroughly interesting. It was received with cordial approval and there were repeated curtain calls.

### Confirmed by the Senate.

WASHINGTON, Jan. 19.—The senate has confirmed the following nominations: collectors of customs, Nelson Baldwin, district of Erie, Pa.; Stephen P. Stouck, district of Newport, R. I.

### Closed for Lack of Orders.

PHILADELPHIA, Jan. 19.—The Mohawk, Taylor Loan, and other banks have shut their doors today, owing to a "dry" or lack of orders.