

## Literature, &amp;c.

## American April Magazines.

From the United States Magazine.

HARRY BLAKE.

A TALE OF CIRCUMSTANTIAL EVIDENCE.

By John Quod, Esq.

## CHAPTER VI.

By day-break the country around was astir; men singly, and squads of three or four—women and children, old and young, the hale, the decrepid, were all in motion, and drifting, like a sluggish current, towards the scene of execution.

It was a large field, in a retired, out of the way spot, hemmed in by trees; a place whose silence and solitude were rarely disturbed; yet now it hummed with life. Fences, rocks, and every little eminence of ground, were crammed with people. The trees were crowded with masses of human beings, who hung like bees from their branches, and near the foot of the gallows the earth was black with them, crammed and wedged together,—not a foot, not an inch to spare. There was a great sea of faces, turned up at one time to the tall framework above them; at another, towards where the distant road wound among the hills. Occasionally there was a scuffle, and the mass rocked to and fro, like a forest waving before the wind; then came curses and execrations from the writhing multitude; but by degrees the tumult subsided, and they were quiet again. Then they looked at the sun, and wondered how soon Harry would come—they were tired with waiting—Some spoke of him as an old friend. He was a fine fellow—they had known him from childhood. 'Has he confessed yet?' inquired one, 'No, no, not he,' was the reply; 'he'll not give up till the last; it's thought he'll do it then. I heard some one say that old Caleb Grayson was all last night in his cell, trying to pump it out of him; but he was game. Caleb could get nothing from him.' 'Come, I like that,' said the other, rubbing his hands together. 'That's so like Harry; I'll bet ten to one, he'll not show the white feather at the last. Ha! who's that?'

As he spoke, he pointed to a tall, swarthy man, who came forcing his way through the crowd, jostling them hither and thither, heeding not the grumblings and curses which followed him, as he dragged himself on; once or twice, as some fellow more sturdy than the rest understood him, he turned and glanced at him, with a look of such savage and bitter anger, that the man was glad to let him pass. Thus on he went, until he reached the very foot of the gallows; and there he fixed himself, taking notice of no one, and regardless that even in a dense crowd a small circle was formed around him, as if there were contamination in his touch. Above him, from the cross-piece of the gallows, the cord swung to and fro in the wind; and at times, as he raised his eye to it, a smile crossed his face, giving to it a strangely wild expression. That was long remembered by those who saw him there.

'There'll soon be something to tighten that string,' said he, to a tall, burly man who stood nearest to him, with his good natured eye running from the speaker to the cord, as if it struck him, that the weight most fitting for that purpose were never to him than he imagined.

'Yes, there will, more's the pity,' said the man in reply to the remark, after pausing for some time, as if in doubt whether it merited one 'I for one am sorry for it.'

'Would you have the murderer escape?' demanded the stranger.

'Let him hang where he's found, say I,' replied the man, 'but Harry Blake denies that he did it, and I believe him.'

Again that strange smile passed across the stranger's face, as he said, 'Twelve sworn men, all of whom knew and liked Blake, heard the testimony, and said he did it. What more would you want?'

'I want Harry Blake's own confession, and we would have it if he were guilty. That's what I want. I wish to Heaven I had found him with the murdered man, I would have soon known the truth. I went to the spot the next day but it was too late.'

'What do you mean?' inquired the stranger with some interest.

The man moved a little aside, and showed the head of a large dog, who was seated near him, with his nose thrust forward, almost touching the stranger. 'I went with that dog to the spot, and I put his nose to the track. He went round and round, and over the ground for more than a quarter of a mile. In the woods he found an old hat which he tore to rags. I believe it belonged to the true murderer—he was smelling that hat this very morning, for I took it with me,—but he lost the scent. Then I carried him to Harry Blake; but he would not touch him.'

'A strange dog.'

'Dumme, sir!' said the man earnestly. 'Do you know that he has been scuffling about you for the last ten minutes. Curse me if I haven't my suspicions of you.'

The stranger's eyes fairly glowed as he returned his look; and then burst into a loud laugh, and turned to those around:

'Hear him! He says I murdered Wickliffe, because his dog smells at my knee. Ha! ha!—Why don't you arrest me?' demanded he, turning to the man.

The man, evidently abashed at this abrupt question, shook his head, muttered something between his teeth, and remained silent; and the stranger, after eyeing him for several minutes, seeing that he was not disposed for further conversation, and apparently not caring to be the object of attention to all eyes, as he evidently

then was, moved off among the crowd, and stationed himself at the opposite side of the gallows.

The time lagged heavily. The crowd grew restless and uneasy; here and there, one or two, irritated beyond their patience, commenced a quarrel, which came to blows. This created a temporary excitement, but it was over and by degrees they grew wearied again. They stamped their feet on the ground, to keep them warm. The farmers talked of their harvest and of their stock. Some of them gaped and yawned and fell sound asleep as they stood there. Young girls flirted with and ogled their sweethearts, and there was many a pretty face in that crowd, whose owners had been induced to come only for the sake of him who was to escort her there, and who was thinking more of the young fellow who stood at her side, in his best apparel, than of poor Harry Blake. These and the troops of liberated school-boys, to whom a holiday was a great thing, even though bought by the life of a fellow being, were the only persons unwearied.

But the time came at last, and a loud cry arose in the distance, and swept along through that multitude, being louder and louder, until it reached the foot of the gallows; and the whole mass swayed backwards and forwards and rushed and crowded together, as in the distance the prisoner was seen approaching. With a slow, steady pace the soldiers, which escorted him came, forcing open the throng, and keeping open space around the cart which conveyed him. Harry Blake was exceedingly pale, but his manner was composed, and his eye calm and bright as in his best days; and many a lip as he passed, muttered a God bless him.

He spoke to no one; although his face once or twice faintly lighted with a look of recognition as he saw a familiar face. When he reached the foot of the scaffold his eye for a moment rested on Caleb Grayson, looking imploringly towards him. The old man caught his glance, and exclaimed as he ascended the steps:

'Now, Harry, now confess: do, Harry—for God's sake.'

Blake shook his head. 'No, Caleb, I cannot for I am innocent.'

These were his last words; for in a few minutes the drop fell, and poor Blake's earthly career was ended.

'Ha! ha!' exclaimed the swarthy man who had stood the whole time at the foot of the gallows, and who Grayson recognized as the person he had seen at the inn the night previous. 'This business is over. That's law.'—And, without noticing the startled looks of those about him, with the same recklessness which he had displayed in coming, he forced his way through the crowd and disappeared.

## CHAPTER VII.

About three months after the execution of Blake the Judge who presided at the trial received a note from a prisoner under sentence of death, requesting to see him without delay, as his sentence was to be carried into effect on the day following. On his way thither, he overtook an old man, walking slowly along the road on accosting whom he recognized him to be Caleb Grayson, who had been a witness at Blake's trial. The old man had received a note similar to his own; and was going to the same place, though he was equally at a loss to know the meaning of the summons. They both entered the cell together.

The prisoner was seated at a wooden table, with a small lamp in front of him, his forehead leaning on his hand, which shaded his eyes from the light. He was a tall, gaunt man, with dark sunken eyes, and ushshorn beard, and hollow cheeks. He looked like one worn down by suffering and disease, yet one whom neither disease nor suffering could conquer, and to whom remorse was unknown—He did not move when his visitors entered, otherwise than to raise his head. As he did so, Grayson recognized at a glance the stranger whom he had seen at the tavern the night before Blake's execution, and at the gallows.

'Well, judge,' said he, as soon as he saw who they were, 'I sent for you, to see if you can't get me out of this scrape. Must I hang to-morrow?'

The judge shook his head. 'It's idle to hope,' said he; 'nothing can prevent your execution.'

'An application might be made to the higher authorities,' said the prisoner. 'Pardons have come, you know, on the scaffold.'

'None will come in your case,' replied the magistrate. 'It is needless for me to dwell on your offence now; but it was one that had no palliation; and you may rest assured that whatever may have occurred in other cases, no pardon will come in yours. In fact, I understand that an application has been made for one, by your counsel, and has been refused.'

The features of the prisoner underwent no change; nor did the expression of his face alter in the least. But after a moment's pause, he said: 'Is this true, judge—upon your honour?'

'It is,' replied the judge.

'Then I know the worst,' replied the criminal coldly, 'and will now tell what I have to communicate, which I would not have done, while there was a hope of escape. You,' said he, turning to the judge, 'presided at the trial of young Harry Blake, who was accused of murder, and sentenced him to death.'

'I did.'

'And you,' said he, turning to Grayson, 'were one of the witnesses against him. You swore that you saw him stab Wickliffe. On our testimony, principally, he was hung.'

'I was,' replied the old man; 'I saw him with my own eyes.'

The prisoner uttered a low sneering laugh, as he turned to the judge:

'You, sir, sentenced an innocent man.'

'And you,' said he turning to the other, 'swore to a falsehood. Harry Blake did not kill Wickliffe. He was as innocent of the sin of murder as you were—more innocent than you are now.'

The old man staggered as if he had been struck, and leaned against the table to support himself whilst the condemned felon stood opposite him, looking at him with a cold indifferent air.

'Yes, old man,' said he sternly, 'you have blood and perjury on your soul, for I, I,' said he, stepping forward, so that the light of the lamp fell strongly upon his savage features, 'I murdered William Wickliffe! I did it! Thank God, I did it, for I had a long score to settle with him. But Blake had no hand in it. I met Wickliffe on that afternoon, alone—with none to interfere between us. I told him of the injuries he had done me, and I told him that the time was come for redress. He endeavored to escape; but I followed him up: I grappled with him and stabbed him. As I did so, I heard the clatter of a horse's hoofs, and I leaped into a clump of bushes which grew at the road side. At that moment Blake came up, and found Wickliffe lying dead in the road. You know the rest. The tale he told was as true as the gospel. He was only attempting to draw the knife from the man's breast when you came up and charged him with the murder.'

'Good God! can this be possible?' ejaculated the old man. 'It cannot! Villian, you are a liar!'

'Pshaw!' muttered the man. 'What could I gain by a lie? To-morrow I die.'

'I don't believe it! I don't believe it!' exclaimed Grayson, pacing the cell, and wringing his hands. 'God in mercy grant that it may be false!—that this dreadful sin may not be on me!'

The prisoner sat down, and looked at the judge and the witness with a calmness which had something almost fiendish in it, when contrasted with the extreme agitation of the one, and the mental agony of the other.

At last the old man stopped in front of him; and with a calmness so suddenly assumed in the midst of his paroxysm of remorse, that it even overawed the criminal, said: 'You are one whose life has been a tissue of falsehood and crime. You must prove what you have said, or I'll not believe it.'

'Be it so,' replied the prisoner. 'I saw the whole transaction, and heard all your testimony at the trial; for I was there too. I'll now tell you what occurred at the spot of the murder, which you did not mention, but which I saw. When you rode up, the man with you jumped off his horse and seized Blake by the collar; your hat fell off on the pommel of the saddle, but you caught it before it reached the ground. You then sprang off your horse, and whilst Walton held Blake, you examined the body. You attempted to pull the knife from his breast, but it was covered with blood, and slipped from your fingers. You rubbed your hand on the ground, and going to a bush on the roadside, broke off some leaves and wiped your hands upon them, afterwards the handle of the knife. You then drew it out, and washed it in a small puddle of water at the foot of a sumash bush. As you did so, you looked round at Blake, who was standing with his arms folded, and who said, 'Don't be uneasy about me, Caleb; I didn't kill Wickliffe and don't intend to escape.' At one time you were within six feet of where I was. It's lucky you did not find me, for I was ready at that moment to send you to keep company with Wickliffe; but I saw all, even when you stumbled and dropped your gloves as you mounted your horse.'

'God have mercy on me,' ejaculated Grayson. 'This is all true! But one word more. I heard Wickliffe, as we rode up, shriek out 'Mercy, mercy, Harry!'

'He was begging for his life— My first name is Harry!'

The old man clasped his hands across his face and fell senseless on the floor.

It is needless to go into the details of the prisoner's confession, which was so full and clear, that it left no doubt on the mind of the judge that he was guilty of Wickliffe's murder and that Harry Blake was another of those who had gone to swell the list of victims to Circumstantial Evidence.

## Mr. Perley's Lecture

AT THE MECHANICS' INSTITUTE, ST. JOHN.

St. John Weekly News, April 22.

## RIVERS OF NEW BRUNSWICK.

We publish in our first number an Abstract (prepared from notes of our own taking) of Mr. Perley's admirable Lecture, delivered at the Mechanics' Institute in this City, being the fifth of a course. It will be read with interest over the Province.

The Lecturer commenced by observing, that he presumed his audience, having heard four lectures on the River St. John and its tributaries, would now be pleased with a change of scene. He would therefore take up the Miramichi, and endeavor to give some description of it, and of some other rivers to the northward of it, which also flowed into the Gulf of Saint Lawrence. He said, that he ranked the Miramichi next in order, and second only in importance, to the St. John, although the Restigouche was a larger river; but that river, whether rightly or otherwise, now formed the boundary between this Province and Canada, and only its southern bank appertained to New Brunswick.

The Lecturer then pointed out the Miramichi on the large map of the province, and stated, that its estimated length was 220 miles; that at its entrance into the Gulf it was nine miles in width, from the north shore at Neguac to Point Escuminac on the south. This Point was

described as being a long sand spit, with a light house at its extremity, beyond which a sandy shoal stretched itself three miles to seaward. The whole eastern shore of New Brunswick was said to be low and sandy, and the country generally very flat—in consequence of which, the tide flowed a long distance up most of the rivers; and all the rivers and harbours had sand-bars, at their entrances, formed by the action of the water flowing from them on the one hand, and the heavy sea thrown in by easterly gales in the Gulf, on the other. There was a bar in the entrance of the Miramichi; but that river was of such great size, and poured forth such a volume of water, that the bar offered no impediment to navigation, there being sufficient depth of water on it, at all times, for ships of 600 or 700 tons burthen. The ship channel was pointed out as being three miles wide, between Fox and Portage Islands, inside which, between Oak Point and Point Cheval, the river might be said fairly to commence. Ships sometimes loaded on the south side, at *Baid de Vents*, where there was good anchorage, well sheltered; and they sometimes loaded opposite the Neguac villages, on the north shore, in an open roadstead—but it had not been usual to do so very frequently of late years.

Tracing the river upward, Mr. Perley described the town of Chatham—the situation of which was pointed out on a large map of the Miramichi and the coast, prepared expressly for the lecture, and fitted up as a transparency. It was said to be a busy, bustling, sea port town in the summer season, rather crowded along the water side, which had excellent wharves, and every convenience for loading ships, the water being deep in front of it. It contained many excellent dwelling houses, and several large and convenient stone warehouses and stores with every requisite for carrying on business on a large scale. The lecturer noticed particularly the extensive steam mills of Messrs. Joseph Cunard & Co., by whose enterprise Chatham had been founded, and to whom it principally belonged; he also mentioned several other establishments, as breweries, tanneries, foundries, &c. which were built on a large scale, and in a very substantial manner.—He regretted to say, however, that Chatham at present, languished under that depression in trade and business, which was felt so severely throughout the whole of New Brunswick; but as the timber trade, on which Miramichi greatly depended, should revive, Chatham would regain its wonted activity and prosperity, and increase both in extent and wealth.

Douglas town on the opposite side of the river, about two miles above Chatham, was next noticed, and described as the place of business of Messrs. Gilmour, Rankin & Co.; whose plain, yet substantial warehouses, extensive wharves, and well piled deal yards, were said to be patterns of neatness and regularity, being admirably arranged for carrying on business extensively, with the least possible amount of labour.

Newcastle, on the same side of the river as Douglas Town, and about three miles above it, was next pointed out, and described as the public buildings of the County. It was said to stand on a very level piece of ground, rising gently but gradually from the water—the court house and churches being placed on the highest part. The streets of Newcastle were said to be good and clean, and the private dwellings plain but neat; the wharves in front of the town were very long, and considerable business was transacted in it; but the Lecturer said, it was to be regretted that the three towns he had mentioned had not been united into one as they would then form a place of considerable size, and trade would be carried on more advantageously to all parties. The Miramichi being a wide and deep river, ships could load anywhere along its banks for miles; in consequence of which, detached towns and villages sprang up, wanting many advantages, and that strength which would be given to them by union and compactness. Fortunately for St. John, on and compactness. Fortunately for St. John, the tide falls at the head of the harbour preventing ships going up the river to load; if they could, there would be a succession of little villages up to Gagetown, and no large city at the mouth of the St. John, as at present—whereby the benefit of union and combination would be lost, as on the Miramichi.

After Newcastle, the village of Nelson, about five miles farther up, on the other side, was noticed as a place of business, where ships also loaded, and Mr. A. Fraser had erected steam saw mills; this was nearly opposite where the main river divided into two principal branches which were designated the South West and the North West, from their respective streams. The South West was the principal stream, in which the tide flowed a long distance, the banks were described as rising to a moderate height, occasionally with strips of intervalle in front, and for the most part under cultivation, as far up as Boiestown, about 80 miles from Newcastle; but the cleared land did not extend far back from the river, and there were comparatively few settlements in the rear. The whole country was described as belonging to the sandstone formation, and the soil was said to be rather light and sandy, but yielding good crops, under proper cultivation. Agriculture, until lately, had been greatly neglected on the Miramichi, the inhabitants having been almost wholly employed in lumbering. The failure in the timber trade had now, however, compelled many to turn their attention to the cultivation of the soil for a subsistence, and the country, in consequence, was gradually, but steadily improving. While tracing the river up, Mr. Perley noticed some large tributaries, particularly the Renous, the Barnaby, the Bartholomew, and the River Etienne, called Cain's River; on each of which there were thriving settlements. A new settlement, on the association principle of the Mechanics' Settlement, upon a branch of