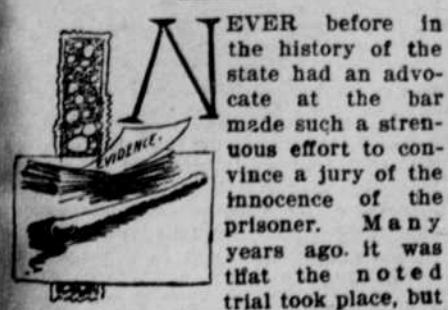


# THE JUDGE'S SECRET.



EVER before in the history of the state had an advocate at the bar made such a strenuous effort to convince a jury of the innocence of the prisoner. Many years ago it was that the noted trial took place, but the scene all comes back to me as vividly as at the time it occurred, now that a startling revelation has recently been made, after the death of the judge who sat upon the bench.

Although not more than a boy, I witnessed the trial of Andrew Hastings with more absorbing interest than anything else in my life has since awakened. I remember the gestures, the impassioned face of Hastings' attorney, Col. George Harvey Palmer, and I can almost repeat the very words he uttered when addressing the jury. It was a wonderful defense he made—wonderful how he fought every inch of ground, while a chain of strong circumstantial evidence was tightening the halter about his client's neck. His cross-questioning of the state's witnesses was so exhaustive, his pleadings to the judge and to the jury so earnest as to arouse the sympathy of many in the packed courtroom. It was, as I remember, the first important case with which Col. Palmer had been connected in Monroe county courts. He had moved to Alabama from Virginia and had been in his new home but a few months before the Hastings murder case became the sensation of the hour.

Last week Judge James C. Garrow sat in Monroe county, Alabama, and among his papers was found a statement, in connection with the statement written to be made public after his death. I have read that statement, and it, in connection with the trial of Andrew Hastings, makes such a remarkable chapter of court history that I have written it all down here.

It was in the days of the noted kluks klan, that organization which sprang into life in the south during the memorable days of "reconstruction." It is supposed that the organizers of the klan originally intended to control the suddenly freed slaves by appealing to their superstition, for the kluks gave birth to hobgoblins, ghosts and spooks, and was shrouded in the most profound secrecy and mystery. But the klan soon became chargeable with many inexcusable and outrageous crimes.

Some time in the spring of 1867 the judiciary began to take active measures for the suppression of violence attributable to the klan, or, rather, to the lawless bands calling themselves kluks, for the original organization had by that time ceased to exist.

On March 14, 1867, near the town of Claiborne, Monroe county, Alabama, Amos Bivins, a camp follower of the union army, who had opened a store in Claiborne, was found dead on the side of the public road. He had been beaten to death with a club or some other heavy weapon.

"Another kluks victim," was the public verdict, and with this the people were disposed to discard the matter from any further consideration, but Judge Garrow was one of the most earnest among officers of the law, who had decided the time had come in the south for the suppression of crime. He instructed the sheriff to make a most thorough investigation, and, if possible, to bring the murderer or murderers to justice.

It did not take long to fix the crime on Andrew Hastings, who clerked for Bivins. The evidence against Hastings, while circumstantial, was very strong. Having been raised in the south, Hastings had no love for his employer, who was regarded as one of the despised class of "carpet baggers" in those days. He finally quarreled with his employer when reproved for insulting the union soldiers and negroes who traded at the store. Witnesses testified to this quarrel, which resulted in Hastings being discharged, and there was an abundance of evidence to the fact that as he left the store he was heard to remark: "I'll fix the d— Yankee."

It was only two nights after Hastings' discharge that Bivins was killed. Two witnesses swore that Hastings tried to borrow a shotgun from them the day prior to the murder. It was so proven that Hastings was heard to say when speaking of the killing: "The people ought to give the man who did it a vote of thanks."

Added to all this was the fact that Hastings could not account for his whereabouts on the night of the killing between the hours of eight and twelve o'clock. Bivins left his store about ten o'clock to go to his home, and it was presumed he was killed a few minutes after that hour.

When on trial Hastings stated that he had gone possum hunting alone, leaving home about eight o'clock and returning about one o'clock the next morning. It was for this purpose he attempted to borrow a gun. He proved that it was his custom to go on these night hunts by himself. With his previous good character, this was all there was for the defense.

But Col. Palmer made the most of it and fought the evidence of the prosecution at times with an impassioned manner that almost amounted to a madness. I remember an old lawyer in the courtroom remarking: "Well, I never have seen an attorney so thoroughly identified with his client's interests before." Col. Palmer's argument to the jury, as I said, was a most masterly effort. His face was pale when he arose and walked to the jury box. His voice, although stern and full, trembled as he cried out: "Gentlemen of the jury, God is my witness when I say to you that I am here in court for the life of an innocent man. He made but little effort to contro-

vert the damaging evidence against his client. His address was mainly a passionate appeal for mercy for an innocent man who was the victim of peculiar circumstances. He ended his speech by holding the Bible high above his head and saying:

"As true as the Holy Book I hold in my hand, so true is this man innocent. I say to you, I know it. You may call it intuition if you like, but so sure as you convict him you will have the blood of an innocent man upon your heads."

The verdict was guilty and Hastings was sentenced to be hanged. The case was appealed to the Supreme court, and the decision of the lower court was affirmed. An application was made to the governor for clemency, and a petition bearing the names of many prominent citizens of Monroe county was sent to the chief executive. Col. Palmer was leaving no stone unturned to save his client. The strain and hard work was telling on him. He had grown emaciated, and more than once had been ill from nervous prostration.

The governor refused to interfere, but intimated that he might give the case a more favorable consideration if the presiding judge recommended a commutation of the sentence. This was regarded as a forlorn hope, the determination of Judge Garrow to suppress crime being so well known.

The day of the execution was near at hand and Monroe county was preparing to witness its first hanging in many years. Then, like a thunder clap came the news that the governor had pardoned Andrew Hastings. Not even a commutation of the sentence to life imprisonment had been looked for, but here was an absolute pardon, and the murderer with a shadow of the gallows already over him was a free man.

It was some time before the people could be made to believe that the news was true, and many did not believe it until Hastings was allowed to walk from the prison unshackled.

The only reason the governor assigned was that Judge Garrow had requested it in a private letter, and the appeal was such as not to be disregarded.

But why did Judge Garrow make such a request? His honesty was above suspicion, his integrity was undoubted, and his firmness could not be questioned. Yet, after declaring it his purpose to check the lawlessness then existing by the strong arm of the law,



## I AM THE MURDERER.

he deliberately used the power of his office to free a man convicted of the most foul murder. What could it mean? The judge would explain. But the judge did not explain and his silence through all these years has kept the Hastings case one of the strangest of the unexplained murder mysteries of Alabama. When questioned at the time the judge said: "I had just and sufficient reasons for acting as I did."

Time and time has this case and its strange denouement come before my mind, and often have I tried to reach a solution which would be satisfactory to myself and leave no suspicion upon the memory of a member of the judiciary, whose character had always been above reproach.

It is all clear now. Judge Garrow has passed to stand himself before a judge whose justice, it is to be hoped, will be tempered with exceeding great mercy for us all. I have before me this statement, published in a Monroe county paper, and I give it here as the sequel to what I have already recorded:

"To Those Who May Be Living When I Am Dead: I believe if any shall desire to look into my life history they will find nothing that posterity shall be ashamed to read upon my gravestone. Yet there is one transaction of my career as criminal judge which demands of me an explanation. In truth, I should have been ready to meet that demand before I passed away, but I was so placed that my lips were sealed. The wrong (if wrong I did) was in allowing myself to be hampered, but justice to an innocent man weighed in the balance against unjust suspicion toward myself.

"This single act of mine for which I may have borne public condemnation was the part I took in securing a pardon for one Andrew Hastings, arraigned and convicted of the murder of Amos Bivins at the fall term of the Circuit court in Monroe county, Alabama, October, 1867.

"Without any attempt to criticize the motives of those who thought it wise amid scenes of desolation and lawlessness to hold in check the passions of suddenly freed slaves by an appeal to their superstitious fears, I, with others of the judiciary, determined that the time had come in the south to restore law and order. With the determination to make an example of the first case that came under my jurisdiction, I refused to interfere in the death sentence of Hastings. To this decision I cling, although daily importuned by Col. George H. Palmer, Hastings' attorney. Never in my experience on the bench had I seen such persistence and dogged perseverance as that lawyer displayed.

"He came to me one day—a week before Hastings was to be executed—and said: 'Judge Garrow, suppose I should

give you proof that another man killed Bivins, would you recommend his pardon?'

"I replied that if the proof was such as to convince me of its reliability I would certainly feel called upon to interfere in the condemned man's behalf."

"But, judge," he continued, 'you will have to give me your solemn assurance not to divulge what I relate to you.'

"I demurred to entering into any such compact.

"Remember," he cried vehemently, 'while you can wrong no man by your silence, yet if you do not listen to me you will allow an innocent person to die upon the gallows. I swear this before the living God.'

"His manner as much as anything else overcame my scruples, and I gave him my promise 'so long as I live' not to reveal any statement he might make to me. Then he said:

"Judge Garrow, the man Amos Bivins met his death as an expiation for a crime he had himself committed. In Virginia just before the close of the war, with a squad of marauding soldiers, he entered the home of a man who was bearing arms in defense of the very fireside that was being ruthlessly invaded and desecrated. Mother and children had to flee in the night, and she, the mother, met her death from the exposure and fright. This man Bivins was the only one recognized, as he had sold goods about the community from a peddler's pack. The hand which laid the blows upon his head may not have intended to strike life away, but reason lost its sway, and there was naught to stay the avenger's hand but death."

"He paused a moment, and, letting his hand fall heavily upon my shoulder, he exclaimed huskily: 'Judge Garrow, I am the murderer!'

"He brought to me the hickory stick, dark in places with the stains of clotted blood. I reviewed his history, his conduct of the case, how he had expended money and devoted his time with no hope of any remuneration; I looked into his face, and I knew he had spoken the truth.

"I believe if it had not been for what he considered the justice of his cause and his little children, he would have surrendered at the first. It was undoubtedly his intention to have saved his client even if the last resource should have been to take the prisoner's place upon the gallows.

"There was nothing left for me to do but to urge the pardon of Hastings, and that I did. J. G. GARROW, 'Judge Monroe County Court.'

It is not often desired to resurrect unpleasant memories, but sometimes justice to the living and to the dead demand that the sepulchers of the past be invaded. So I have given this bit of history, believing that I am justified in doing so, even if I had to drag from its grave such a ghastly skeleton as the kluks klan.—Atlanta Constitution.

**Condensed Poetry.**  
"Boil it down" is a pretty good newspaper maxim, but even a newspaper maxim needs to be obeyed with discretion.

Charles Metcalf, who has been writing advertisements for a drama in New York City, had an unpleasant experience in connection with a compositor of one of the great dailies of that city. Metcalf wrote a poetical advertisement, as follows:  
From half-past eight till half-past ten,  
You laugh and laugh and laugh again.  
Imagine his surprise when a matter-of-fact compositor set up the advertisement and it appeared:  
From 8:30 to 10:30  
You laugh and laugh and laugh again  
—Pittsburg Dispatch.

**Got What He Called For.**  
"Here, waiter, can't you fill an order at this restaurant? I called for roast beef and a baked potato. Here's the potato, but where's the beef?"  
"Undah de p'tatah, sah."

## FLOTSAM AND JETSAM.

No death warrant has been signed by a sovereign of Great Britain during the last 150 years.

Says a fertilizer concern in Nashville, Tenn.: "We buy your bones and pay you the highest market price."

Train robbery is punishable by death in Arizona. The supreme court has just upheld the constitutionality of the statute.

Pulaski county, Missouri, presents as a candidate for the leadership of the populists a man whose beard is five feet long.

A new hypnotic has probably been found in the Jamaica dogwood. The fluid extract has been found efficacious in dentistry.

It is reported that a white whale was seen recently in Long Island sound. This animal is rarely seen outside the Arctic regions.

Luminous inks may now be used to print signs to be visible in the dark. Zinc salts and calcium are the mediums generally used.

From ninety-four, a flock of sheep owned by P. A. Porter, of Mt. Morris, Wis., has been reduced to sixty since last spring by wolves.

The Donor—Now, don't go and spend that in the nearest saloon. The Recipient—No, sir; dere's a better one around de corner.—Puck.

Paderewski has some hope of realizing the chief desire of his life—the permanent cure of the spinal complaint which has so long afflicted his son.

It has been suggested that as a memorial to Harriet Beecher Stowe a national institute and hospital as a training school for colored nurses shall be erected in Washington.

# THE LOST FOUND.

Number Was Right, but the Transom Was Turned.

If any one had told him he was drunk he would not have resented it, but would have made an effort to retain his equilibrium and dignity long enough to explain that he was only a little oozy woozy. He realized that he lived at 206 Irvington street, and that his residence was on the right hand side as he wobbled along homeward. The uncertain light of early dawn, combined with the bear in his eyes, rendered it necessary for him to stop in front of every house and gravely brace himself against the railings until he could focus his eyesight on the number. Finally he identified his house, but after arguing with himself for a couple of minutes he came to the conclusion that he was just woozy enough to make mistakes possible, so as to be absolutely certain he balanced himself against the front fence and studied the number on the transom. Instead of 206 he saw 509. Then he wondered how it happened that he had got on the wrong side of the street and three blocks too far out, made a zigzag across the street and started back, and before he had walked three blocks he came to the end of the street. The woary pilgrim was bewildered. He couldn't understand it, but getting his directions, shaped his course in the street on the right side and kept on until he came to 509 again. He studied it from every possible point of view, even trying to stand on his head to read it, but it perseverely remained 509.

Utterly bewildered he sat down on the steps and waited till a policeman came along.

"I'm lost," he explained. "I want to go to 206 Irvington street."

"This is the place right here," declared the policeman.

"Can't be. This is 509."

"No, it ain't it's 206, but the transom is turned over."

The lost was found.—San Francisco Post.

## DESERVED KICKING.

This Editor Was the Exception That Proves the Rule.

One of the editors has treated me very well and inspired me with both liking and respect, says the National Review. There is only one editor whom I should like to kick. He directs the destinies of a famous periodical and his name is known far and wide. I offered him an article on a subject of current interest. He took it and kept it until it was too late for me to place the thing elsewhere at the time. Then he sent it back, but meantime he had appropriated my idea and had got some one else, supposed to be an authority, to write another article on the same subject. He may be an honorable man and this maneuver may have been within his rights, but according to my notions, it was a dirty trick, entirely opposed to the unwritten law of honorable journalism, which scrupulously respects property in ideas. He was quite at liberty to reject my contribution and even commission some one else to do the same thing, but then he should have told me so at once and not have kept me out of the market until it was too late to compete with him in the pages of a rival. Subsequently I did publish my article elsewhere and had the satisfaction of knowing that it attracted a good deal more attention than his substitute, which was, indeed, very poor stuff, written to order and in a hurry by a man who had really nothing to say. The editor, however, probably cared nothing for that, as he is reputed to set more store by the names of his contributors than by the quality of their contributions, wherein his wisdom is doubtless justified by the folly of his readers. That is my solitary experience of shabby treatment at the hands of an editor, and what class of men can be named in which you will not find one cad to a score of gentlemen?

## A New Plant That Cures Asthma.

Medical science at last reports a positive cure for asthma in the wonderful Kola Plant, a new botanical discovery found on the Congo River, West Africa. Its cures are really marvelous. Rev. J. L. Combs of Martinsburg, W. Va., writes that it cured him of asthma of fifty years' standing, and Hon. L. G. Clute, of Greeley, Iowa, testifies that for three years he had to sleep propped up in a chair, being unable to lie down night or day. The Kola Plant cured him at once. To make the matter sure these and hundreds of other cures are sworn to before a notary public. So great is their faith in its wonderful curative powers, the Kola Importing Co., of 1164 Broadway, New York, to make it known, is sending out large cases of the Kola compound free to all sufferers from asthma. All they ask in return is that when cured yourself you will tell your neighbors about it. Send your name and address on a postal card, and they will send you a large case by mail free. It costs you nothing, and you should surely try it.

## Why Johnnie Sulked.

"Well, Johnnie," said Mrs. Chaffie, "did you have a pleasant time at the Sunday-school picnic?"

"Now," growled Johnnie, "I didn't get nothin' to eat but a sandwich and a couple of dry cakes with red sand sprinkled over 'em."

"Why, what became of the beautiful chocolate cake and chicken salad that I sent?"

"The superintendent and teachers gobbled 'em up."

## A Unique Business.

One Maine man has gone into the unique business of raising doves for weddings, parties, etc.

## An English Corn Salad.

An adaptation of an English corn salad made by a celebrated English cook consists of the sweet corn cut from the cob and boiled until tender in a little water, milk, salt, pepper and butter. Drain the corn and set on ice until very cold and serve with a sauce made in the following manner: Mix the yolks of three eggs with one-fourth of a pint of olive oil, and add to it one-half teaspoonful of English mustard, a tablespoonful of tarragon vinegar, a dozen raw oysters cut fine and rubbed through a puree sieve, a dash of paprika, a slice of onion chopped very fine and a gill of cream whipped until stiff.—New York Post.

Piso's Cure for Consumption is our only medicine for coughs and colds.—Mrs. C. Beltz, 439 8th Ave., Denver, Col., Nov. 8, '95.

## A Simple Hay Fever Remedy.

Sufferers from hay fever may, according to a German physician, often temper an attack by rubbing the ears briskly when there is the slightest indication of fullness in the nose. The rubbing should be thorough, and until the ears grow red and hot. The remedy is simple enough to insure a trial, and, if even moderately efficacious, will warrant its wide passing from one victim to another.—New York Times.

When bilious or costive, eat a cascaret candy cathartic, cure guaranteed. 10c, 25c.

## Dainty Toilet Article for Baby.

A tortoise-shell puff box and brush are newer for the baby's basket than are those of either silver or ivory. Very elaborate ones have an initial or the monogram in gold. A soap box may be added to match them, and sometimes a tiny comb is put with the brush, though few young babies have hair long enough to require one.—Ladies' Home Journal.

Hegeman's Camphor Ice with Glycerine. The original and only genuine. Cures Chapped Hands and Face, Cold Sores, etc. C. G. Clark Co., N. Haven, Ct.

It is always said at this time of the year that the coming winter will be the most severe ever experienced.

Cascarets stimulate liver, kidneys and bowels. Never sicken, weaken or gripe. It is better to starve and be right, than to feast and be wrong.



## Get Rid of It!

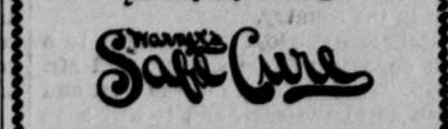
It is a sign that you have Kidney Disease; Kidney Disease, if not checked, leads to Bright's Disease,

and Bright's Disease Kills!

Because the Kidneys break down and pass away with the urine.

## Head the Danger Signal

and begin to cure your Kidneys to-day by taking



Large bottle or new style smaller one at your druggist's.

## \$100 Reward \$100.

The readers of this paper will be pleased to learn that there is at least one dreaded disease that science has been able to cure in all its stages, and that is Catarrh. Hall's Catarrh is the only positive cure known to the medical fraternity. Catarrh being a constitutional disease, requires a constitutional treatment. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system, thereby destroying the foundation of the disease and giving the patient strength by building up the constitution and assisting nature in doing its work. The proprietors have so much faith in its curative powers that they offer One Hundred Dollars for any case that it fails to cure. Send for list of testimonials.

Address: F. J. CHENEY & CO., Toledo, O. Sold by Druggists, 7c.

"Preliminary openings" are baits to draw fair shoppers earlier in the season than usual.

The Taylor maid of the autumn will ensue over the special four-in-hand ties designed for her use.

Just try a 10c box of Cascarets, the finest liver and bowel regulator ever made.

Gratitude seems to be a quantity possessed by very few.

Petunia and apple green are the predominating shades in everything.

## Naked Pills

are fit only for naked savages. Clothes are the marks of civilization—in pills as well as people. A good coat does not make a good pill, any more than good clothes make a good man. But as sure as you'd look on a clothesless man as a mad one, you may look on a coatless pill as a bad one. After fifty years of test no pills stand higher than

AYER'S Cathartic Pills SUGAR COATED.

## Fullman Never Built Better Tourist Sleepers

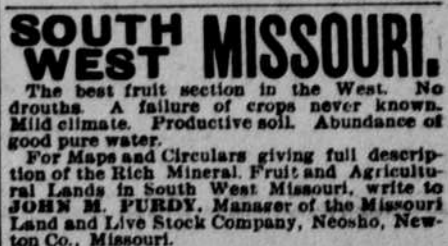
Then those used for the Burlington Route's personally conducted once-a-week excursions to California.

That is one reason why you should patronize them when you go west. Other reasons are: The time is fast—cars are not crowded—excursion conductors and uniformed porters accompany each party—the scenery enroute is far and away the finest on the globe. The excursions leave Omaha every Thursday morning and go thro' to San Francisco and Los Angeles without change.

For full information about rates, etc., write to J. FRANCIS, Gen. Agt. Burlington Route, Omaha, Neb.

## SOUTH MISSOURI.

The best fruit section in the West. No droughts. A failure of crops never known. Mild climate. Productive soil. Abundance of good pure water. For Maps and Circulars giving full description of the Rich Mineral, Fruit and Agricultural Lands in South West Missouri, write to JOHN M. FURDY, Manager of the Missouri Land and Live Stock Company, Neosho, Newton Co., Missouri.



1,200 BU. CRIB, \$9.50. J. H. BLOOMER, Council Bluffs, Iowa.

**THE POPULAR CANDIDATE FOR ALL PARTIES**

# Battle Ax PLUG

"Battle Ax" is popular with all parties because of its remarkably fine flavor, its high quality and the low price at which it is sold.

The people of the United States know a good thing when they see it, and they won't pay 10 cents for other high grade tobaccos while they can get "Battle Ax" for 5 cents.