



SYNOPSIS

James Montgomery, an innocent country lad, is arrested for killing a bank watchman. His finger prints are taken by the New York police.

His old mother pleads in vain for him with Detective Michael Kearney. Montgomery is placed on trial for his life, charged with murder.

Convicted of murder in the second degree, he is sent to Sing Sing as a life prisoner and enters the machine shop.

(Continued from last week)

Being only the mother of the prisoner, her frail body having brought him into the world, Mrs. Montgomery's opinion of him had no value in court. There was no place in the trial for an account of maternal trust and love. Garrett took her from the stand, the prosecuting attorney declining with an air of scorn, to cross examine her.

The prisoner was then sworn. He had spent nearly a month in the Tombs waiting trial, and the prison pallor, the ghastly yellow tinge that would make a saint look like a convict, was upon him. The spectacle of his little mother on the stand had shaken his nerve, and his hand trembled as he took the Bible and made his oath. His story was simple enough despite the havoc wrought with it by the district attorney.

When the factory closed he left Nyack and came to New York, bringing his kit of tools with him. He had never heard of the Hell's Kitchen section and was asking work along Tenth and Eleventh avenues because factories were located there. He met a man who seemed to take an interest in him. This man introduced him to another, and they bought him his supper at a restaurant near the river. They told him that they could get him work, but he would have to work at night. They looked over his kit of tools, and one of them admired a steel drill and said it was a fine one.

"After nightfall," Montgomery told the jury, "I went with the men a number of blocks east. One of them took my tools and bade me wait at a corner. I was beginning to suspect that something was wrong when I heard a dull explosion as if in a cellar. A minute after one of the men passed me, running. He dropped the kit of tools and the wrench. My tools were all that stood between me and starvation. If they were lost I could not hope to get work at my trade. I grabbed up the wrench, threw it into the bag and started to run away when I was arrested."

The cross examination furnished the young prosecutor with excellent practice in those sophistries supposed to be necessary in the practice of law. The boy was as wax in the hands of the questioner before him. After an hour of misery and bewilderment he was excused from the stand.

The court and counsel conferred in whispers. The arguments followed. They were brief. While the rules of evidence would not permit the mother of the prisoner to beg for his life and proclaim her belief in his innocence, they allowed the prosecutor in his address to the jury to paint him as a desperate young thief, crouching in the dark with a heavy iron wrench puffed and quick to do murder for the sake of loot.

Garrett's address was short and weak. His vocabulary was that of the money hungry lawyer who sits in a hole in the great city shuffling bonds and mortgages through his fingers and always nibbling away at the little boardings of ignorant clients. His sense of humanity and his appreciation of the pity and horror of the whole drama in which he was participating were all.

The judge's instructions to the jury were a string of empty words, mouthed hurriedly and tonelessly. The case was entirely circumstantial. There was one way for the jury to avoid the risk of sending an innocent man to his death in the electric chair. They took it. The clerk ordered the prisoner to stand and face the jury and the jury to look upon the prisoner.

"Gentlemen, have you reached a verdict?" asked the clerk.

"We have," replied the foreman. "We find the defendant guilty of murder in the second degree."

The country people who had journeyed to the metropolis to do what little they could for the widow's son took Mrs. Montgomery back with them. What little brightness of hope had been within her during the trial of her boy vanished with his conviction. She had tried the day after the trial to reach the judge and appeal to him for mercy and a light sentence, but the importunities of widows, wives and children are avoided by the judiciary as much as possible. The legal representative of a great banking institution or some mighty estate corporation has the open sesame to the chambers of the men wearing the ermine, but there is not such a great number

of these and the poor are a mighty multitude.

At every turn the mother of James Montgomery met with an obstacle. She had no "Big Mike" This or "Little



"Guilty of murder in the second degree."

Mike" That, with political power enough to make a judge tremble, back of her. She had no money with which to allay the itching of the palms of petty grafters who would sell the righteous for silver and the poor for a pair of shoes, as they have been doing since Isaiah's time.

At last she turned away and suffered herself to be taken back to the little cottage out in the country. A month before she had been a sprightly old lady, quick of step, delighted with every household task, and always finding her reward in the pride that a mother takes in a good son. But in the city she had found the waters of Marah and the city's system had forced her down, down, down to drink of them.

Her little, old limbs became heavy, her tiny face whiter than the untouched scroll of judgment before sin and sorrow had ever come under heaven, and her heart—her good, gentle, tender, compassionate heart—was turned to lead.

A week after her departure her son was taken from his cell in the Tombs and over the Bridge of Sighs to the criminal courts building to be sentenced.

The boy stood up when the clerk bade him. He heard the question asked whether there was any reason why the penalty of the law should not be exacted from him. He could think of nothing to say save, "I am innocent."

The formula of sentence was mumbled by the judge and an officer took him by the arm and led him away.

As they reached the bridge over Franklin street, connecting the Tombs and court building, and the sunlight from the square windows struck upon them for a moment, Montgomery asked his keeper:

"How many years did he say? I could not hear him."

"The officer looked at him uneasily and hesitated.

"Life imprisonment."

Montgomery staggered and the officer released his grip and caught him under the arms, thinking that he would faint.

There was a sob, hard and bitter, and then the young man cried as a child would cry when an ugly temper of servant took from the nursery door its toys newly given.

The sentence of the court had swept from him the toys of young manhood and had cast them as grass into the furnace. He would never hear the sound of a woman's voice, nor the sound of laughter by man or child. He would never again see the magic line where sky and sea or woodlands meet. Even the seasons of the year were taken from him. The beauties of nature familiar to the eyes of a whole some country boy, the spread of smiling fields, tasseled corn waving in the wind, bending roads, glimpses of the swift river through foliage, quiet fit the gardens in front of quiet little houses, were all taken from him as if the fall of a comet loaded with cyanogen had swept the earth and had wiped out all the loveliness that God had fashioned for his children.

As the sentenced prisoners were being taken from the Tombs for the journey to the state's various prisons Detective Lieutenant Michael Kearney sat in the office of his inspector and

received the congratulations for his excellent work in the Montgomery case.

Inspector Rainscombe looked over his list of assignments for the day and found nothing worth the time and skill of his favorite man hunter.

"You have a day off, Mike," he told the detective.

Kearney rose, saluted and left headquarters. A man absolutely unappreciative of the ordinary pleasures of life, he found himself at a loss what to do. There was only one thing worth while on a day off—his little flat in Oliver street. He made his way home. He rang the bell in the vestibule. The lock clicked and he entered.

Kearney mounted the stairs and opened his mother's kitchen door without knocking.

"Well, Mike," exclaimed Mrs. Kearney in surprise, "what brings you home at this time of day?"

"I gotta day off," he told her. "Ye're scrubbing the kitchen floor again. When'll you be done?"

"Pretty soon, Mike. You go in the parlor and make yourself comfortable, and I'll bring the beer and your pipe."

He did as she bade him, and she followed, clearing off a center table and placing his beer, pipe and tobacco on it. He tried several chairs. They were all stiffly tufted—bought for "company." He could adjust himself to none of them comfortably. He returned to the kitchen.

"Could ye spread down some baggins so I can stay in here?" he asked.

"Sure, lad," she replied from her knees. "I'm finished now."

She made him comfortable in his old chair by the window. He was engaged in balancing himself at his favorite angle when he noticed something black on the end of the kitchen table.

"What's that, old lady?" he asked curiously.

The mother's face paled. He reached over and picked it up. It was a filmy and torn veil. Beneath it was a little black fan.

"She forgot them—Mrs. Montgomery," explained the mother, taking the two articles from the hand of her son. "The poor little woman, the poor little woman!"

She hurried with them to her bedroom, which opened on the kitchen. When she returned and began shoving down the ashes in the stove she sighed. "It's terrible, Mike," she said. "The poor old mither is left out in the world to starve or die of a broken heart. Blessed Mother in Heaven, look after her."

Some of the coziness of the room seemed to leave it. Was there chill in the air, or did he just imagine it? He closed the window back of him.

"The evidence was all one way," he grunted. "I didn't try him. I wasn't the judge or the jury. I didn't decide whether he was guilty or innocent. That ain't my job. My job is to get the evidence for the prosecution."

He tried to think of something to say that would turn the conversation to some more agreeable subject, but he was a one idea man, and there was no fancy in him.

From the open door of his mother's bedroom came a soft, rustling sound.

It started him.

"What's that?" he demanded.

"It's that devil of a kitten, Mickey," she told him.

As if in answer to himself, Mrs. Kearney's mousetraps rolled into the kitchen, slapping and playing with a black object, the mourning fan of Mrs. Montgomery.

Kearney left his chair and went to a closet, taking down a rusty felt hat and a raincoat.

"I think I'll walk around to th' Oak street station for a bit of gossip," he said.

"But I'll be gettin' lunch for ye pretty soon, Mike," she protested.

"Naw; I guess I'll eat out for a change." With a grunt of goodbye he left the flat.

CHAPTER IV. No. 60,108.

OF the men sentenced with James Montgomery six were sent to Sing Sing, while the others went to Clinton and Auburn. The six Sing Sing men were managed in couples, but as Montgomery was a "lifer" additional precaution against attempted escape was taken by handcuffing him to a guard as well as to his prison mate. There were three lunks in the chain of humanity and steel.

Montgomery found that the prisoner locked to his right wrist was a heavy, long armed man with the prognathous jaw who had sworn heartily and bitterly the morning of the lineup at police headquarters.

The six men and their guards piled into an automobile van in front of the Tombs on Center street. Above the changing of the gear, the machine and the heavy roar of vehicular traffic as they were taken toward the Grand Central station Montgomery could hear the man beside him keeping up a low growl, as of a beast dreaming of fat food. Had he known the length of this man's sentence he might have envied him, for he was to serve only fifteen years. His offense was burglary.

They boarded a train for Ossining at the Grand Central station.

At Tarrytown, where the electric zone ended, the train was delayed while an engine was coupled to the coaches. Here the tracks run on the very edge of the Hudson, the river splashing the ties during high winds from the west.

Across the river Montgomery could see a pretty cluster of houses half hidden in the trees. It was the village of Nyack. Just over the skyline and beyond the last peaked roof was a cottage standing back from the broad automobile road which leads to Tuxedo. Within that cottage was the little mother with the faded eyes and the heart that had turned to lead in the



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criminal courts building in New York. His eyes peered hungrily through the coach window. He had written to her from the Tombs. It was a brave letter of determination to some day prove to the world that he was innocent of the crime of which he had been convicted. He advised her to cast about for a boarder so that she could keep the taxes paid on the home. His father had been a Mason in good standing, and the Massons had helped her before. They would help their dead brother's widow again, he told her.

The boy pressed his forehead against the window pane and feasted his eyes for the last time on the heavily wooded farther shore.

One of the strongest swimmers among the sturdy country boys about Nyack, he had swum the river, a good three and a half miles, more than once, and this scene in all its simple loveliness was old, and sweetly old, to his young eyes.

The train paused at Scarborough and was off again in less than a minute. Suddenly the eyes of the boy at the window encountered total darkness and to his ears came the din of a railroad tunnel. The door flung was directly under the entrance to Sing Sing prison. In a few seconds the train cleared the tunnel and stopped at Ossining station.

A covered tumbrel was ready to take them up the steep road from the station to the highway running south and to the prison. The team of horses struggled upward, straining and panting, and, reaching the highway, stopped to blow. The convicted men had a few more precious moments in which they could feast their eyes with glimpses of sky, river and hills through the open front and rear of the vehicle.

At the end of the road loomed a barrack-like building of gray stone, fast blackening with the yeas. It was the first of the prison structures, and about it ran a high and wide wall. At regular intervals upon this wall were little octagonal sentry houses and in each of these stood a man with a rifle. The building, rising high above the wall, had narrow slits in its sheer stone sides, and these slits were crisscrossed with steel bars.

(To be continued)

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Sign

When so many persons are giving our cafe a trial. Looks as though they have been waiting for a really good place to eat.

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The undersigned will sell at public auction, on the John Michaels farm located 1 mile north and 1 1/2 mile west of Forest Hill, on

Wednesday, February 3, 1915

Commencing at 1:00 p. m. sharp, the following property:

- 1 brown mare 7 years old, 1200 lbs.
- 1 brown mare 1200 lbs.
- 1 bay mare 13 years old, 1200 lbs.
- 1 cow 6 years old, fresh about Apr. 1st.
- 1 Jersey cow 8 yrs. old, fresh about Mar. 1
- 1 Heifer 3 yrs. old, fresh about Mar. 15
- 5 yearlings, 3 are heifers
- 1 brood sow; 12 shoats, about 50 lbs. each
- 10 hogs about 150 lbs. each
- Set double harness; 2 set single harness
- 1 open buggy 1 top buggy
- 1 lumber wagon 1 pair sleighs
- 3 riding cultivators 2 plows
- 1 springtooth harrow 1 bean puller
- 1 5-tooth cultivator 1 cream separator
- 1 Shepherd dog 1 Galloway fur coat

- Quantity of good mixed hay
- 1 mowing machine 1 lawn swing
- 1 3-horse evener 1 barrel cider
- Set of rope and pulleys for hay fork
- 1 grain drill 1 cuttingbox
- 1 cook stove 1 kitchen cabinet
- 1 table 1 set chairs 2 rocking chairs
- 1 bed couch 1 center table
- 1 sewing table 2 iron beds with spring
- 2 mattresses 1 organ
- 1 dresser 1 refrigerator
- 1 barrel churn, new
- 1 stone churn
- 1 crosscut saw 1 bucksaw
- 1 pair horse blankets
- Other articles too numerous to mention

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