

AN ESCAPE VIA THE GRAVE

By GEORGE T. PARDY

Did Justice Go Wrong in the Case of Luke Phipps?

Tale of a Long Search, the Disappearance of a Criminal and the Hanging of Man by Essex County Authorities—An Achievement of That Master Sleuth, John Wilson Murray.

IN March, 1884, a man by the name of Luke Phipps was the proprietor of a billiard room in Detroit, Mich. Phipps was about 34 years of age, of fair complexion, with brown hair and a sandy mustache. His family consisted of his wife and two children, a boy and a girl. Mrs. Phipps was a pretty little woman, apparently very fond of her husband.

But fate decreed that the serpent of jealousy should creep into this Eden of domestic bliss. Mrs. Phipps, without the knowledge of her husband, had been in the habit of making secret trips across the river to Windsor, and it chanced that Luke Phipps received information of this fact. Passionately devoted to his wife, this discovery filled him with madness. He watched her carefully and shadowed her movements. One fateful night she left her home and boarded the ferry boat for Windsor. Close on her heels followed the infuriated husband, armed, and under the influence of strong liquor in which he had been indulging freely since he had been informed of his wife's supposed unfaithfulness.

Not until the boat was well out in the river and approaching the Canadian shore did Phipps reveal himself to the woman. Angry words passed between them, the husband accusing the wife of infidelity. Mrs. Phipps replied harshly and the words had scarcely left her lips when the man drew a revolver and fired point blank at her. The bullet sped true to the mark and Mrs. Phipps fell to the deck dead. The murder was witnessed by a score of passengers and Phipps was instantly seized. He made no resistance but meekly gave up the weapon with which the deed was committed, and when the boat landed at Windsor was taken in charge by the Canadian authorities. He was taken at once to Sandwich jail, three miles from Windsor, and committed for trial.

Into this ill-omened place of confinement came Phipps sobered by the realization of the awful tragedy of which he had been the author. The future looked black indeed, for Canadian justice frowns grimly upon the destroyer of human life no matter what her or his provocation may have been, and the gloomy shadow of the gallows loomed threateningly before him. Among the inmates of Sandwich jail was one "Bucky" Greenfield, a professional thief, who like Phipps was awaiting trial, but on a far less serious charge. To this man Phipps was assigned as cell-mate; and glad to find someone in whom he could confide, the wife-slayer told him the story.

As a result of this conference a mysterious female shortly afterwards paid a visit to Greenfield and for ten days following her call Bucky kept close in his cell. During this interval Luke Phipps became seized with a mania for music. He whistled and sang continually in a loud voice for hours at a time. None of the warders offered any objection. Life in Sandwich jail was a monotonous existence at the best, and if a prisoner found comfort in the sound of his own voice they saw no particular reason for silencing him.

The truth of the matter was that Phipps had resorted to the performance of these nocturnal concerts for the purpose of stifling the sounds of Greenfield's labors in the cell.

At last the persistent gnawing of the file conquered the stubborn resistance of the steel bars. They were cut through and the way of escape lay open before the prisoners. In the dead of night the two men slipped out into the darkness. Greenfield got through the narrow opening with little difficulty, but Phipps when half way through stuck fast. His comrade tarried for a few moments making desperate efforts to extricate him, but Phipps remained immovable, as though gripped in a vice. Self preservation being the first law of nature, Bucky Greenfield resolved to obey its dictates, and seized with sudden panic fled swiftly into the night.

Despair seized the heart of Phipps in his icy clutch when his comrade deserted him. A few seconds passed, and he still lay in the narrow opening panting from his exertions. Then



PELL HEAD FOREMOST INTO A NEWLY DUG GRAVE.

a wild fury filled his veins. He struggled savagely, desperately, and finally tore himself loose with a wrench so powerful that the momentum hurled him over the wall, and he fell heavily to the ground below. There he lay for some time, severely bruised and only half conscious. He was aroused by hearing voices in the jail, and staggering to his feet dragged himself away in search of a hiding place.

He came to a graveyard, and as he crawled along in the darkness, fell head foremost into a newly dug grave.

Silent he lay without moving, with fast-closed eyes and rigid body. He heard a creaking and bumping and faintly, as though far away, he heard the harsh rattle of earth falling on the casket. Yet no weight seemed to press upon him, but this did not surprise him, for he was long past the stage of astonishment. It was the end, and nothing mattered now. He heard the rumble of wheels as the carriages departed and the footsteps of the mourners died away.

His awakening came suddenly, accompanied by a cold thrill of horror, as his eyes opened upon the utter darkness. He tried to move, but his entire frame seemed to be paralyzed. With a rush of recollection there crossed his mind the memory of the burial, the prayer and singing. He moved his head feebly and through the hay caught sight of the twinkling stars. Slowly and with great pain he managed to rise to a sitting posture. Where was the coffin, where the six feet of earth underneath which it lay? He staggered to his feet and saw that the grave he occupied was empty. His brain whirled madly in a maze of torturing conjectures. What did it all mean? He tried to clamber out, but fell back exhausted. He lay back on the hay, rested and tried again. It was the work of an hour for him to drag his feeble limbs over the edge of the pit, but at last he succeeded. Then the mystery was solved. Close beside the open grave from which he had emerged a new-made mound stood darkly in the moonlight. The burial had indeed taken place, but in the grave adjoining that in which he lay.

The escaped murderer stood up and laughed hysterically as he looked around and saw the distant outlines of Sandwich jail looming black and gigantic in the moonlight. Rallying his falling strength he staggered away from the grave that had been his place of refuge. On the new-made mound stood a vase of flowers, and bending down weakly, he plucked one and tossed it into the empty grave.

Then painfully he turned and crept

out of the cemetery, across the road, through the fields, traveling like an injured dog, limping on all fours.

His progress was very slow. His destination was the river, which he reached an hour after midnight, and where he found an old boat, half full of water. He discovered a piece of board, crawled into the boat, shoved off and began to paddle. When dawn was breaking he reached the American shore, below Detroit, nine miles down stream, wet to the skin, wounded, blood-stained and faint. But he knew the country round about and made his way into the city to the home of a friend, knocked and was taken in, clothed and fed. When his wounds were healed and his strength returned, he left Detroit resolved to enter upon a new life.

But the Canadian authorities were not disposed to tamely relinquish the possession of a prisoner who had broken their laws and set them at defiance. Orders were issued to capture Phipps, wherever he might be, and the task of hunting him down was assigned to Detective John Wilson Murray.

He sent out a description of Phipps to police headquarters all over the continent. The fugitive was a billiard-room keeper and Murray calculated that it would be simply a question of time until his money gave out and he would be obliged to look for a job in a billiard room. Every man to his trade is a maxim that also holds good in the case of a fugitive from justice, and the detective's surmise proved correct. Phipps was located in Pullman, Ill., where he had obtained a position in a billiard room. Murray prepared extradition papers, went to Illinois and took Phipps from Pullman to Chicago.

In the latter city the fugitive employed Jesse Ball, an able lawyer, and made a hard fight against extradition. His counsel endeavored to show that the shooting was done in American waters, and there is no hanging in Michigan. If the crime had been committed in American waters, Phipps would have been tried in Michigan, and if convicted, he would not have been hanged. Murray proved by the captain of the boat and a number of its passengers that the shooting was done in Canada waters, on the Canada side of the river. The legal fight lasted a couple of days, both sides calling witnesses, and Phipps lost. An appeal was taken and a writ of habeas corpus issued, but the proceeding was dismissed and Murray and his prisoner started for Canada.

At Ann Arbor two newspaper men, after going through the car, stopped in

front of Phipps and asked him in a whisper as they pointed towards a well-known Detroit minister, who was slumbering in a nearby seat, "Is that Phipps, the murderer?"

Phipps merely smiled in reply, but it was evident that the title of murderer used in conjunction with his name made him flinch considerably, and Murray was about to explain the situation to the reporters when the train started and the two seekers for information left the car hurriedly. The news of Phipps' coming had gone before him and when the train reached Detroit there were nearly two hundred of his former friends waiting at the station to see him. The reception they gave the prisoner testified strongly to the high tide of popularity in his home town and Murray felt still more favorably inclined toward the man whom duty compelled him to hand over to the grim mercies of Canadian law.

"I'll see you fellows at the Michigan exchange," called out Phipps to his friends as he followed Murray into a cab that Chief Bains of Windsor had waiting for them. "I'd like to take a farewell drink there," added the prisoner to Murray, and the latter nodded assent and ordered the cabman to drive to the barroom in question. Phipps' friends gathered there in full force and crowded around him, shaking hands and giving vent to loud expressions of sympathy. Finally Murray delivered himself of a short speech to the crowd that was trenchant and very much to the point.

"It's all very well to be sorry, boys," said the detective bluntly, "but Phipps needs something more than that. What he wants is money for his defense and I'm ready to start a collection right now." Murray backed up his statement by making a handsome donation and the crowd, growing enthusiastic over the idea, followed suit, with the result that a comfortably large sum was soon subscribed and given to the prisoner. That done Murray asked him if there was any other place in Detroit he wanted to visit before crossing the river.

"I'd like to drive past my old home on Jefferson street," said the prisoner, wistfully.

Many times in after life the detective was glad that he acceded to this last request of his unfortunate prisoner. The cab drove along Jefferson street and Phipps gazed with soul-hungry eyes upon the house wherein he had once lived so happily. He watched it out of the cab window and then from the window in the back until it had faded from his view.

"I'm ready to go now," he said, and Murray took him across the river and back to the jail from which he had made such a daring escape.

There were several circumstances that weighed heavily against Phipps' chances of escaping death on the gallows. In the first place his jail-breaking exploit in company with Bucky Greenfield was against him. Greenfield got away safely to Mexico, and as there was no extradition treaty between Canada and the former country at that time covering his offense, he was never brought back. Doubtless Greenfield meant well by his cell-mate when he planned their escape, but it would have been far better for Phipps had he not broken jail. Then there was the episode of Billy Callaghan in Sandwich jail which had much to do with influencing public opinion in the County of Essex at the time of the Phipps trial.

Callaghan belonged to Detroit. He came of a respectable family, and in his younger days was a dry goods clerk, but became a professional burglar and desperate crook. He and a burglar named Kennedy were being held in Sandwich jail and on March 16 they made a dash for liberty. George O'Callaghan Leech, the old governor of the jail, tried to intercept the escaping prisoners, and Billy Callaghan drew a revolver which had been smuggled into his cell, shot and killed the governor and escaped with Kennedy. Callaghan got safely away out of the country but Kennedy was caught and sent to Kingston penitentiary for seven years.

While there Kennedy became pals with another convict named Blinky Morgan who was serving five years for manslaughter. Shortly after becoming acquainted the pair broke out of Kingston penitentiary. Morgan was traced to Reno, Ohio, by a detective named Hoolihan and in the fight that occurred when they met the officer was killed. Morgan escaped after slaying Hoolihan but was run down in Alpena, Mich., where he shot the sheriff and wounded another man. He was captured, taken to Cleveland and hanged. Kennedy got away.

In the meantime Callaghan, after killing Gov. Leech of Sandwich jail, had disappeared completely. Murray sent out circulars offering a reward for his arrest and finally received a telegram from the police of Hannibal, Mo., which read:

"Come at once. Callaghan in jail, acknowledges identity."

Murray wired back: "Will come, but I do not believe it is Callaghan. He would not acknowledge identity."

He prepared the necessary extradition papers and went to Hannibal, taking with him Turnkey Smith of Sandwich jail, who knew Callaghan well. Arriving at their destination they were informed by the police that two crooks, known as Joe Rice and John Carr, had burglarized Banker Patterson's house in Barry, Ill., making him get out of bed, open up his safe and turn over the contents, besides taking his gold-mounted revolver. They had been caught in Hannibal and Rice had the stolen revolver. On the way to the jail Rice whispered with Carr, and in the jail he had said to a fellow prisoner:

"I wonder if these cops know who I am? They offer a reward for me in Canada." The prisoner reported the conversation, Rice was questioned and confessed he was Bill Callaghan. Then Murray was sent for.

The detective was shown to the cell occupied by the supposed Callaghan. It was a gloomy hole, but even in the semi-darkness a single glance at the inmate convinced Murray that he was not the murderer of the Sandwich jail governor. Turnkey Smith also shared his opinion. The prisoner was ordered to step into a better light and Murray looked at him closely.

"No," said the detective, "he is not Callaghan. This is Jim Leavitt of New York. Jim, I have seen you at Billy Brown's in Bleecker street, and at 'The Allen's.'"

The prisoner laughed, and admitted that Murray's statement was correct. Murray returned to Toronto without Callaghan whom he next heard of in Mexico. It was later reported that Callaghan was drowned in South America, but however that may have been, he was never captured.

Between Greenfield and Callaghan the fate of Luke Phipps was sealed. The murder of Gov. O'Callaghan Leech enraged the people of Essex county, and when Phipps, who had escaped from the same jail, came up for trial some months after the Leech killing, public opinion was against him. He was found guilty of murder, hanged in Sandwich jail in November, 1884, and buried near the grave where he had once sought refuge and lay hidden from the eyes of his hunters for the space of a night and a day.

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WHERE HE STOOD.



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Pearl—I couldn't say. If he's anything like me he would.

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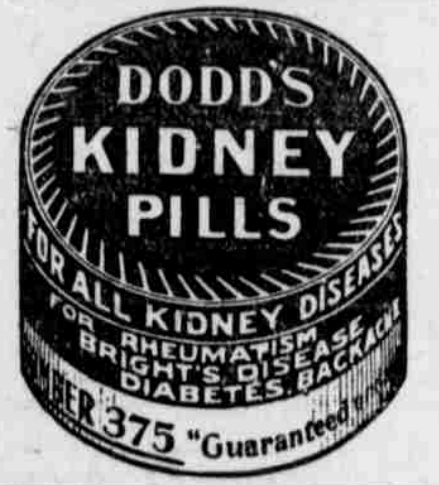
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