

# THE STORY of JONATHAN MILLER

## AUTHOR'S NOTE.

The material facts in this story of circumstantial evidence are drawn from an actual recorded case, only such change of names and local color being made as to remove them from the classification of legal reports to that of fiction. All the essential points of evidence, however, are retained.



As the members of the Call Skin club dropped into their accustomed places Judge Dennett entered with a stranger of distinguished mien, and dignified bearing. His white hair and white mutton-chop whiskers betokened the country jurist of long experience whose reverence for the English bench caused him unwittingly to assume the personal appearance of a wearer of the wig and ermine of Blackstonian days. Judge Dennett introduced him as Judge Tanner and assured the club that his guest was primed with many a reminiscence of his long career and would gladly furnish the story of the evening. After the pipes of good fellowship had been burned for a space Judge Tanner arose and began his story of circumstantial evidence.

"I often wonder," he said, "if there is a trial judge of any considerable experience who has not carried some one case as a load on his mind and conscience for years after the verdict of the jury is in and the condemned led away to execution. It is a wise provision of the law that makes the jury the judge both of the law and the evidence, and the judge but the medium through which the law reaches the twelve; and I cannot conceive the condition of mind of those early English judges, before whom, when they had arrived at a conviction of guilt, even the jury was powerless. It was from their arbitrary and unreasonable rulings, now happily not held within the power of the judge, that most of our records of miscarried justice have resulted.

"Within my own experience there has come one case which I believe is as strange as any of record and which for years, as I looked back upon it, caused me to doubt the ability of man ever infallibly to pass judgment upon a fellow creature. The parties now are all dead and I tell it for the first time. But to the story.

"In a little city on the circuit in which I have held court for more years than I care to think of there was at one time a hotel kept by a very respectable man named Jonathan Miller. It was the favorite stopping place for commercial travellers and thus the most prominent and best paying hotel in the city.

"One evening a jewelry salesman by the name of Robert Conway arrived at the hotel just before supper. He instructed Miller to send his grips up to his room and remarked in the hearing of several at the desk that he did not care to have them left in the general baggage room as he was carrying a far more expensive line of samples than usual. He also asked that the door be carefully locked and the key brought to him.

"Supper over, he fell in with a salesman for a shoe house and one for a clothing firm and they repaired to the bar where they played cards and drank until 11 o'clock, when they all retired. It happened that the hotel was well filled and the clothing man and the shoe man had been forced to take a double room together. This room was directly across the hall from the one occupied by the jewelry salesman.

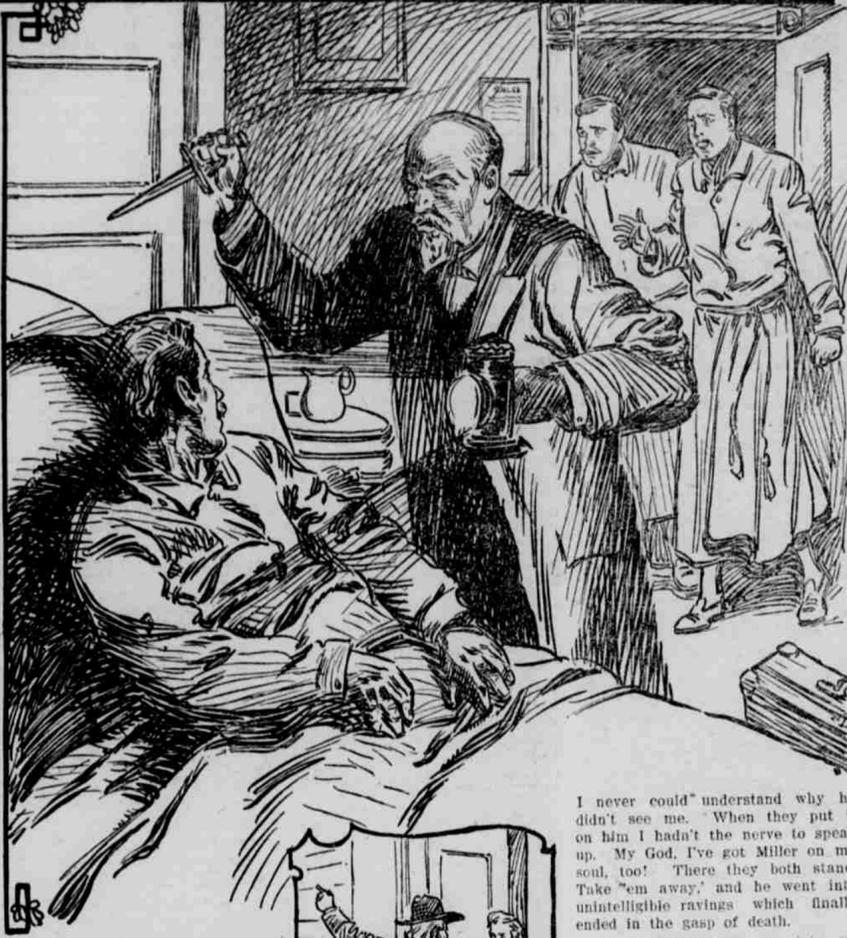
"About two o'clock in the morning the two roommates were awakened by groans which seemed to come from the room of their companion of the evening across the hall.

"They arose and without stopping to dress hurried out to see what the trouble was. You can imagine their horror to find Conway, the jewelry man, dead, the bed blood-soaked, and standing over him, a dark lantern in one hand and a bloody knife in the other, Jonathan Miller, the landlord, who trembled violently and gasped incoherently when they burst into the chamber of death.

"The case seemed black enough against him. There was not a suspicion in the mind of anyone in the city that he could be otherwise than guilty. Yet when taken before a justice for a preliminary hearing he most stoutly maintained his innocence and told a story which had it not paled into improbability by the side of damning circumstances against him would have been plausible in the extreme.

"He said he had just reached his room after, as was his custom, sitting up until a train due at half past one, came in. He had not had time to remove his clothing when he, too, heard groans coming from the neighborhood of Conway's room. Like the two salesmen, he had hurried to investigate, and as a weapon of defense he had taken the knife. He also picked up the dark lantern which he always used in making his last rounds of the hotel and which was still lighted.

"When he reached the jeweler's door he was surprised to find it standing open. The groans had ceased,



and he entered, and going up to the bed, flashed his light upon the bloody spectacle of the murdered man's body. So great was his horror and surprise that he dropped the knife upon the bloody sheets, and had only just picked it up again when the two traveling men entered.

"His trembling and fear at their arrival he attributed to the natural horror of the situation and the terror of the instant thought that guilt might point to him.

"With such a degree of sincerity was his story told, and so firm was the landlord's bearing before the preliminary court that he attracted many sympathizers who believed his story and looked upon him as the unfortunate victim of a most peculiar combination of circumstances.

"But these circumstances were too patent to be ignored and Miller was bound over to await the action of the grand jury, indicted and in due course of time brought to trial before me.

"In the time intervening between his arrest and his trial the landlord's attitude was a mixture of terror and bravado which did not tend to increase the belief of the general public in his innocence. I myself, although I have always endeavored to enter a trial free from prejudice, had I been a ventriloquist, should have been forced to admit that I had formed an opinion concerning the guilt or innocence of the accused.

"The state naturally rested upon the testimony of the two salesmen who swore to the events of the fatal evening and to entering the room just in time to find the landlord bending over the body. They were both firm in the conclusion that his terror upon seeing them was the terror of discovered guilt. I admit that defendant's counsel should not have allowed this portion of their testimony to go to the jury, but no objection was made to it.

"Also further damaging evidence against him was produced to the effect that he had a short time before become liable through indorsing a note for a large sum of money and that his ownership of the hotel was threatened in case he was not able to raise the amount. This seemed to furnish a powerful motive for the crime. That he had always borne a good reputation, that his record for honesty was such that he might easily have raised the sum of money he required on a loan, and his own story of going to Conway's room and finding the body were all that the unfortunate landlord had to offer in his own defense.

"There could have been but one conclusion as to what the verdict of the jury would be, although I am sure that I gave them the law without partiality. Miller took his sentence with resignation and when I asked him if he had anything to say, he arose and addressed the court as follows:

"Your honor, it comes to every man once to die. For the sake of my dear wife who stood by me so nobly through this terrible ordeal I should have chosen for myself a different end from that which is to be my lot. I have no fault to find with the view the jury and this court have taken of their duty, but you are making a terrible mistake. You have convicted an innocent man. I am not guilty of the death of Robert Conway. I had nothing whatever to do with his death. Some day the truth will come out, but I fear it will be long after I have done with this world. I have no more to say but that I am innocent, and this I will declare to the end."



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"How many men when facing death on the gallows have said the same. I wonder how many men have said it truly. It is true, as Pope says, that hope springs eternal in the human breast, but I often wonder if we do not make a grievous error in not giving greater credence to the dying statement of a condemned man.

"Jonathan Miller paid the penalty of the death of Robert Conway with the same stoical resignation which had marked the end of many a man in the same extremity. With his death the case seemed at an end and it passed from my mind along with many other cases which have arisen in a long and busy career. I probably never again would have recalled it except incidentally had it not been for a strange occurrence.

"I was just retiring for the night one evening about two years after the execution of Miller when I was startled by the sound of a horse dashing madly up to my gate. There was a loud rapping on the door and upon opening it the panting horseman cried:

"Buck Everett's just been shot down in Kiley's saloon. He's dying and wants to see you right away. Says he's got an important confession to make."

"I hurried out, and mounting the messenger's horse, spurred full speed for Kiley's place, which was a respectable roadhouse about a mile distant. On the way I tried to recall who Buck Everett might be, and at last remembered him as the porter in Miller's hotel at the time of the Conway murder. When I arrived at the place he was almost gone, but with the aid of a stiff drink of whisky he revived sufficiently to make the following confession:

"I'm a goner, judge, but before I cash in I've got to get something off my mind. It's Conway. I've seen him day and night. My God, judge, there he is now pointing his bony finger at me! Take him away. For God's sake take him away! He gasped in terror and the froth upon his pallid lips was bloody. We thought he was going before his weighty secret was told.

"Come, Buck, have it out and you'll go easier," I said as I held his head.

"Yes, judge, I've got to tell it," he whispered. "It was me that killed Conway. Miller never done it. The thing took hold on me when I took his grips upstairs and he said they was full of jewelry. I slipped in and knifed him as he slept and got what there was in his pockets. I was just turnin' to the grips when I heard the landlord comin' down the hall. I slipped out and got past him, and

I never could understand why he didn't see me. When they put it on him I hadn't the nerve to speak up. My God, I've got Miller on my soul, too! There they both stand. Take 'em away," and he went into unintelligible ravings which finally ended in the gasp of death.

"You can imagine my state of mind upon hearing this terrible confession. Was not Miller's death upon my soul as well? Was I not equally culpable for not having a keener insight into character that I might have read his innocence in his steadfast attitude? Many a long night as I walked the floor of my



chamber I turned these questions over my mind, never finding an answer that was satisfactory to my conscience. I seriously considered resigning from the bench. My faith in man's justice had received a crushing blow. For five years I carried that weight of self-accusing guilt, and only the sympathy of my friends and the loyalty and trust of my townsmen sustained me.

"One night I was seated in the study of Rev. Charles Poindexter, the rector of the Episcopal church. Before a cheery grate fire we talked into the night and to him I unburdened my soul.

"My heavens, judge," he said to me, laying his hand on my shoulder. "Why haven't you told me all this before? I might have saved you these years of troubling. Never before have I disclosed that which has been imparted to me in the confessional, but in this case I believe my duty to the dead is outweighed by my duty to the living. When you sentenced Jonathan Miller you condemned a guilty man. You remember that I attended him as a spiritual adviser in his last hours. To me alone he told the true story of that fatal night. He was guilty of Conway's death although his hand did not strike the blow. He went to Conway's room with the intent to murder him and rob him of his wealth. It was for that fell purpose that he took the knife and lantern. When he reached the room he found the deed already done, and even as the two traveling men entered the room he was meditating upon how he might secure the contents of the satchels and hide them. Let your mind rest, judge; his hand was as guilty as the hand that struck the blow!"

"Thus was the weight of years lifted from my mind, and this, gentlemen, is my story."

Amid the congratulations and thanks of the members of the Call Skin club Judge Grover from the chair announced that Judge Sturgis had a story for the next meeting. (Copyright, 1909, by W. G. Chapman.)

## Simple Blouses



These pretty simple blouses are styles that may be carried out in any blouse material, of which there is such a charming selection this season.

The one at the left side has a tiny square yoke of lace with collar of the same. Tucks are made over the shoulder to waist, back and front, also in center of front; insertion and buttons form the trimming.

The illustration at the top has a band of embroidery down center front, with three tucks each side; the long sleeves are close-fitting and are tucked.

Below that the blouse illustrated has a yoke with plastron to waist, that might either be in lace or embroidery. Tucks are made on the shoulders and across bust, a strap outlining the yoke; the sleeves are finished at the wrists by a strap.

The blouse on the right is quite a simple style, with six small tucks on the shoulders; it fastens in the front, under a box-pleat. The collar and cuffs are trimmed with insertion and lace edging.

Materials required: for each blouse, about 3 1/2 yards 28 inches wide; for No. 303a, 3 yards insertion and 3/4-yard piece lace; for No. 304a, 1 yard embroidery 5 inches in width; for No. 305a, 3/4-yard piece lace.

## ADAPTED FOR FORMAL CALLS NOVELTY IN LACE INSERTION

Visiting Dress in Orchid Mauve Cashmere Trimmed with Buttons and Worn with Sash.

Simple Arrangement by Which Plain Dress Can Be Made into Ornamental Affair.

Orchid mauve cashmere is used here. The slightly high-waisted skirt is trimmed at the foot by one tuck, and a hem; it has a little train at the back. One tuck is taken over each shoulder, sewn to waist back and front. The yoke, which is either of

lace insertion with both edges displaying little scallops appears on some of the Swiss evening dresses, and, what is more, in very showy outlines. On one dress of Swiss this lace featured the bretelles over the shoulder. The two long pieces meet at the waist line, where a belt holds them down, and they extend in two straight pieces, side by side, to the hem. A lace band encircles the dress at the hem and knee lines.

Wide laces with plain edges are made to produce jacket lines on the one-piece dress. This arrangement is worth mentioning, since it really makes a plain dress a very ornamental affair. The straight lines from shoulder to hip line outline coat edges. At the extreme edge they form points, extend straight across the hips and make a single point at the back. The front emplacements pass over the shoulder, form a V-shaped yoke, then one single portion of the lace extends to the edge of the coat, down the back seams. A tucked band of the dress material crosses the coat at the point of the yoke in the back, passed under the arms and is placed under the lace and over the bust. A narrow strip of insertion holds the insertion together at the lower ends of the front. This dress is made with a Dutch lace collar.

### Tan Shoes Popular.

Tan shoes are more worn this summer than ever before, perhaps because they are commonly considered as cooler than black. For country wear they are more suitable and show the dust of walking much less than the black shoes.

Black buckskin and suede and gray suede are also much worn. There is an especial dressing for suede shoes and after it has been applied and before the shoe dries a coarse hand brush is used to brush the nap of the shoe the wrong way and restore the original slightly roughened surface.

These shoes are more porous and therefore cooler than the glazed or finished leathers and do not wrinkle in the way the others do when they are slightly large, as they should be for comfortable summer wear.

### A Fascinating Hand Bag.

A hand bag that is delightfully summery can be made from heavy white flannel net with an oil-over embroidered scroll running over it done in narrow white soutache braid. The net is doubled at the bottom and sloped at each end toward the top, which is at least two inches narrower than the bottom. Wedge shape ends of flannel are sewed in. The bag is made up over white linen, and the handle is of heavy white braid.

### Development of Chest.

In the development of the chest there are many ways of obtaining the desired extra inches, but massage and deep breathing the all that is necessary, and if practiced regularly for six weeks the narrow chested woman would be surprised at the results.



piece embroidery or lace, has a shaped piece of embroidered material arranged at each side; if preferred, this piece might be covered in figured or chene silk.

A wrapped seam is made down the outside of each sleeve, trimmed with buttons put on in sets of threes, a director's sash of mauve satin is worn. Beehive hat of straw and chiffon, trimmed with a jet button and an algette.

Materials required: 7 yards 46 inches wide, 3/4-yard lace, 1 yard satin 42 inches wide, 1 1/2 dozen buttons.

### To Make the Curiosity Jug.

Get a two quart jug or larger, if wished, and gather enough nicknacks and trinkets to cover it. Take some putty, roll out to the thickness of half an inch and place around the jug. Then put on the trinkets, pressing them firmly into the putty. The more you have, the better the jug will look. When all is well hardened give a coat of gilt paint and you will have something odd as well as ornamental.