



JUST as we were leaving Beaverville we got a wire saying the circus boss was weary of waiting for us to arrive and had skipped away to Europe for a few days. However, he left a handsome check behind for our approval, and in the interim of waiting for him to return Tib decided we should pay another visit to old Vermont. To my best knowledge it was his second trip there since his infancy. If he could be here to-day I believe he would refuse to make a third. For on this last occasion he played the part of a 60-horse-power auto in the midst of his homeland, and I reckon he would feel a bit skittish about appearing in the guise of a \$28 bicycle. Again, there is the sheriff to consider. But above all sordid deterrents he climbed high on the pedestal on this sojourn, and for a brief period wore the ermine. Yes, sir, he was a Solomon until they turned in an alarm.

"Somehow, I like best to think of the old chap in that stage-setting. It was the one short full in our many adventures, and I love to dwell upon the time when for three hours he toyed with the scales of justice, and within that small circumference managed to establish certain legal precedents so astounding as to equip the higher courts with severe headaches for many years to come.

"Now, don't run away with the idea that Tib drew only about six inches of water when it came to sulling the legal seas; for he was so good he could pick the Futurity winner in 1911. Why, in one abbreviated afternoon he firmly started the celebrated Higbutton will case on its spiral way, and only escaped a grand jury acquaintance by thoughtfully nabbing a south-bound train in the evening. Probably to this day the principals in that litigation are anxiously watching for his return. Dull hinds, dream on! Would that you could behold him again!

"You see, sir Tiberius was the greatest legal teaser that ever raised blisters on the judicial brow, although he had no idea of measuring out legal lore when we darted into placid Spuckersville. I'll admit he was not a lawyer in the technical sense of the word, but when it came to doing the Daniel-arrived-at-judgment act, he had Blackstone and all the other calf-bound antiques begging for mercy. And despite we were there on a mere vacation, and although he was forced into the office, and while his first and last case was a stinger—a quadrupedal one—he didn't go to work and slur it over and pass it on to the higher courts. No, sir! Perhaps that's where he slipped up; for although I was betting five to nothing on him, I can see now he tickled the keystone of the commonwealth out of plumb by trying to get a corner on jurisdiction.

"But to romp back and catch the flag. With the fat check we were well-laden with pin-money, and when we arrived at Spuckersville, Tib swore it reminded him of his birthplace, and his twinkling brown eyes would gather pearls as he found the old swimming-hole he would have loved in had he been allowed to have been born and grown up in that drowsy environment. Then came a few stanzas about his lost youth, and 'Oft in the Silly Night,' and other Fourth-Reader stunts. Well, probably the town never before or since possessed a citizen so deeply appreciative of its charms. First, he gave the Methodist church a new bell, and then he hung up a prize in the school for the best essay on home. Only, he insisted the compositions should be framed up like circus posters and be largely eulogatory. To add up the talk, as we both were paying our board, that wart of a town ultimately felt on our necks and pronounced us blessed, and studied to keep us with them for all time. Then, at the conclusion of much liberality on our part, fully realizing Tib's intense loyalty to the coop, the town fathers gravely convened and decided we had gained a legal residence, and appointed the dear old chap as a justice of the peace!

"That was how it all started. Tib knew, all about circuses and stock companies, but his legal lore, like Joe Smith's Bible, was largely a matter of inspiration. Yet he bowed to the public will and slipped on the yoke. Really, he felt more happy and cheery over that miserly, little, scantily paid office than if he had captured a whole bevy of grand llamas for a side-show attraction. Of course, he swore me in as clerk, explaining I was the only man on earth who could read his writing. And, this done, he began to yearn and hanker for a litigation. He had an idea that the hitherto accepted theory of jurisprudence was crude and noisy, and should be fitted out with ball-bearing sockets and a chronometer movement. He simply pined away the first hour of his incumbency for the want of a test case.

"He had just dusted off two volumes of statutes and was hefting five pounds of Somebody on Mortgages, and had expressed a hope we would have a busy summer, when Hiram Duzer, farm-hand, rushed into the office and begged for several quarts of undiluted Justice.

"What kind do you want? asked Tib, nervously, opening the statutes with a rather a timid hand.

"A warrant for the arrest of John Peasly an' Jasper Turner, stock-keepers, fer makin' off with valuable papers," cried Hiram.

"Papers consistin' of what? I propounded, to give Tib his cue.

TIBERIUS SMITH

He Decides the Higbutton Will Case

By HUGH PENDEXTER

(Copyright, by Joseph B. Bowles.)

"Silas Higbutton's las' will an' testament," explained Duzer, solemnly. "Felony," cried Tib, eyeing some tax receipts wisely. "Hand me a blank warrant, Billy."

"And after I'd found a chromo that looked like a board of health danger signal, he gracefully scratched it with his pen and called in a lame constable and told him to do his duty."

"I hate like sin ter do it," demurred the officer, limping to the door. "They'll come, all right, but they'll be so mad they may lick ye. They never stole nothin'."

"I whispered to Tib to put on the brakes and coast a bit, even if he couldn't backpedal. I reminded him Hiram was a care-free wag who always decorated the town hall for the Knights of Pythias ball and played in the band, and largely attended to somebody else's business except his own. I wished him to give a bond, but Tib insisted a hired man could quaff as deeply and freely at the spring of justice as any village store-keepers, and in about 30 minutes Peasly and Turner drifted in, escorted by a large rural chorus and the only two legal lanterns in town.

"Lawyer Remy, a tall, thin, sad-faced man, folded his arms, and sinking his head on his chest, much like the Little Corsican, eyed the court sternly and demanded why his two clients had been arrested.

"Tib cheerfully informed him, and gently asked the hired man if he were appearing by counsel. Then Lawyer Bilger, another thin one, took the first position in repulsing a bayonet charge, and said he owned him."

"Very well," said Tib, shuffling the leaves of Webster's Unabridged to find the Latin quotations. "Let the prisoners plead."

"At this Brother Remy broke loose, and beginning with Mount Sinai

only one thing to do, he ordered the lame man hence, and in about ten minutes the mooing of cattle called us all to the door.

"While we are entitled to a subpoena duces tecum," declared Mr. Remy, aforesaid, "we have waived that right, and now that the live stock is here let my learned friend make good his vaunted boast and point out Silas Higbutton's last will."

"Mr. Bilger and Hiram merely grinned. They yanked a fettleless cow up to the door and then asked the court to drag his honest orbs over her right flank. And hang me, sir, if there wasn't branded the words: 'I give, devise and bequeath to—' and no more!

"Tib mopped his brow, stared intently at the beast for a minute, and then gasped, in a tremulous voice: 'Bequeathed to whom?'

"Just wait a second, y' honor," cried Hiram, stalking proudly back and netting a steer, whose flank bore the next installment, to wit: 'Hiram Duzer all—' and that was all.

"Well, sir, the discovery of these sections of the will simply swept the defendants and their attorney off their feet, and Tib could only sit on the door-step and weakly ask: 'Is there any more?'

"The testator certainly had a right to execute his will on one cow," howled Mr. Bilger, snapping his fingers under his opponent's nose. "And where does the law draw the line and invalidate man's sovereign prerogative and declare, cluckum nozzum, that he shall be relegated to one cow? What if he owns two small cows and must use them instead of one large cow? Is he a freeman or a slave? Must he swap the two critters for one? In the words of Justinian: In hoc signo vinces!"

"Trying to stun me with their boarding house French," muttered Tib, in my dazed ear. Then sternly, to Mr. Bilger: 'Honi soit qui mal y pense. Sit down, sir.' And poor Bilger wilted, while Mr. Remy, who had butted into other courts, spun on his heel and dizzily staggered against the wall.

"I am of the opinion," continued Tib, gravely tapping the Unabridged impressively, "that a man has a right when writing on a cow than he would in using a fountain pen on super-lined bond. Ahem!"

"And as a husky might beat a crippled across the road to the tavern, where, from my elevated position, I could see they were drinking nervously from a bottle, Mr. Bilger arose and joyously proclaimed: 'The only thing for them to do is to swear in an expert on cow-writing.'

"An' on hosses, too," supplemented the hired man.

"I could now see Tib was in pretty deep water, and that the responsibility was wearing on him, and while motioning me to look up some more phrases to have on friendly tap, he tried to shift the line of thought by ruling that in future the impatient and intailed beasts should be referred to as such and such a clause in the will, or as a codicil.

"By this time, sir, we had the weather-beaten, bewhiskered audience in a sickly trance, and old Deacon Mumby jumped out to gather new wisdom across the road. And as he blindly paused and attempted to foregather the age of Codicil Number One by looking at his teeth, he received a severe kick which led him to belabor the poor brute with his cane. It required all of Tib's official zeal to cause him to hesitate.

"Dod rot him! He kicked me!" complained the deacon. "I'll sue Hiram Duzer if this turns out ter be his will."

"After the old man had been told a few wholesome truths about the sacred nature of last wills and testaments and warned not to meddle with the public archives again, Tib did a little scout work through the statutes and at last announced that the will must be filed with the court.

"And this, sir, was a neat stroke. Of course, Mr. Remy began to argue that Tib was not a court of probate, and hence had no jurisdiction. But he caught himself in time and swallowed his voice, for he couldn't dope out how Hiram was to file his instrument—ergo, the defendants would win.

"Then up jumped Mr. Bilger, realizing all was almost lost, and began to make the same point, but he remembered in time that it was all off for his client if he doubted my patron's jurisdiction, so he strangled a sob and began to bluff. He said the clauses and codicils would certainly be stabled in the office, providing the beneficiary was allowed to feed 'em. He broke in and wanted it stipulated that he should also milk the clauses and borrow the codicils occasionally to do a little cultivating with.

"Or could we file a copy of the will?" asked Mr. Bilger, fearing Tib's peckered brow.

such as writing in another clause, would invalidate it. The calf is an interpolation. While a codicil can be set aside without rendering inoperative the body of the instrument, the attesting clause cannot be disturbed. In this case the very signatures of the witnesses are eliminated."

"Well, sir, you'll admit that was a mighty fine point, and you'll not be surprised when I add that the audience as well as the litigants were clinging to their ear-locks and staring at the court with lack-luster eyes. It was clear beyond them, and you could have brushed them from the room with a feather.

"Then," cried Mr. Remy, triumphantly, "as the will was destroyed, my clients are not guilty as charged, and can go in peace."

"That settles it, and I wish to thank this court for its superhuman intellect in elucidating one of the most—er—entangled, bovine questions of law I ever encountered in a court of justice," splined Mr. Remy. "Come on, boys, we'll drive those critters home."

"Wait a moment," commanded Tib, leaning his alabaster brow on the edge of Somebody on Mortgages. "I hardly think you can take the cattle."

"That calf is merely a blank line in the will," expostulated Mr. Bilger, at last coming to. "Every will has blank lines."

"But they always exist before the will is made," soothed Tib. "No, the continuity of the will has been altered since its execution, and so the instrument is invalid. And yet the contestants are not entitled to it, or we may now say, to the live stock."

SENATOR FROM IOWA

ALLISON CELEBRATES SEVENTY-NINTH BIRTHDAY.

Colleagues in Congress Unite in Extending Congratulations — Was Once Very Near Republican Nomination for Presidency.

Washington.—Senator William Boyd Allison of Iowa recently celebrated his seventy-ninth birthday, and his colleagues, both Republicans and Democrats, united in extending their congratulations, for few members are more popular than the aged Iowan. Senator Allison has broken all previous records for length of service and attained a maximum degree of personal influence and unusual domination of public affairs. He is the leader of the senate of the United States, with all that this leadership means in power and ability to create and control legislation. It is said, and probably with truth, that there is more of Senator Allison's influence and character written into the statute books to-day than of either President Roosevelt or Speaker Cannon, both of whom are considered to have contributed an unusual share to the lawmaking of the present generation.



Senator W. B. Allison.

Senator Allison's personal history, briefly told, is that he was born in Perry, O., on March 2, 1829, and after attending Western Reserve college studied law and practised in Ohio until 1857, when he removed to Iowa. His entry into national politics came with his election to the Thirty-eighth congress.

On occasions Senator Allison has been very near to the nomination of his party for the presidency, some believe much nearer than Thomas B. Reed, Roscoe Conkling, or even John Sherman. He would have undoubtedly made a good president, the equal of many and the superior of some, had the fortune of politics turned his way.

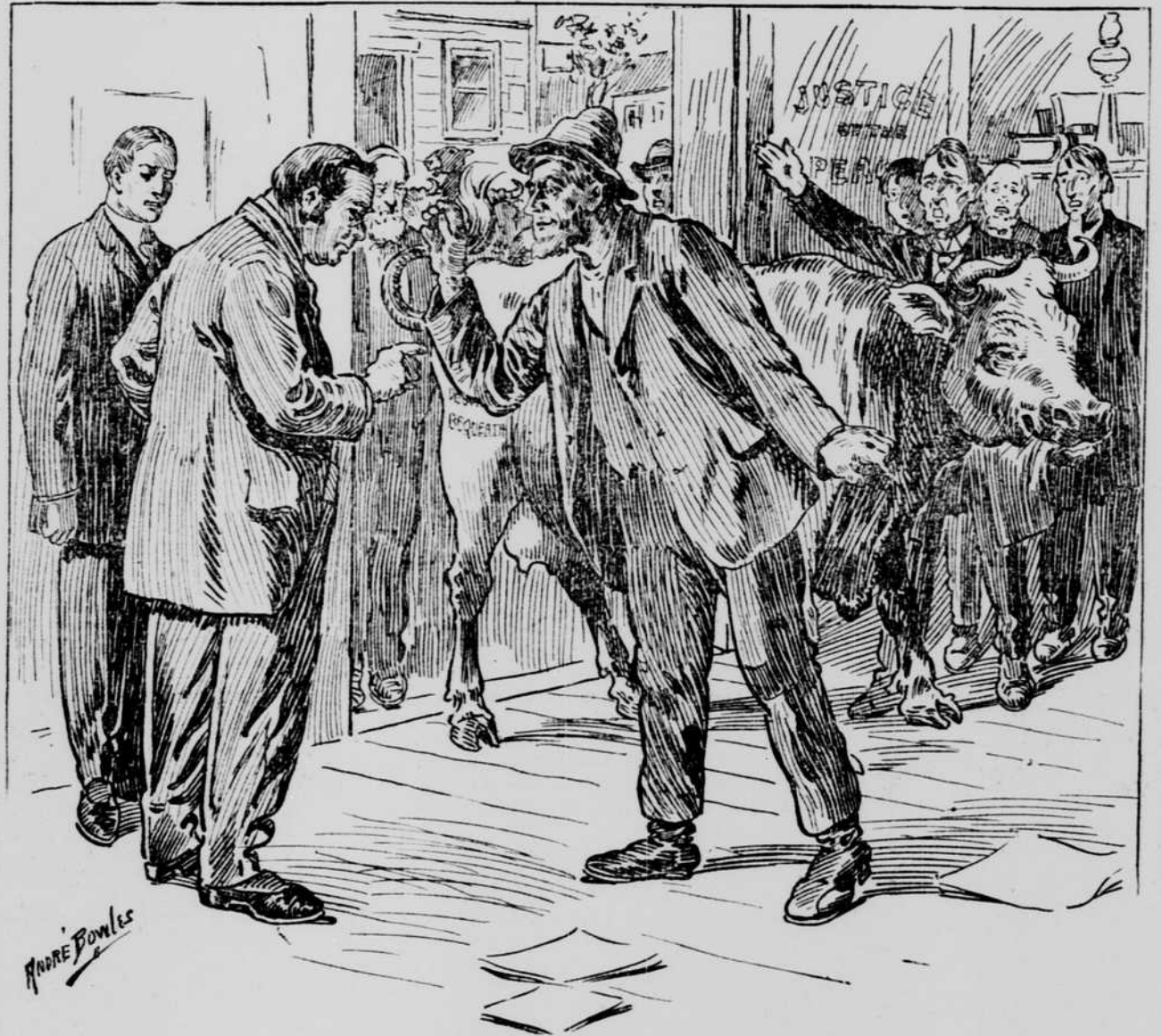
During the progress of financial legislation in the present congress he has been often consulted and, as the ranking member of the senate committee on finance, has taken a quiet and unostentatious but conservative and helpful part in the framing of legislation which will relieve the country from the conditions which resulted in the panic of 1907.

Senator Allison is the author of the internal revenue law of 1868, the essential features of which are still in force. Prior to its passage the tax on distilled spirits was two dollars a gallon and the revenue therefrom about \$14,000,000, while during the first year following the passage of the Allison act the tax, while reduced to 75 cents, amounted, through the elimination of frauds and its proper collection, to \$36,000,000.

He was chairman of a special committee which spent the summer of 1874 investigating the government of the District of Columbia. The bill drawn by him as a result of this work repealed existing laws and created the present form of government, with three commissioners appointed by the president.

Early in 1877 a bill was passed by the house of representatives for the free and unlimited coinage of silver. There was great clamor for the enactment of the measure in the senate. The bill was referred to the senate committee on finance and, being aware that if the senate was called upon to divide on the question of free coinage it would follow the popular agitation, Senator Allison proposed the preservation of the gold standard, but at the same time made provision for a limited coinage of silver on government account.

Senator Allison has all his life been a student of tariff problems. He had a considerable part in the framing of the McKinley bill of 1890, and served on the sub-committee which changed the revision of 1892. He had charge of the minority report on the Wilson bill in 1894, and was also a member of the sub-committee which considered the Dingley act in 1897, also taking charge of the bill on the senate floor.



"BEQUEATHED TO WHOM?"

flapped every legal precept that ever emerged from a bench in the court's face, and begged to inform the court, sir, that when Ethan Allen indulged in a little joke on Port Ticonderoga the Remy forebears were not lurking in the background. With this personal prelude he wound up with mention of the Green Mountain Boys, then quoted a section from Tom Paine's 'Age of Reason,' and finally declared Hiram was a scoundrel and a blood relation of Ananias.

"My clients," he added, in a soft, hushed voice, "are only guilty of regaining their own. For years back they trusted to use our homely village phrase, Silas Higbutton with certain edibles and groceries and divers staples of life. As said Silas showed no inclination to liquidate his indebtedness, they levied, if it please the court, upon his live-stock just a few days before he passed on to the final arraignment. But justly did my clients seize upon his stock and mingle them with their own kine. Needless to say, no will or any paper has been taken, and we demand the warrant dismissed."

"Then Mr. Bilger thrust one hand in the bosom of his coat, and, turning his watery eyes on Tib, laughed hoarsely at his fellow's audacity. "Who spoke of papers?" he asked, shrilly, dusting his breast with his free hand. "Who spoke of papers in the sense of papyrus or parchment? We spoke of documents. Now, let the constable go and drive the live stock here, and we will make good our charges and get at the res gestae."

WORK FAST AND DIE EARLY

American Business Men Must Learn to Slow Down.

Physicians have long been preaching the doctrine that American business men live too fast. With the telegraph, the ocean cable, the telephone and other modern facilities the man of affairs can do in one hour work

TROLLEY CARS OF DAMASCUS

Every time we went into the city (whether from our tents on the terrace above; an ancient and dilapidated pleasure garden, or from our red tiled rooms in the good Hotel d'Orient, to which we had been driven by a plague of sand flies in the camp) we stepped at once into a chapter of the Arabian Nights' entertainments. It is true, there were electric lights, and there was a trolley car crawling around the

car to come around the next day,

benefited by compressed air. Engineers declare that consumptives employed in caissons used in tunnel construction are benefited remarkably by the compressed air. Eminent physicians are testing the truth of the assertion.

Benefited by Compressed Air.

More Than These Needed. Peace, tranquillity and content are poor attributes with which to fight the battles of life.—Sunday Magazine.