

# 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.

**A**s 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 unwillingly 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 unreasoned 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 been 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 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 palmed 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 hearing 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 venieman, 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.



cent, and this I will declare to the end."

"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 Pindexter, 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 health. 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 Grower from the chair announced that Judge Sturges had a story for the next meeting. (Copyright, 1909, by W. G. Chapman.)

## DIME IN PLACE OF DONKEY.

Uncle's Gift a Disappointment, but Small Niece and Nephew Still Have Hopes.

To be sure he was mamma's brother, but he had awful table manners, the children decided. He came from Wyoming, where he had land and cattle and horses and sheep, and maybe donkeys, too, and should have known better, but he ate with his knife, and when he ate you could hear him clear out on the street.

When he laughed the little gim-cracks on the mantel would jump and jiggle, and altogether he seemed to pretty near fill the house, for it was not a large one.

"I guess he must have 'most a thousand dollars," said the little boy. His sister was scornful.

"Thousand dollars" she said, with the confidence of one studying arithmetic. "W'y he's got HUNDREDS!"

"Well," said the little boy, "he's been here a week now and I haven't seen no donkey, yet. Why don't he give us one if he's so rich?"

"I don't know," said the little girl. "He knows how bad we want one, too, because I told him."

These things being communicated to mamma, she was indignant.

"I am ashamed of you both," she said. "Aren't you glad uncle Will's with us?" The children nodded solemnly.

"Course we are," said the little boy. "Only we'd be gladder if he'd brought us a donkey."

At last came the time for uncle Will's departure. As he departed he left in each moist little palm a silver dime.

"Well," said the little boy, "he's gone, and I'm glad. How many dimes does it take to buy a donkey?"

"I'll tell you," said the little girl with inspiration. "Way out where he lives donkey cost a dime apiece, so he thinks he's given us each a donkey."

"Maybe that's it," said the little boy with hope. "Sis, next time mamma writes him, we'll send our dimes to him and ask him to buy donkeys with 'em."

## The Trouble with the Horse.

An old horseman in northern Missouri, who is noted for the meaning he can put into a few words has added a new anecdote to the popular stories at the stock yards, says the Kansas City Star. He was called by a neighbor one day recently to see what was the matter with an ailing horse. This neighbor owns first class stock, but keeps his barn in the worst possible condition. The horses are carried as rarely as the barns are cleaned. He does little more for his animals than to feed them and give them water.

When the old stockman came back from his visit to the neighbor's stables an acquaintance met him.

"What was the matter with the bay?" the man asked.

The old horseman stared solemnly, then shook his head.

"Nothin'," he answered. "He's just discouraged."

## LUCK.



"Why, Sam! Did you sell your vote?"

"No, ma'am; but I done found a dollar once where a brilliant candertate lost it."

## Height of Fame.

Senators, assemblymen, state officials and even governors are not looked upon with so much awe in Albany as in other places. They're used to them there. Senator Wagner of New York was waiting for a shave the other day in the Ten Eyck barber shop. Presently Lieut. Gov. White got out of a chair and Senator Wagner took his place.

"Do you know who that man is you just shaved?" asked the senator of the barber.

"Never saw him before."

"Why, that's the lieutenant governor of the state."

"Huh, that's nothing. Battling Nelson once sat in this chair."—New York Herald.

## Homely Anecdote.

Gerald Coventry, the stage manager, narrates an amusing incident which occurred during a rehearsal of "The Pirates of Penzance" when he was bringing out the piece. At the point where Frederick, the hero, comes in and the girls sing:

Oh, is there not one maiden here Whose homely face and bad complexion Have caused all hope to disappear Of ever winning man's affection? a charwoman, who had been watching the rehearsal intently, broke out with the zudra comment:

"Begorra! and I think there's a lot of them!"—Tit-Bits.

## Typical Decoration.

"How appropriate for the Come-aps to have their ballroom decorated with growing vines."

"Appropriate in what way?"

"Because vines, you know, are climbers, too."

## Paul's Teachings to Thessalonians

Sunday School Lesson for August 8, 1909  
Specially Arranged for This Paper

LESSON SIX.—1 Thes. 5:12-24. Memory verses 16-18.

GOLDEN TEXT.—"See that none render evil for evil unto any man; but ever follow that which is good."—Thes. 5:15.

TIME.—This epistle was written probably in A. D. 51, or early in A. D. 52.

PLACE.—At Corinth during Paul's year and a half work in that city.

## Suggestion and Practical Thought.

Paul's Letter of Consolation and Wise Advice.—1. Characteristics of the First Epistle to the Thessalonians. Note the facts in "The Lesson in Its Setting." Review the circumstances of the Thessalonian church, as given in Acts 17. See lesson 3 of this quarter. Three missionaries had come there from Philippi, two of them torn and bruised by a terrible flagellation at Philippi, emerging from the lowest dungeon of a prison, their whole aspect bespeaking their poverty, their sufferings, their earthly insignificance. These poor persecuted wanderers supported themselves by weaving black goat's hair into tent cloth. Here they preached a few weeks, founded a church, and were driven away by persecution.

2. Paul longed to visit them again, and made three vain attempts to do so, from Berea, from Athens and from Corinth. He felt their need of training and of more knowledge of the truth, of comfort, and of guidance.

3. Timothy had just come back from Thessalonica, and had brought a report concerning the church, giving a favorable report in general. But two facts were made known by him. One was that they were suffering severe persecutions from both Jews and Gentiles; the other that they were discouraged and troubled by the death of some before the second coming of the Lord Jesus.

4. The epistle is very personal and retrospective, breathing a spirit of affection and of joy.

5. If it seems strange that such a letter could be written to a church founded by Paul less than a year before, implying the wonderful maturity of this infant church, when we compare it with the slow progress of modern missions, we must remember that the first church members were Jews and religious proselytes, long trained in the religion of the true God. Moreover, many of the Greeks were cultivated and thoughtful people, who through the Gospel had been enlightened by the Holy Spirit.

A Lesson in Morals for the Building Up of the Noblest Christian Life.—V. 23. First, the ideal and aim. The first sentences of the Lord's Prayer express the ideal of the whole prayer, and, therefore, of all prayer and all living. It is as necessary to have the right goal of life as for a sea captain to know the port for which he is sailing.

"And the very God of peace." Better as R. V., the God of peace himself, the God who brings peace—the peace with himself, through sins forgiven, and nature in harmony with his; peace in the soul, peace of conscience, the peace of trust in God our Father. "Sanctify you." Make you holy, pure, free from sin and imperfection, from every taint of evil. "Wholly." Unto completeness, to full perfection, in degree and in kind.

"Whole spirit and soul and body." Every part of your nature, the spirit that allies us to God, the highest moral nature. "And soul."

Second, on our way to this ideal we have first as a means, the right treatment of pastors and teachers (vs. 12, 13). "We beseech you." Because it is so important, and lies within your choice and power "To know them." To understand their feelings and motives and self denials, and their desire to help you, even when they "admonish you." They hate to do it, but if they love you they must do it at times.

"Esteem them very highly in love." The greatest force for building character is to love and esteem good people, such as are worthy to be pastors and teachers. And show your esteem and love in every possible way.

"Be at peace with yourselves." By being so earnest in seeking the object of Christian worship and teaching, that all differences between individuals are of little value compared with the great purpose that binds all in one.

We build character by service for others (v. 14). To this end Paul says, "We exhort." Encourage, summon, inspire by word and example.

"Warn them that are unruly." Like disorderly soldiers, breaking from their ranks. Such is the picture presented by the Greek word. Cause the unruly to see the evil and danger of their ways.

"Comfort the feeble-minded." Better as R. V., encourage the faint-hearted, the discouraged.

"Support the weak." Pay especial attention to them. That is what your strength is for.

While we are not to despise prophecies we should (v. 21) "prove all things." Apply the right test. Separate the wheat from tares. Distinguish between genuine and counterfeit coins of truth. Then "hold fast that which is good." This is especially useful in our day.

In a word (v. 22) "abstain from every form of evil." R. V., which is the true rendering of "abstain from all appearance of evil."

You can do this, because (v. 24) "faithful is he that calleth you to this life and this work. He will perform his promises."