

# "Unwritten Law"; Notable Instances of Its Application.

**Its Application Bore the Emperor of Austria, Who Took No Revenge for the Killing of His Son—Prince Baldwin of Belgium, Heir Apparent to the Throne, Violated Its Provisions, and His Slayer, an Indignant Husband, Was Never Troubled by the Authorities—It Has a Relation, Too, in European Countries to the Duel, to Cheating and to Suicide.**

**According to It the Co-respondent in a Divorce Case Is Expected to "Perjure Himself Like a Gentleman"—Unless Stanford White Was Actually Caught in the Act of Insulting Mrs. Harry Thaw, Her Husband Was Not Justified in Killing Him Under the "Unwritten Law."**

Of all the popular phrases of the English language there is none that is more misused and misunderstood than that of "unwritten law." And just at the present time it is on everybody's lips in connection with the trial for murder of Harry K. Thaw.

To judge from popular comment, one would imagine that its jurisdiction was restricted exclusively to one or at the most two particular classes of homicide. But it covers a far larger ground and affects almost every phase of our life.

Among the several stories current concerning the mysterious tragedy of Meyerling, which robbed the venerable emperor of Austria of his only son, the most generally accepted version is that he was slain by the uncle of Baroness Marie Vetsera or else that he was subjected by them to such bodily injuries that he blew his brains out, the men having learned of the prince's intention to cut off from the girl, in compliance with his pledge to his parents, instead of marrying her after securing a divorce from Crown Princess Stephanie.

## Prince Baldwin Paid Penalty.

In Brussels, in the Avenue Louise, foreign visitors are still shown a deserted house, where Prince Baldwin of Belgium, favorite nephew of King Leopold, and heir apparent to the throne, was killed by an indignant husband of princely but not royal rank. In this instance, however, the tragedy was followed by a separation of the noble couple involved. Baldwin of Belgium, in spite of his popularity,

man and race horse owner, in the apartments of Mrs. Deacon on that memorable night in the hotel at Nice, and shot him as he endeavored to conceal himself behind a sofa, he acted strictly in accordance with the demands of unwritten law, and it may safely be assumed that if he had been a Frenchman instead of a foreigner, and an American at that, he would never have been sentenced to even the brief term of imprisonment to which he was condemned.

## Unwritten Law and the Duell.

Duelling is even more strictly forbidden by law in England than on the continent. But if a member of the English diplomatic service, or an officer of the English army or navy, receives while abroad a challenge to fight, or is made the subject of an indignity calling for redress to fight, he is forced to resign not only his commission but also the membership of his clubs. Not even all the immense social influence of colonel the Hon. Frederick Wellesley, brother of the late Earl Cowley, and now husband of the widowed Duchess of Wellington, was able to save him from a fate such as this while acting as charge d'affaires of Great Britain at Vienna some 12 or 15 years ago. Col. Wellesley, who was also A. D. C. to Queen Victoria, became involved in the Austrian capital in a quarrel about a woman with an Austrian nobleman, Count K., who resented to such an extent his behavior, as well as his remarks, that he struck him with his glove across the face and challenged him to fight. Wellesley refused, however, to accept the challenge on the ground that by so doing he would render himself liable to dismissal from the army, owing to the fact that the English articles of war prescribe the penalty of being cashiered for every officer involved in a duel either as a principal or as a second.

## Called to Task by His General.

Wellesley was at once relieved of his office of charge d'affaires at the suggestion of the Viennese court, which did not relish the idea of being compelled to accord diplomatic honors to a man who had thus shown the white feather, and shortly after his return to London one of his fellow-officers of the Guards, Capt. John Delacour, who had witnessed the affair at Vienna, brought the matter before the notice of the other members of the corps. In due course it reached the ears of the old duke of Cambridge, cousin of Queen Victoria and generalissimo of the British army. He sent for Col. Wellesley and asked him if it were true that he had taken shelter behind the army regulations to avoid

damned to you!" replied the burly old royal prince, swinging on his heel and ordering his aide-de-camp in waiting to show the colonel to the door. A few days later it was announced that Col. Wellesley, who in his boyhood had been a page of honor of Queen Victoria, had been "graciously permitted" to resign his commission in the army.

## How an Emperor Avenged a Blow.

In the same way that European officers are debarred from fighting duels with people of the working classes, so are they precluded from meeting royal personages and crowned heads on the field of honor. If a young officer during a heated argument with some comrade of royal or imperial rank receives a blow, he has no alternative but to blow his own brains out.

On one memorable occasion Emperor Francis Joseph intervened in person to prevent an act of self-destruction of this kind. The late Archduke Otto, his nephew, while endeavoring in a drunken freak to con-

son, extorted from him in a moment of exasperation and when smarting under a sense of injustice, resulted in the ruin of his political career and in his being blacklisted by English society.

Perhaps the most mortal of all sins in the eyes of unwritten law is unfair play at cards, and there are few families of birth and breeding on either side of the Atlantic who would not infinitely prefer to have a murderer among their relatives than a man who has been caught cheating at the card table. For it inflicts a stain upon the family escutcheon which can never be effaced, and which is remembered against the house concerned from generation to generation. A man caught in the act of unfair play is exempt from punishment by the tribunals of the land. But the penalty imposed upon him by unwritten law is immeasurably more severe than anything that statute could devise. For instead of being restricted to himself, it extends to those who are nearest and dearest to him, and he



MRS. E. P. DEACON.



A JAPANESE OF RANK COMMITTING HARI-KIRI.



TURN DANCING MASTER AND BE DAMNED TO YOU!



EDWARD PARKER DEACON.

duct a bacchanalian party of men and women into the apartments of his wife, the Archduchess Marie Josepha—in order, as he explained, that they might see what an archduchess looked like in bed—was stopped in the corridor leading to her apartments by his aide-de-camp, who drawing his sabre, threatened to run through the body anyone excepting the archduke who endeavored to pass him.

The crowd, sobered by the seriousness of the situation, hesitated and then withdrew. But the archduke was so beside himself with rage at being balked in his project that he struck the young officer a blow in the face. The matter was brought to the immediate notice of the commander of the garrison, who communicated by telegraph with the emperor. Francis Joseph ordered that the young officer be prevented from doing himself any harm, at all costs, hastened to the scene from Vienna and, having assembled all the principal officers summoned both his nephew, Archduke Otto, and the young aide-de-camp to his presence.

Apostrophizing the latter in his kindest manner, he exclaimed: "I have to express my gratitude to you, sir, for having undertaken the defense of my dear niece at a moment when she was in urgent need of your protection. In so doing you received a blow for which you yourself cannot obtain satisfaction and which you could not return. But I can redress that indignity for you;" and with that he strode up to Archduke Otto, and before all present slapped his face, thereupon ordering him under arrest for a period of six months, and deprived him of his command. The young officer was promoted and decorated. But had it not been for the emperor's interference and for the manner in which he avenged the affront imposed upon the young A. D. C., the latter would have been compelled by unwritten law to have blown out his brains.

## Unwritten Law and Perjury.

Perjury is according to every criminal code of Europe a felony, yet the co-respondent in a divorce case, no matter how guilty, is compelled by the unwritten law to perjure himself in the witness box "like a gentleman," and failure to comply with this requirement entails an ostracism which by many is regarded as worse than death, as one of the most eminent of English statesmen found to his cost. In endeavoring to exculpate himself of the unfounded charge of having betrayed a young married woman whom he had known from childhood, he admitted under examination that he had been guilty of too great intimacy with her mother. This confes-

sion, extorted from him in a moment of exasperation and when smarting under a sense of injustice, resulted in the ruin of his political career and in his being blacklisted by English society.

There are all sorts of minor provisions of the unwritten law which it would take too much time and space to enumerate here, but among which may be mentioned the rule which construes it as an insult when a man in filling his neighbor's glass slants the bottle backward instead of forward. More than one sanguinary duel has been fought to the personal knowledge of the writer in Austria for a breach of etiquette of this kind. In the same way in the orient, if in showing the blade of a sword to an acquaintance one happens to turn the edge thereof toward him he will consider his honor impugned, and if by any chance he is a Japanese of rank he is capable of going off and committing suicide by ripping himself open, leaving a document stating that having been insulted honor demanded that he should commit hara-kiri, and calling upon his nearest relatives to avenge him.

## In Relation to the Thaw Case.

With regard to the application of the unwritten law to the case of Harry Thaw, there are several considerations to be noted in endeavoring to bring it to bear upon the tragedy of Madison Square roof garden. If young Mrs. Thaw had been without any stormy antecedents, and had been subjected by Stanford White to indignities and insulting proposals since her marriage, her husband would have been justified, according to the terms of the unwritten law, as understood abroad, in shooting him, though of course it would have been more chivalrous to have given him a chance of defending himself instead of taking him at a disadvantage and unarmed. But, unfortunately, young Mrs. Thaw is not without a past; that she was educated at the cost of White, and had known him first as a school girl, then as a model, and finally as a chorus girl, for several years prior to her marriage, cannot be denied. Her relations with White before becoming Mrs. Thaw, and also her career in New York and Paris prior to her marriage were of a nature to debar her husband from shooting White unless he had actually caught him in the very act of insulting her. That at least is the status of the Thaw-White drama from the point of view of unwritten law.—New York World.

# A BILLIARD BET

By HARRIS DEEMS

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Mr. James Hardon was a mild looking young man, with light sandy hair carefully parted down the center of his head. That he looked milder and younger than he really was, may or may not have been his fault—it certainly was not his misfortune.

He had arrived two days previously at the little town of Coleman, to recuperate after a fatiguing winter season.

Quite what his occupation was very few people knew. He occasionally backed horses—to lose; knew a few card tricks with which he amused strangers; and a good many more which he neither showed to them nor amused them with. He was a fairly good pigeon shot; and an exceptionally clever billiard player.

Coleman had been recommended to him by his bosom friend, Samuel Dugger, who was a native of the place. On this particular afternoon he was gazing mildly at the "Freemason's Hotel" debating whether he should enter or not. After a few minutes cogitation he sauntered in, and made for the billiard room.

Calling for a scotch and soda, he lit a cigarette, and stood watching a pale faced, lanky individual awkwardly knocking the balls over the table.

"Do you play?" queried that gentleman, catching Mr. Hardon's interested look.

"You can hardly call it playing," he replied, hesitatingly. Seeing he made a fairly comfortable living with his billiards, this was perhaps a fact. "Besides, I'm awfully out of practice."

"So'm I," confessed the young man; "I was just knocking the balls about to see if I remembered the game."

"Well, I don't mind trying my hand," murmured Mr. Hardon.

"Right!" cried the young man, briskly. "What shall it be? Fifty up?"

"Fifty up? Oh, that means we've got to make 50 points doesn't it?"

"Yes," said the young man, chalking the tip of his cue industriously; "the man who makes 50 first wins."

"I see! Which ball do I have? I've almost forgotten."

About 20 minutes play, when the game stood 10 to 12, the young man carelessly suggested having a little something up on it.

"Well, I'm not a gambler," stated Mr. Hardon, "but I don't mind half a dollar."

"Go ahead, then, it's your play."

"Playing ping-pong?" inquired a gentleman who had entered whilst the game was in progress, after the two innocents had sent their balls on the floor half a dozen times.

At the end of an hour's play Mr. Hardon raced out a winner by 50 to 46; and it is doubtful if he would have won then had not the pale-faced young man sent his last two balls on the ground.

"Let's have another game," suggested the loser, paying over his 50 cents.

"Don't forget they close at 12," offensively remarked the gentleman who had been watching the game.

"I don't mind," answered Mr. Hardon, ignoring this individual. "Same stakes?"

"Let's have a decent bit up on it this time, seeing we're about level. What do you say to ten dollars?"

"Go ahead, then," said Mr. Hardon.

"See here," exclaimed the spectator who by his greasy appearance seemed to be a butcher, addressing Mr. Hardon; "you're both pretty bad players, but I rather fancy the other chap is a bit better than you."

"You do, do you?" answered Mr. Hardon, blandly.

"Yes! And in spite of your winning the last game I'm ready to back him."

"Let me see," reflected Mr. Hardon. "I won the game on a strange table."

"Then what'll you back him for?" he asked, suddenly.

"Same as the stakes. Ten."

"Done with you," said Mr. Hardon, picking up his cue.

The pale young man and his backer exchanged knowing glances.

"Go it," cried the former as his opponent bent over the table.

And Mr. Hardon did "go it" to the extent of making a beautiful little break of 22.

"Here, what do you call this?" blustered the greasy gentleman.

"Billiards," said Mr. Hardon, mildly. "What did you think it was? Ping-pong?"

"Shut up, Barker," said the young man, irritably, "you put me out."

Gritting his teeth he surveyed the table darkly. The balls were too badly placed for him to make more than ten.

Muttering viciously, he gave place to Mr. Hardon and watched that gentleman while he handed the balls as if they were alive.

Playing with rare skill, he put together an admirable 18.

The landlord entered the room at this moment and stood watching the game.

"Knows how to play," he observed to the butcher as Mr. Hardon made the winning stroke.

"Knows a little too much for his health," was the irritable reply.

"Knows a little too much for Tom,

at any rate," said the landlord, glancing at the scoring board.

Mr. Barker made no reply; he was thinking deeply. In fact so deeply that it required several nudges from Mr. Hardon to bring to his mind the fact that he owed him ten dollars.

For awhile he stood talking billiards with the landlord, whilst Mr. Barker and the lanky young man discussed affairs in a savage undertone.

"Say," said the lanky youth, suddenly addressing Mr. Hardon, "because you whacked me, don't think you can play, you know."

"Great Scott, no!" replied Mr. Hardon, scornfully.

"Because," continued the young man, controlling himself with an effort, "we've got much better players here."

"I don't doubt it," said Mr. Hardon, cordially.

Pushing his agitated companion into a chair, Mr. Barker came forward.

"What'd you say to backing yourself for \$500 with one of our own local men?" he inquired.

"Delighted," was the reply.

"Well, then, I'll bet you an even five hundred that we produce a local man the day after to-morrow to smash you."

"Done! He must be a bonafide yokel—I beg pardon, I mean local—however."

Being reassured on this point, Mr. Hardon left the room with the firm conviction that, as a holiday resort, Coleman wanted some beating.

At the appointed hour Mr. Hardon



"Now Suppose You Give Me One Made by the U. S. A."

entered the crowded billiard room of the "Freemason's Hotel." There was silence as he walked over to the corner where his friend, the butcher and the lanky young man, were. "Two to one on the city cuss," cried a voice.

"This is your man," said the butcher, waving his hand towards a gentleman sitting near.

Though in his opponent Mr. Hardon saw his bosom friend Mr. Samuel Dugger, he made no sign of recognition.

"Is this gentleman a native of the place?" he inquired.

A chorus of triumphant voices quickly vouched for this.

As soon as it was seen that Mr. Hardon was resolved to play the match out, a tired-looking stranger announced it as his conviction that he would win. Immediately he was surrounded by a throng of excited betting men, who expressed their disbelief in this statement at five to four against.

While the tired looking stranger—waking up slightly—was busy making entries in his notebook, Mr. Hardon, standing by his opponent's side, was seized with the spirit of prophecy.

"I win!" he muttered, apparently to himself.

"Halves," sighed Mr. Dugger into his half empty glass.

The ensuing game is remembered by the sporting inhabitants of Coleman to this day.

From the first stroke it was a neck and neck race; and when the score standing at 96 all, Mr. Dugger in a moment of great excitement missed his stroke, even his backers murmured nothing but words of sympathy.

Mr. Hardon, with a white face, chalked his cue carefully, as, however, with a tricky ball he cannoned and went off the white, a muffled groan went round the room.

"My game, I think," he said, with a smile.

On leaving the hotel he met Mr. Dugger outside.

"Hello," was that gentleman's greeting, "thought it was you when they wired me."

"What did they offer you?"

"A hundred for a win, twenty for a lose. I brought Johnnie down to make a book in case it was you."

"Three hundred and twenty-four," said Johnnie, coming up at that moment.

"Add on your five hundred—" calculated Mr. Dugger.

"And the twenty," put in Mr. Hardon. "Not bad, eh?"



PRINCE BALDWIN



THE KILLING OF A BELLE BY EDWARD DEACON PARKER



ARCHDUKE OTTO

was universally regarded as having received his deserts, and his assailant looked upon as having complied with the requirements of the code of social ethics. Nor was he ever troubled by the authorities in connection therewith, and remained a respected member of his class, and of the community in general, and of society, both at home and abroad.

When the late Edward Parker Deacon found A. Abelle, the French club

the consequence of a quarrel at Vienna, thereby bringing discredit to the corps of officers of the famous regiment to which he belonged. Wellesley, of course, was obliged to admit that he had been guilty of the charge. "Then," said the duke, "you had better leave the army."

"Leave the army, sir?" exclaimed the colonel. "But what am I to do if I leave the army?"

"Turn dancing master and be