

A STORY OF THE LAW.

Philadelphia Times. I never would convict a man on circumstantial evidence if I were a juror—never!

The speaker was a distinguished criminal lawyer of nearly forty years' active practice, and whose fame extended far beyond the limits of his own state.

We had been discussing a recent case celebre in which, upon purely circumstantial evidence, a man had been convicted of an atrocious murder, although many of those most familiar with the circumstances of the case entertained the gravest doubts about the justice of his conviction.

"The first case I ever tried," said one of them, "was stranger than fiction, as you will admit, and is quite remarkable as any of the cases you have referred to where innocent men have been wrongfully convicted upon circumstantial evidence."

He then related the main points of what was certainly a most remarkable and dramatic trial, and which constitutes a fair offset to some of the memorable cases to be found in every work on circumstantial evidence.

One winter evening about 8 o'clock, in the early days of the war, in the quiet little town of —, while patrolling the streets to pick up stragglers from the camp on the outskirts of the town, Corporal Julius Fry was shot and killed by one of three men of bad character, who were in company and upon terms of open enmity with the soldiers.

Short was a small man of not more than five feet six inches in height, slender, weighing scarcely 130 pounds, with bright, fiery red hair and side-whiskers, and at the time of the murder wore a white felt hat and an old light-blue army overcoat.

Ryan was fully six feet in height, of robust frame, with black hair and mustache, dressed in dark clothes, and wore a black derby hat.

Gray was a heavy, broad-shouldered man of medium height, weighing fully 200 pounds, with a full black beard, reaching nearly to his waist. But as evidence subsequently showed that he had not fired the shot, it is unnecessary to describe his appearance more minutely.

Certainly it is difficult to imagine two men more unlike than Short and Ryan, or less liable to be mistaken for each other, even by strangers, much less by their acquaintances.

Short and Ryan were tried together with their consent—Gray being asked for and obtained a separate trial—and each was defended by separate counsel.

After the preliminary proof relating to the post-mortem examination, the cause of death and the identification of the body of the deceased as the person named in the indictment, the common-law called as its first witness a woman, Mary Bowen. She bore a bad reputation for chastity, but no body questioned her integrity of her purpose to tell, reluctantly, it is true, the whole truth.

From her testimony it appeared that a colored woman with whom she had some dispute had hit her on the head with a stone and ran, and the three prisoners, coming up at the moment, started with her up the street in pursuit of the fugitive.

the ground, and a gas lamp near by gave sufficient light to enable me to recognize a person with ease some feet away. After running about one hundred yards the pursuers came to the corner of an alley and stopped under the gas lamp, being challenged by the deceased, who was in uniform, in company with one of his squad.

While the shots were being fired she swore that when the corporal called "halt," Short, whom she had known intimately for years, replied, "Go to—!" and while standing at her side, so that their elbows were touching, both being immediately under the gaslight, he pulled out a pistol, pointed it at the deceased, who was five or six feet from him, and fired and then ran down the alley, the deceased pursuing him.

The next witness was the soldier who stood close by the deceased when the first shot was fired, and who, not knowing either of the prisoners, described the person who had fired and ran down the alley as the man with red hair and side whiskers, dressed in a light-blue army overcoat and white soft hat, and upon being directed to look at the three prisoners, immediately identified Short as the man whom he had seen do the shooting.

Then the sworn ante-mortem statement of the deceased, taken by a magistrate, was read to the jury. He said that he had known Short personally some time, but had never had any difficulty with him.

These were all the witnesses to the occurrence, except the prisoners themselves, and, of course, they could not be heard. The case against Short seemed to be as conclusively made out as though a score of witnesses had sworn that they had seen him do the shooting.

Ryan heaved a sigh of relief which was audible throughout the whole court room, for he was safe; there was not one word of testimony against him, or any circumstance tending to show any previous arrangement or concert of action between him and Short.

After a whispered consultation between the counsel for the defence, one of them rose and moved the court to direct the jury to forthwith return a verdict of "not guilty" as to Ryan, in order that he might be called as a witness for the other prisoner.

Then came a scene as dramatic to those present as anything ever witnessed on the stage. Without any opening speech by Short's counsel, Ryan, in obedience to a nod from his attorney, stepped out of the prisoners' dock and into the witness-box, looked around the court-room, took up the Bible and was sworn to tell "the truth, the whole truth and nothing but the truth."

Ryan stood for a moment looking down, and then slowly lifting his eyes to the bench, in a silence in which the falling of a feather might have been heard, he said:

"May I ask the court a question?" The venerable judge, evidently surprised at being interrogated, looked at him and said: "Certainly, sir."

"I understand that I am acquitted," said Ryan, pausing for a moment, and then continuing: "I want to know from the court whether anything I may say now can ever be used against me in any way?"

What did he mean? What need for that question? Every one looked at his neighbor inquiringly.

The flushed face of the judge showed that he, at least, understood what it meant—an attempt to swear his guilty companion out of the hangman's grasp. Then, in a tone of unmistakable indignation, came the answer: "I am sorry to say, sir, that nothing you may say now can be used against you; that is, on a trial for murder. You have been acquitted."

Ryan's face grew pale and then red, and he said, slowly and distinctly: "It was I who fired all the shots—not Short."

danger as would have led any jury to acquit him. He detailed how he had fired the first shot from a small, single-barrelled pistol in the air without any purpose except to give his challenger a scare, and then ran down the alley, and upon being closely pursued by the deceased with sabre drawn and ready to strike, he was compelled to pull out a revolver and fire several shots toward his pursuer, who was rapidly gaining on him, to keep him back; and that when he had but one shot left he stumbled over a large stone and fell on his knees, and at this moment the deceased struck at him with the sabre, cutting him slightly in the cheek, and, being thus pressed, he aimed and fired the last shot, which subsequently proved fatal. He further told how, on recovering his feet, he ran, waded through the stream, and, finding that he had lost his hat when he fell, retraced his steps across the stream, and found the hat and then went to a hotel where he was seen by several witnesses to dry his wet clothing. His manner, his bearing and his story convinced his hearers that he was telling the truth.

But, so that nothing might be wanting if any doubt remained in the minds of the judge or jury, witnesses of undoubted veracity were called who corroborated him as to the condition of his clothing and the cut on his cheek within fifteen minutes after the occurrence. Besides, it was shown that, although the man who had fired had waded through the stream, Short's clothing was perfectly dry.

It is unnecessary to say that Short was promptly acquitted and warmly congratulated on one of the narrowest escapes ever made by any man in a court-room. Nothing could have saved him had the court refused to direct the acquittal of Ryan and allow him to testify.

The deceased corporal, the soldier and Mary Bowen were—mistaken. That was all there was about it. No such fact as the occasional unreliability of the direct testimony of honest eye-witnesses.

And so much, also, for giving the accused an opportunity to be heard on the witness stand, the denial of which by the law is one of the relics of barbarism which still disgraces its administration in some states at this late day.

IMPLETIES.

The title of Hell's Half Acre mansion at Kansas City is taken from the wicked neighborhood in which it is situated.

A Buffalo Sunday school teacher is in trouble because she gave her pupils circus tickets instead of the ordinary merit cards.

The following bit of Paris gossip was in a letter from young American to his father: "All the theatres and many of the churches are now open every Sunday in this city."

Now with the revised New Testament we have two Lord's prayers to support it will be harder than ever for people to say them.

"Boss," said a New York street-vender of the revised New Testament to a reporter, "the biggest thing on the street, and all the fellows has let up on suspenders and collar-buttons."

Old Commodore Vanderbilt once bit a piece out of a new testament—still preserved in a New York court, which had been handed to him to kiss in a case when he was in a towering passion at having been summoned as a witness.

An exchange tells of a very pious deacon in a church who informed his minister that he must become his implacable enemy, because, said he, "Your son did not dance with my daughter, the other night at the party."

Try the boasts of a citizen who had his hair cut, his photograph taken, was measured for a suit of clothes, and had a tooth extracted all in one day without saying a word.

A citizen of Avon, Ill., makes it his business to enter complaints against the use of profane language, and about 300 of his fellow-townsmen have had their eyes and had \$3 apiece for the privilege.

Inquiring Elder—"There are undoubtedly more Sundays in any year than in any other year. It is difficult to say whether you would be justified in postponing a picnic which conflicted with a trotting meeting. Write to Robert Bonington."

Colonel Ingersoll has made \$6,000 during the past three months, lecturing against the Bible. Hundreds of clergymen have not made \$200 during the same period, preaching in favor of the Bible. But the wicked shall not prosper, all the same.—Norrivtown Herald.

During the conference at —, the following dialogue was overheard between two newsgoyes: "I say, Jim, what's the meaning of so many ministers being here together?" "Why," answered Jim, scornfully, "they always meet once a year to exchange sermons with each other."

Bob Hart, ex-negro minister, now a New York preacher, says about the hardest task in his new vocation is to suppress, while in the pulpit, the old habit of asking his congregation one of those gaudy, heated, commensurate questions, such as: "What is the difference between the Prince of Wales, a bald-headed man, an orphan and a monkey's mother?"

Twenty-five just were broken. One had nothing in it, another nine cents, and the others various sums up to \$22.35. One was concealed. It belonged to the absent secretary of the society. It was believed to contain fabulous sums, some, putting it as high as \$100. The curiosity of the crowd was too great to resist. The judge, seated, a fifty-four cents rolled out. It was nearly 11 o'clock when the secretary came rushing in with the "five bird pie." He said the person who was going to bake the pie had disappointed him, and he had to go to work and bake the pie himself.

It was at a Sunday school picnic in a beautiful grove by the winding river. All went merrily until one of the deacons, an old gentleman, raised his young and handsome wife. While the fires of suspicion and the jealousy were consuming him, his little boy came running up to him and, with a sad, pouting face, said: "What makes you think so?" "Because he's gone off walking all alone with mamma."

PEPPERMINT DROPS.

"I'm mashed on you," remarked the mosquito to the young lady, as she slapped it.

The best thing for a ball, about these days, is a nice bunch of asparagus.—[New Haven Register.]

Deluding (this) are anxiously worrying themselves over the problem, which has the most lonesome, a \$2 corset or a 50c shawl?

You won't find a Canadian feeding around with paste or muscilage to make a postage stamp stick. He sits down and sews the blank thing on.

The footpath out in a sailboat when he doesn't keep a boom from a breaker, but the wise man picks up pebbles on the shore, and flirts with the girl in a pink dress.

Nitro-glycerine becomes a useless luxury when the oilman steamboiler of a farmer will blow a man seven hundred feet. An untamed Keely motor could hardly beat that.

Some of the mail route jobbers are billed to play Star engagements where the audience, selected from the worst elements of society, is accommodated with private boxes. No checks.

"She was a daisy," but she put her little french beehive shoe on a banana peel, and in a flash was transformed into a lady slipper, and then arose blushing like a peony.—[Newark Sunday Call.]

"When I was a young man," says Billings, "I was always in a hurry to hold the big end of the log and do all the lifting; but now I'm an old man, I've got the small end and do all the grunting."

It is not safe to argue that a rival of business is at hand just because your wife has succeeded in disposing of your second-best suit of clothes in exchange for a great plaster of paris parrot with a tomato-colored beak.

There is a disappointed man at Clarion, Iowa, the other night. A ball was given by the young people of the town, and he wasn't invited. But he had his fun. He got into the ball-room before the guests began to assemble and sprinkled cayenne pepper on the floor.

The New York Express has discovered the meanest book agent. He is a Philadelphia and lives in a twenty-pound chunk of iron in his trousers, and when the indignant citizen kicks at him, he hits his foot against that solid iron, and the way it wakes up his corset makes him misapply scripture to a caution.

When a telegram comes from the far west and states that a fire "destroyed every business house save one in the town," we feel sorry for the town. But when, next day, we hear that the business saved was the town, consisted of a beer saloon and grocery, and the latter was saved, our sorrow is mitigated upward of considerable.

"Your first wife was a woman of considerable force of character?" "Yes, she had force," he said, scouring a grease spot on his waistcoat with his thumb. "P'werful mental faculties, I don't recall. I don't recall much of her, but she had force. I never liked to oppose her in anything if there was a skilful of wood handy."—[New Haven Register.]

At the dance, the other evening, he was included in a becoming misadventure, of course, was doing his best to merit his good luck. Feeling a sudden indisposition, he excused himself for a minute, and on returning was in the act of removing a few kernels of coffee from his vest pocket, when the damsel astonished him by saying: "Don't chew that, I had rather smell the new rum." He didn't apologize.

The complaint that a man who has been president of the United States cannot find any proper employment afterward, is rather disgusting. "An ex-president," says the Cincinnati Enquirer, "cannot turn his hand to anything. He is surrounded by an atmosphere of dignity. Who would want to see an ex-president driving a milk wagon?" A great many people in Chicago would like to see an ex-president driving a milk-wagon in case he could get around on time and not water the milk. The people of this city are rich, but they are not proud.

When we stop to give upon the trees, cabbage plants and everything else which is green in a prospect, something calls to memory the little trip we took some years ago, when we thought we were "some pumpkins." We walked fifteen and one-eighth miles into the country to see a girl, and after arriving at the home, the girl's mother gave us a piece of cheese and a cracker and said, "Now, run home sony, like a good boy." Fact is stranger than fiction.—[Derrick.]

The meanest thing was done at Keokuk, Ia., the other day, by the heirs of the Magdon estate, who got together and settled their differences. The estate is worth only \$75,000, and the lawyers had only got \$14,500 of it. It is believed there has been trickery.—[Milwaukee Sun.]

The Buffalo Commercial Advertiser gives us the song of the youthful apple-peddler at the country railway stations in Pennsylvania: "Apple! Sapples! Sapples! Sapples! Two for five. Napples, mister? Sapples, mister? Two for five. Napples, mister? Six for five cents! Fre shent napples; Ni senter napples seven for napples! Napples, mister! Mister, wantnapples! Want napples, mister? Nine for napples! Here's your napples! Ten for napples!"

COOL MINNESOTA.

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Nebraska and "Cool Minnesota" are again neighbors, the Sioux City & Pacific and the Sioux City & St. Paul railroads being open from Omaha to Sioux City and St. Paul. Minnesota enters upon the summer of 1881 with unusual advantages to tourists, who are in search of cool weather, for in addition to her usually delightful climate nature has stored away during the past winter among her hills and around her lakes a quantity of snow and ice which will hardly disappear before the middle of July.

The fishing at Minneapolis and the other superb lakes is said to be better this year than ever and sportsmen are already whipping the clear waters for pickerel and bass.

Many Nebraska people have already declared their intention to spend the heated term in Minnesota, but there is no danger that the new and beautiful hotels springing up every year along the lakes will have more guests than they can accommodate.

Major O'Bryan, the agent of the Sioux City lines, which takes passengers through from Omaha to St. Paul in a few hours, can be addressed at Council Bluffs for information regarding Minnesota hotel accommodations, and railroad fare.

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