

# THE GRATITUDE OF MRS. HATCH

By G. B. DUNHAM

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**B**EN MORRISON, the big bluffer of the sheriff's office, with his understudy, the junior deputy, was sent out into the country, a matter of fifty miles or so, to make an arrest on an indictment for rustling cattle. He brought in his man alive, but unconscious, pretty well bruised, and with a dent in his occiput about the size and shape of the butt of the deputy's revolver.

Now, the sheriff's office had been down on its luck all summer, and it was of a piece with the rest that the grand jury, just then in annual session, instead of commending the success of Morrison, should listen instead to the prosecuting attorney and to a witness whom he hurried in from the back country, and find a true bill against Benjamin Morrison and William Judd, "uffat they did, upon the said 25th day of August, assault with intent to kill one Job Hatch, contrary to the law in such cases made and provided, and against the peace and dignity of the Commonwealth aforesaid."

The incarcerated deputies were indignant, but not alarmed. They had on their return, given a straightforward account of the circumstances attending the injury to Hatch, which statement they repeated without deviation at the trial. The sheriff said the thing was a dirty political trick of the county attorney. The attorney said he was sure of securing a conviction, and the prosecuting witness, pending the trial, said nothing. There were no dilatory motions from either side—in fact both urged a speedy trial—and the case came up within ten days after the indictment. During this interval the condition of the unfortunate man at the hospital was unchanged. He lay unconscious and without speech. His wife never left him but when she went before the jury, and her name appeared upon the indictment as prosecuting witness.

Morrison and Judd scarcely recognized the gravity of their situation until they were brought into court upon the day of trial. That it was to be no perfunctory prosecution was evidenced by the attendance of an eminent attorney, "imported," as the defense phrased it, "to hamstring the jury."

The jury being finally secured by the usual practice of carefully excluding everybody who knew anything about the case, I found myself one of the twelve men duly sworn to hear the prisoners at the bar. Then the visiting lawyer with the keen eye and the soft voice, whose habit it was to work jurors as the potter works his clay, gave us his opening statement.

"Gentlemen," he said, "I should not be in this case at all but for a woman's tears. A great wrong has been done. You cannot right it—no one can. What you can do, and what we expect you to do, is to punish the wrong-doers. We shall prove to you that the officers went to the house of this poor man, sought a quarrel with him, beat him unmercifully and brought him down here to die. We shall prove this by his wife, who saw it, whose presence did not deter these ruffians, whose tears at length prevailed on me to prosecute this suit."

Replying to this opening, the defense said to the jury "In a neighboring city a big block, some twelve stories high, bears the name of the opposing counsel. It was not built with woman's tears. The twenty farms he owns were never bought with tears. He works for cash only, and in advance, and in this instance the cash comes from the coffers of a political committee. We shall show that the unfortunate man was hurt by an accident resulting from his own bad temper, and to which the defendants were not in any manner contributory."

After the evidence of the attending surgeon, who declined to swear that the blow was or was not struck with a revolver, Mrs. Hatch was put on the stand. Her story was this: Only one man came to her house—Morrison. He found Hatch at home, and, without showing his papers or stating his business, interfered with the ranchman's treatment of a vicious cow. Hatch was unarmed and no physical match for Morrison. After some altercation he ran toward the house; Morrison overtook him and felled him with a blow on the back of the head.

Upon cross-examination Mrs. Hatch contradicted herself in some minor matters and broke down. But she was solid as a rock on the main fact—that her husband was struck down by the officer. Throughout her testimony Morrison gave the closest attention, and, if I could read the expression on his face, it was one of doubt and surprise. He looked not like a man hearing the faithful account of his own misdeed, but as if he were hearing a shocking story for the first time. I made a mental note in Morrison's favor, but later, when he himself testified, I rubbed it out and went over to the woman's side.

The court will always caution jurors against coming to a conclusion before the evidence is in. But in this case

I came to several, all of them erroneous, in the course of the trial. The testimony of Morrison and Judd was as different as possible from that of Mrs. Hatch. According to their statement, which the ingenuity of opposing counsel tried in vain to break or shake, they had not reached Hatch's house when they met him in the road. In a country where every man knows and values a good horse they had at once noticed the fine mount of Hatch, and had engaged him in a conversation which culminated in a horse race, with twenty dollars up, between Hatch and Judd.

"I'll give you a good beating," shouted Hatch, as Morrison started them down a strip of level highway. But his fine-looking horse was just a bit too fat to go up against Judd's wily broncho, and he was beaten by a short length. Seeing which, Hatch hit his horse upon the head with the quirt, causing him to rear and fall upon his rider.

That was the whole story the men had to tell—succinct, complete, but not convincing. Over and over, on cross-examination it was repeated by both men like a well learned lesson. Looking and listening, I make up my mind that this evidence was false; ergo, the woman's was true.

After the arguments of counsel and the verbal fireworks of the imported lawyer, who never made arguments, but always and everywhere stump speeches, the learned judge charged us at great length to find the defendants guilty if they were guilty, and not guilty if they were innocent, and we were locked up.

In the jury room Judd, of course, was acquitted on the first ballot. The feeling was strong, but not unanimous, against Morrison. He had a friend or two who were stout in his defense. They urged that Morrison might kill a man on occasion—had done so perhaps—but never from behind.

There was much argument and no agreement until, late in the evening, contrary to every rule of law and in contempt of court, some new evidence was submitted to the jury. It came in the form of a note to me from my friend the doctor, shoved under the door of the jury room behind the bailiff's back. It read as follows:

George—At noon today Dr. Marston and myself operated on Job Hatch. It was only one chance in a hundred that the man would stand it, but as he could not possibly recover without it, we took that chance, and lost. He died within an hour. After trepanning he spoke a number of words indicating excitement. The only connected sentence was: "I'll give you a good beating." I thought you ought to know.

WILL

Those were exactly the words testified as used by Hatch at the alleged horse race, and the note, thrown into the scale of conflicting opinion in the jury, turned the balance in favor of Morrison, and he also was acquitted.

In another part of the West, years later, I made a long wagon journey with Morrison. I came to know his brave nature well, and proved his worth on many occasions. One night, under the summer stars, when the campfires burned low, I said to him without prelude:

"Ben, who killed Job Hatch?"  
After a silence, "His wife."

"Are you sure?"  
"I saw it. I went out there to arrest him and he was beating his wife. As I rode up she grabbed the gun from his holster and hit him. It was a chance blow, but the woman was frenzied and it felled him like an ox. He got about what he deserved and I told the woman that I'd see her through. Of course, any jury would have cleared her on the facts, but she had been a girl well connected and said she'd rather die than have her people know. So I did what I did."

"But," I cried, "what was the occasion for her bad faith? Why did she try to fasten the deed on you?"

After another pause and the lighting of another pipe Ben replied slowly: "I don't know. I have tried to follow a good many trails into a woman's mind, but they are always blind trails. They lead nowhere. My guess is that she tried to do me up because I went there to arrest her husband for a thief. No sooner was he gone than she began to idealize him, and she was as fierce against me in his defense as she had been against him in her own. That's my guess, but all I absolutely know is that she seemed very grateful to me for my promise to shield her. And two days after I got the worst jolt of my life when I was locked up to answer her charges."

"You must have known before the trial came on," said I, "what the woman meant to testify. Why not then have given the court the facts? Why did you stand by her in spite of herself?"

No answer.

"I wanted to get from him an avowal that he thought he had done a brave and generous thing."

"Supposing you had been convicted on her testimony?" I persisted.

But Morrison only said quietly, "Then you would be making this journey alone."

### Satan Leading On?

The Rev. Mr. Potter, after he had retired from the ministry, continued to attend the First Presbyterian church of Greenwood. He was a saintly man and one time he, with his large family entered the church, just as the congregation was singing "Hold the Fort."

It was at the verse which goes "See the mighty host advancing, Satan leading on" that the entire family, led by the father, came in and was seated. The situation was so novel that there were many smiles in the audience.—Indianapolis News.

# The Kitchen Cabinet

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If you want to be continuously happy, you must learn when to be deaf, when to be dumb and when to be blind.

### GOOD THINGS TO EAT

It takes thought and planning to have good food, something different occasionally and always nutritious and wholesome.

Often times a most tasty dish may be put together, quite by necessity, which we remember is

"the mother of invention."

When the watermelon has been served several times and its delight is somewhat dulled, try using the pretty pink fruit cut into straws, oblongs, cubes or into balls with a potato scoop; add diced pears and an equal bulk of finely cut tender celery. Mix with a good salad dressing, or marinate with a French dressing and when serving add the boiled or mayonnaise. Serve on lettuce. Tomatoes, pears and celery is another well-liked combination. If one is using yellow as the color note, the yellow tomatoes may be used. The small pear-shaped ones make attractive salad.

**Baked Ham.**—Have a three-inch center cut of well-cured ham. Parboil if too salty and stick a dozen cloves into the fat of the ham. Spread with peanut butter, add a bit of water and place in a slow oven for an hour. Remove from the oven, add brown sugar with a teaspoonful of mustard, and spread over the ham to the depth of an inch. Pour around it fresh sweet milk and put back to bake another hour or two in rather a slow oven. Four hours is not too little time if not baked in a hot oven. The long, slow cooking makes the ham tender.

**Summer squash,** dipped into batter and cooked as one does eggplant, makes a nice change from the usual way of serving it.

**Coffee Cake.**—Take a good cupful of well-risen bread batter, add one cupful of sugar, half-cupful of shortening, one beaten egg, and if no milk was used in the bread, half cupful of milk. Mix well with flour, knead, adding as little flour as possible. Cut down twice, then place in pan, cover with softened butter and sprinkle with cinnamon and brown sugar. Use raisins if liked, when kneading. Just before going into the oven, moisten the top with milk.

A roll which is quick to rise is the trefol or clover leaf rolls. Make them no longer than a walnut and put three together in well-greased green pans. Being small, they rise quickly, and when baked, if allowed to rise until very light, they will be as light as feathers.

### Good Sandwich Fillings.

One can prepare strange combinations and make appetizing fillings for sandwiches out of small bits of almost any leftover. Peanut butter mixed with a little whipped cream is well liked by those who enjoy peanut butter.

**Sweet Sandwiches.**—Chop a half cupful of raisins, one cupful of walnuts, a fourth of a cupful of grated coconut, a tablespoonful of grated chocolate; mix with thick sweet cream. Green olives chopped fine and mixed with mayonnaise. Figs and nuts or dates finely chopped and mixed. Nuts and raisins, chopped fine.

**Orange marmalade,** jelly, grated maple sugar, with browned almonds, finely chopped. Equal parts of grated Swiss cheese and nuts, chopped. Dutch cheese mixed with chopped olives or with preserved currants.

**Finely chopped celery** with mayonnaise.

**Ham mixed with chopped pickles** and celery. Equal parts of ham, celery and mayonnaise. Cold roast chicken, roast beef, or cooked oysters, chopped fine and well seasoned with soiled dressing.

**Cream cheese and bar-le-duc,** adding a bit of cream to the cheese to soften it.

**Quince jelly, chopped walnut meats** lettuce leaves and mayonnaise. Cream cheese, French dressing and lettuce.

A thin slice of tomato, covered with chopped onion and a very thin slice of cucumber, all moistened with well seasoned mayonnaise.

One cupful of cold roast chicken, three olives, one pickle, a tablespoonful of capers, all minced fine and mixed with mayonnaise.

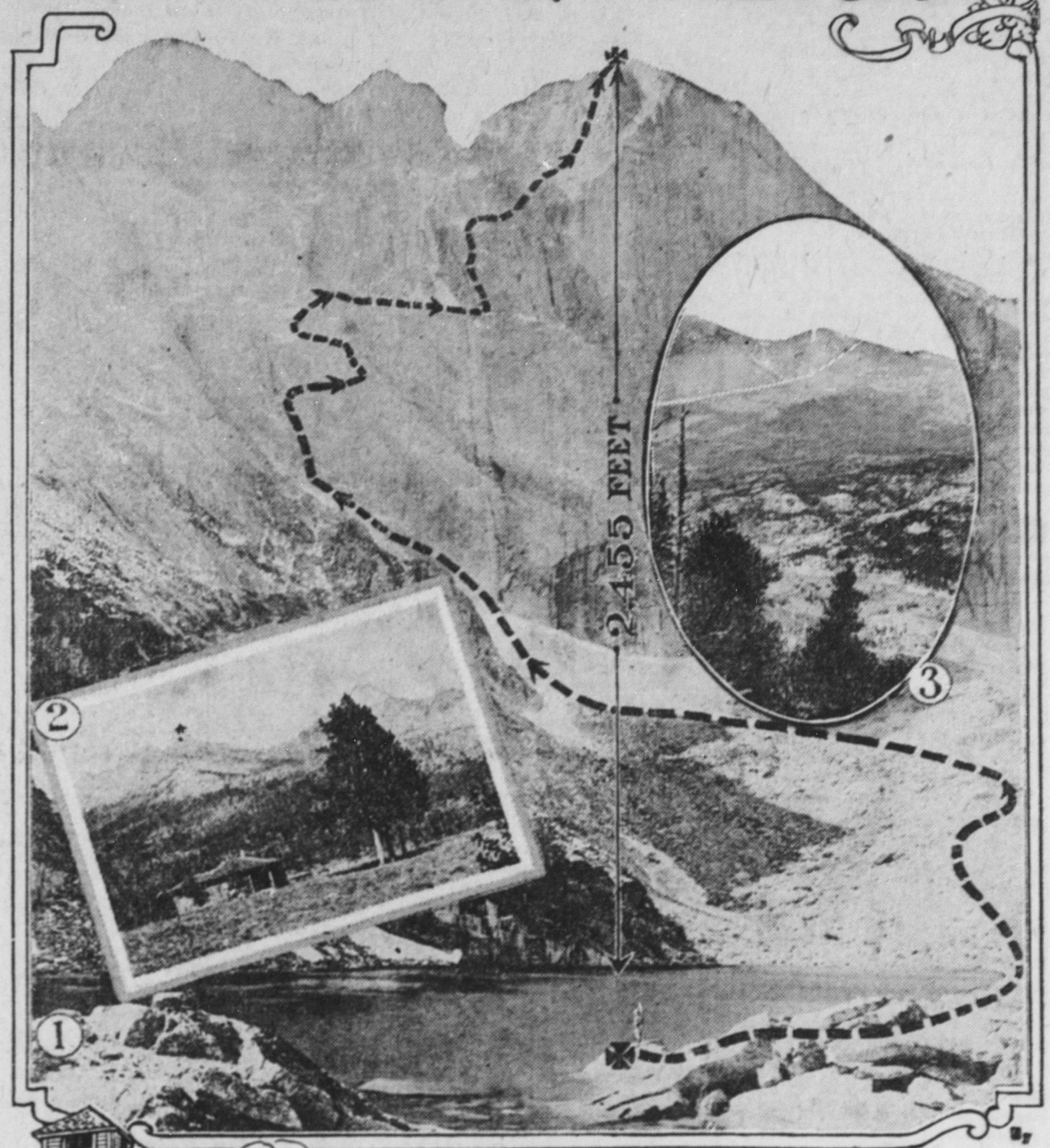
**Hard-boiled eggs and water cream,** finely chopped, mixed with softened butter.

**Caviar and lemon juice.** Lobster meat and mayonnaise. Cucumber, grated onion and mayonnaise. Olives, pimientos, chopped, on lettuce with mayonnaise.

**Grated cheese, seasoned with salt,** cayenne, mustard and anchovy paste. Cheese with chopped olives and pickles added. Maraschino cherries, nutsmeats chopped. Cottage or cream cheese and chopped cherries. Cream cheese, chives and chopped green peppers.

Neene Maxwell

# Kiener's Lookout



By JOHN DICKINSON SHERMAN

**K**IENER'S LOOKOUT is not really its name at all. It is merely a fire lookout station on the top of Twin Sisters Mountain in Rocky Mountain National Park, and Walter Kiener is the man on watch for forest fires. Nevertheless Walter Kiener's outlook is unique. For right across Tahosa Valley looms the dark, sheer East Face of Longs Peak, "King of the Rockies." And it is there that was enacted last winter the grim struggle between man and mountain that thrilled the mountaineers of the world. That dread East Face did not stop Agnes Vallie and Walter Kiener. But altitude and storm killed Agnes Vallie after the summit was won, crippled Walter Kiener for life and did to death Herbert Sortland in an attempt at rescue. And from his lofty eyrie on the Twin Sisters Kiener looks out day after day and night after night on these very places. (Picture No. 3.)

Rocky Mountain is the most popular of all the national parks. Tahosa Valley, at the foot of Longs Peak, is its south entrance. The Twin Sisters rim Tahosa's cup on the east; the crest of the vast granite heap is the park boundary. Hundreds each season climb the Sisters for the magnificent view, the alpine flowers, the fantastic timberline. This season thousands instead of hundreds have worn deep the steep and narrow trail. It is the Twin Sisters plus Walter Kiener. Men and women of prosaic lives are fascinated by the tragic and thrilled by the heroic.

Tahosa—Land of the Dwellers in the Mountain Tops—is 9,000 feet up in the Colorado Rockies. The south Sister rises to 11,384 feet; its Twin to 11,436 (No. 2). If you eyes are good you can just see from Tahosa Kiener's Lookout on the bare granite summit of the north Twin. His sheltered cabin is hidden from sight.

Longs Peak rises to 14,255 feet. Its slopes are deeply scarred by ancient glaciers. It was not ascended until 1808—and then with great difficulty from the west and by way of The Notch. Finally was found a comparatively easy trail from Tahosa Valley, which able-bodied men, women and youngsters can safely travel with competent guides. About a thousand visitors a year make the ascent. But not more than six winter ascents have been made.

The famous East Face of Long Peak

rises 2,455 feet from Chasm Lake in East Gorge. It is mostly sheer. It was believed by all mountaineers to be impossible of ascent. In 1922 a Princeton professor made the ascent. Since then it has been climbed several times by experts. The dotted line shows the only way up (No. 1). All of these ascents were in summer.

It was this winter ascent of the East Face that challenged Agnes Vallie. The daughter of a wealthy Denver man, she had chosen a business career and was secretary to the chamber of commerce. Mountaineering was her avocation and she could justly boast that no man in the Colorado Mountain club could outdo her. Walter Kiener is a Swiss who had established a reputation in the Alps before coming to Denver about two years ago. He has done much climbing in the Colorado Rockies and had frequently been the companion of Miss Vallie.

Agnes Vallie, Elinor Eppich and Kiener left Denver Saturday, January 10. Sunday at 3 a. m. they reached Timberline Cabin (11,300 feet up on the regular trail). At 9 a. m. the two climbers left for Chasm Lake and Miss Eppich returned to Tahosa Valley. Darkness found the two climbers only part way up the East Face. After a favorable day the thermometer had dropped to 14 below and the wind had risen. They decided to climb up rather than down. They reached the summit at 4 a. m. Monday.

There is no shelter there; they had to keep moving. The regular trail down is on the west slope. They chose a shorter route down the north slope. Few have been over it, even in summer. They had both used it. There is no trail. By 9:30 they had descended about 750 feet.

At this point, the most difficult of this dangerous route, Miss Vallie lost her footing and slid down over rocks and snow for 150 feet. She assured Kiener she was not hurt. But it was found that her feet and hands were partly frozen. With Kiener's help she went on a hundred feet or more. Then she was exhausted, though unbroken in courage.

Kiener left her for help at 10:30 a. m. He reached Timberline Cabin at 1 p. m. There he found a relief party of four men: Herbert Sortland, Jacob Christian, Hugh Brown and his son, Oscar Brown. Leaving Oscar Brown to keep the fire going, Kiener led the others back up the mountain. Just above timberline (11,500) Hugh Brown had to drop out. At 11,800 feet Herbert Sortland, twenty-three years of age, could not keep up and was sent back. Kiener and Christian—be had given up hope of returning alive—reached Agnes Vallie at 4:30. She was dead—and had been for

hours. The two men got back alive to Timberline Cabin at 7:30 p. m.

Then at intervals struggled in men whom the drifts and gale and flying snow and bitter cold of the winter night could not keep back. Each had started as the news reached him that Agnes Vallie was in danger on Longs Peak. By 10 o'clock had arrived Tom Allen, assistant superintendent of the park, and Jack Moomaw and Walter Finn, park rangers. At 4:30 Tuesday morning Superintendent Roger W. Toll (cousin of Agnes Vallie) arrived from Denver, with Edmund Rogers, George C. Barnard, William F. Ervin and Carl Blaurock, veteran mountaineers of the Colorado Mountain club. Daylight found them all trying to keep from freezing about a fire kept burning on top of the cabin stove. To recover Agnes Vallie's body was impossible. At 9:30 all descended to the valley.

Then it was discovered that Herbert Sortland was missing. Volunteers—Casey Rockwell, John Sherman, Ed Andrews, Jack Dillon, Warren Rutledge and others—risked their lives in the vain search that was made below timberline.

Not until Thursday could Agnes Vallie's body be reached. It lay at an elevation of about 13,300 feet on the north slope, 200 feet back of the edge of the East Face, and about 50 feet above the perpetual snowdrift on the edge of Boulderfield—which is in plain sight from the valley, suggests a flying bird, and is sometimes called "The Dove." Two skis were placed end to end and a third lashed across the joint. The body was strapped to these skis and carried with the aid of ski poles. Eight men carried the body across Boulderfield, relays taking part at frequent intervals. Further down a toboggan could be used.

At Timberline Cabin fluttered the American flag, worn and frayed from the winter storms. Agnes Vallie had done patriotic service overseas during the World War. They took down Old Glory and laid it across her body. And so came back Agnes Vallie from Longs Peak to Tahosa Valley.

Walter Kiener, badly frost-bitten and partly snow-blind, was driven to Denver for medical treatment; several operations were found necessary. Agnes Vallie's father paid the hospital bills. The national park service gave him the lookout station.

The body of Walter Sortland was not found until February 25—in the Valley, within a stone's throw of the main road and of shelter. Kiener's official gaze must pass over the spot several times a day. And he cannot look at Longs Peak without seeing "The Dove."

### Master Craftsman

Either the burglars in France have exquisite sensibilities or the press agents are adepts at the profession. Consider the case of a burglar who broke into a house, packed up all the valuables ready to take away, and then found that the tenant was no other than the famous Mme. Dufous, a lady whom he had seen many times gazing behind the footlights at the theater. Stricken with remorse, he

thereupon left everything he had planned to take, and added this note: "I would not for anything in the world give you pain. But you must permit me to carry off some photographs. Your radiant beauty and your equal goodness of heart will forgive this petty larceny."

### Heavy Inheritance Tax

Perhaps the oldest and certainly the most drastic of inheritance tax laws in the world is that of the Igorot tribes

of the Philippines. When an Igorot tribesman dies, half his property is sold off and the proceeds used to defray the cost of a canoe or wake. The cadaver being smoked into a mummy in a burial chair, sits by and views the orgy, one of wine and feasting and utter abandonment to the carnal pleasures—save alone abuse of virtue, which is not known to the Igorots and if perpetrated would entail the death penalty. American government is the sole uplifting influence amongst these tribes.