



hear that Mrs. Frick that same day had given it to her maid as a present, and on looking at the photo I became convinced it was the maid."

Counsel for the defence.—"Good! Are you also quite sure that the picture you now see here is the same as that you took on that occasion? The film has been in several days out of your keeping, and in other hands."

The young Englishman seemed rather impatient at this examination. "If the film has not been tampered with at the photographer's," he exclaimed, quickly, "it is the picture of what I saw in the museum. Whether it has been tampered with or not, I see here before me the same person, in the same position, and in the same room—others must now decide which is most probable."

He took up the picture again, examined it carefully, and handed it back to the public prosecutor.

"I have only wanted to show," said the counsel for the defence, quietly, "that you yourself at one time have doubted the identity of the person who stands in front of Miss Frick's cupboard in the photograph. I have now only two other questions to ask you."

"What was the time when you took the photograph?"

Witness.—"About six."

Counsel for the defence.—"Are you not able to give the time more exactly? Might it not just as well have been half-past six?"

Witness.—"I cannot give the exact time. I didn't attach much importance to the incident. When I had taken the photograph I went up to my room, and was busy there for some time before I left. It was then about seven, so from that I conclude that the photograph was taken about six."

Counsel.—"Might it not have been a little over half-past six?"

Witness.—"No! I can be quite certain it was not over half-past six."

Counsel.—"Could you see that the person held the diamond in her hand? In the photograph the object which she holds is hidden by her shoulder."

Witness.—"When I first caught sight of her, she held the diamond somewhat higher, so that I was able to see it; afterward she lowered her arm, and while in that position she was photographed."

The counsel for the defence seemed to be satisfied.

Then Mr. Rodin, the photographer, was called as witness.

The well-known artist, whose pleasant manners have obtained for him so many customers and friends, bowed to the judge and court, and the usual formalities having been observed, he answered quickly and decisively the questions which the public prosecutor put to him.

Public prosecutor.—"Do you recognize this photograph? Has it been in your hands before?"

Witness.—"Yes! this film, together with some others, was given me to develop, by Mr. Howell, on the evening of the 10th of May, about seven or half-past."

Public prosecutor.—"And are you sure that this photograph is an exact reproduction of the negative?"

Witness (smiling).—"The photograph cannot lie, sir! Even if I had wished it, I could not have produced anything else than what was to be seen in front of the apparatus at the moment it was opened to take the photograph."

The public prosecutor finished his examination, and the counsel for the defence began his.

Counsel.—"Can you be certain that this photograph is the same one which you developed several weeks ago for Mr. Howell? It has not been in your possession since?"

Witness.—"Yes, sir, I am quite sure; you can see for yourself that my initials are written on the back—look, O. R. 10/5, H. 10. The first are my initials, then follows the date it was received, then the initial of Mr. Howell's name, from whom I received it, and lastly, the number in the series. The roll which he brought me that day consisted of ten films; this was number ten, the last photograph he had taken."

Counsel.—"You cannot, however, be quite certain that this is the same picture which Mr. Howell brought you. During the work, some of your people might have mixed Mr. Howell's pictures together with other people's. Such a thing might happen, might it not?"

Witness.—"No, sir; I develop all Mr. Howell's films with my own hands. He is very particular about them. As you will see, this picture is very clear and distinct, and I flatter myself that all the pictures which have passed through my hands are the same—that is to say, when such an expert snap-shot taker as Mr. Howell has taken them."

Counsel.—"Is there any reason, Mr. Rodin, why one could not photograph first the room, then a person, and then transfer that person to the first picture,

so that a person appears in the room on the picture?"

The public had remained unusually silent and attentive during the whole of the proceedings; at this question the silence became still more intense. Every one understood the counsel's object in putting this question—that each one of his questions was an attempt to clutch at a last straw in the interest of his client; but all understood also that each straw slipped out of his hand, one by one. The same happened to this question. The witness answered, without any hesitation: "It is possible, sir; but every experienced photographer would tell you that this has not been attempted in the present case."

The young advocate looked disappointed. He made a motion like one who washes his hands, and allowed the witness to step down.

The photograph was sent round among the members of the jury and the court, while the next witness was being called. It was the young chief of the detective force, Charles Monk. The public hailed his appearance with murmurs of approbation which must be just as much

attributed to his winning appearance as to the reputation he had already gained as a police officer. His evidence was calm, clear, and concise, as befits a policeman, and all listened with breathless attention to the account of how the young chief had taken upon himself the rôle of detective, and had not rested until Mr. Frick's diamond was in the hands of the police. When Mr. Monk, in his evidence, came to speak of his visit to Jurgens, and of the stratagem he had used to deceive the old man, many of the spectators began to clap their hands and shout, Bravo! The judge's authority for the moment had to be called into account to produce silence.

Although there was scarcely a person in the court who did not wish that the young girl in the dock should be acquitted, so paradoxical is human nature that the same people applauded the great skill with which the net had been drawn around her.

The last hope for the prisoner seemed to vanish at the evidence of the detective.

The counsel for the defence had not many questions to ask. He tried to show that both on her arrest and upon Mr. Monk's first visit to her mother's home, she had been in an irresponsible condition, and for that purpose he had no doubt summoned her mother and her lawyer, the actor, to give evidence. Although their evidence was a voluntary matter, owing to the relation in which they stood to the accused, they both declared themselves willing to tell what they knew. Their evidence did not, however, throw any new light on the matter. Both were convinced of the young girl's innocence, and asked the court not to believe her, even if she should again confess. She had always been of a nervous temperament, and often a little strange.

Neither the loquacious woman with the ruddy complexion, nor the pomatumed Don Juan, whose shady character is so well known in the town, made a good impression; and the counsel for the defence concluded their examination as soon as possible. The general impression was that he, for the defence, had originally intended to prove that his client was irresponsible, but that during the proceedings before the court he had abandoned this line of defence.

I had proceeded thus far in my reading when I stopped and looked at my friends. Clara was listening with her mouth open, and did not seem as if she would tolerate any interruption. Monk sat silently in an armchair in the darkest corner of the room.

"Shall I continue?" I asked, "or will you allow me to ask a question?"

"I would rather you read the newspaper account to the end, first," was Monk's answer; and I heard by the tone of his voice that he was unusually agitated.

"Yes, go on reading, and let us hear what happens," said Clara, trying to look over my shoulder.

I read as follows: "The examination of the witnesses for the defence was concluded, and the public prosecutor rose. His speech was short and pithy. He thought all must agree that the charge he had preferred against the accused had been fully proved by the evidence given in court. With regard to the responsibility of the accused, he also believed that this had been asserted beyond all doubt; the opinion of the medical men was definite, and the evidence by which the defence had attempted to weaken these were but of little value. He did not believe for a moment the counsel for the defence would seriously question the responsibility of the accused. That the feeling of having committed a great crime, and of having to answer for it, might have caused the conduct of the accused to appear strange, and to some degree self-contradictory, was only natural. That the accused had retracted her first confession, and later on, had refused to give any explanation whatever in the court, might perhaps surprise some, but it could in no way weaken the clear and distinct proofs of her guilt. It was perhaps to be regretted that the police had not succeeded in ascertaining where the money for the stolen object had disappeared to, as this circumstance prevented any possible accomplices being brought to justice. It was likewise to be regretted that motives for the crime could not be sufficiently explained; but the accused was no doubt herself principally to be blamed for this, through her persistent silence. None of these circumstances ought, however, to have any influence upon the answer of the jury to the question, 'Guilty or not guilty?'"

The counsel for the accused rose to begin his speech for the defence. He seemed at first to be somewhat uncer-

tain, but he soon decided upon the line he would take.

He did not want to conceal, he said, that he was in a very difficult position, and the one who made his position most difficult of all was his client.

All had heard that the young girl who was charged with having stolen the diamond, which was now lying upon the table in court, had at first confessed, but had afterward retracted her confession, and otherwise refused any information whatsoever in the matter. But what every one, in all probability, did not know, was that she had maintained the same silence with regard to him, her counsel and adviser. He had not succeeded in getting a single word from her lips, except the assurance that she would say nothing, would answer no questions, and would give no information. "I thought it only right," continued the young advocate, "to make this open declaration, in order that my inability to give information which might be to the advantage of my client should not be misunderstood. You must not believe that I have received any information from her, and that I have not found it to her advantage to make use of it."

It appears to me, and I hope the gentlemen of the jury will agree with me, that the unfortunate girl, paralyzed by the terrible flood of suspicion which has fallen upon her, and feeling how terribly hopeless her case is, through the strong appearances against her at almost every step, has found it expedient to draw within herself and keep silence, just as the hunted deer withdraws to its cave, even if death awaits it there. No one has a right to construe my client's silence as a confession, or the result of a consciousness of guilt.

"The diamond was stolen in the interval between five and half-past seven in the afternoon. Of these two hours and a half my client spent only half an hour's time within the walls of Villa Ballarat, while many persons were present there during the whole time. It has been proved, says the public prosecutor, that no stranger could have gained admission there during that time; but can we be so sure of that? An agile man can easily climb over the railings—no one will deny that. The police examined the ground round about, and no trace was found, may be said in objection. But we know that expert criminals are often very dexterous in destroying all traces after them; and no one will maintain that the police are so infallible that a trace cannot have escaped them."

"One need not be gifted with great acuteness in order to guess what is passing through the minds of the gentlemen of the jury at this moment: what can be the use of all this? The main proofs against the accused still remain unassailable. But let us look into some of these proofs, which, according to the opinion of the public prosecutor, are so strong that they are even more reliable than a confession. The old man who bought the diamond has himself said that he bought it of the young girl whom I defend, and there can be no doubt about this, although he has not appeared in court as a witness; we have the evidence of the head of the detective department with regard to it, and that must be sufficient. But—here is also a 'but,' just as there is a 'but' in all the so-called infallible circumstantial evidence against the accused—is, then, the word of an imbecile man in his second childhood to be fully depended upon—a man who immediately afterward is declared incapable of managing his own affairs; who is so infatuated with his mania that he, whose honesty is otherwise not for a moment to be doubted after a long life of spotless integrity, buys a diamond which he knows must have been stolen? Shall the evidence of such a man decide the fate of a human being? And besides, is this man's evidence quite impartial? We have heard, from the account of the chief of the detectives, that the old man tried to conceal the fact that he was in possession of the diamond; in his imbecility he is, however, conscious that he has done something wrong, and is, to a certain degree, cunning, and on his guard. What, then, is more probable than that he, who sees that he has been discovered, is wily enough to give an explanation which makes it probable that a servant would have the disposal of the diamond at her command? Who dares maintain that the old man spoke the truth on this occasion? It is, however, just as much, if not more probable, that he resorted to telling the first untruth that came into his head."

"And what has become of the five thousand kroner, which he says he has paid for the diamond?"

"It has not been possible to ascertain, says my opponent; but on the whole he seems to lay little stress upon the circumstance."

It seems to me that this circumstance—that no trace whatever has been discovered of the money—is quite an important one. We know that the most able detectives have been engaged in tracing it—even the fiancé of my client was arrested in Copenhagen in consequence thereof; both she and her mother have been watched most closely—but still no clue. Are not these circumstances important? Is there not more than one proof that the police have been on the wrong track, that the thief is not the one who has been arrested, and that they have been investigating in a direction where there was nothing to look for?"

But it may be said that the principal proof still remains unshaken; the accused has, by a remarkable coincidence, been photographed in the act of committing the theft; that cannot be denied or explained away; yes—I venture to maintain there is no proof of the guilt of the accused in this. I admit that most probably it is the young girl who has been photographed on this film. The hat and the jacket which she wears were given to her by Miss Frick about six o'clock in the afternoon of the same day; this we know from the evidence

likewise that she wore the same clothes when she called on her mother between half-past six and seven. I admit there is a probability which approaches certainty, that it is my client who, in the photograph here, is standing in front of Mr. Frick's cupboard in the so-called museum. One can also see that she is holding some object in her hand. Yes, I even go so far as to admit that she is most likely looking at the black diamond. But from this moment my conclusions cease to coincide with those of the public prosecutor.

"Why should it follow that she also took the diamond with her?"

"What if my client, on passing through the garden and seeing the door open to the museum, goes inside, and out of curiosity has a look at the black diamond about which there has been so much talk among the people of the house while she was serving the coffee in the afternoon, and then puts it back again and passes out through the garden, on her way to her mother? What if she, later on, after hearing of the robbery, understands that she has been imprudent, and then does a still more imprudent thing by trying to conceal her visit to the museum, and finally, when almost crushed under the shame and fear of being arrested, acts as she afterward did?"

(To be Continued.)

LEGAL

APPLICATION FOR STATE AID ON ROUTES.
To the Commissioners of Somerset County:

WHEREAS, The section of highway in Meyersdale Borough, County of Somerset, Commonwealth of Pennsylvania, being about 3150 feet in length and situated as follows: Beginning at the intersection of the State Highway in Summit Township and Salisbury street of Meyersdale Borough (at the Borough line), thence along 11th street of said Borough to Beachley street, thence along Beachley street to the new bridge at Front street in said Borough.

WHEREAS, State aid is desired for the permanent improvement, with brick, of the section of highway in Meyersdale Borough, under the Act approved May 31, 1911, providing for the establishment of a State Highway Department, etc., and supplement approved June 5, 1913, therefore be it

RESOLVED, That the Borough Council of said Meyersdale Borough, in regular session assembled on this 6th day of July, 1915, do on behalf of said Borough hereby petition for State aid as hereinbefore stated, and be it further

RESOLVED, That the said Borough Council do agree for themselves and their successors in office to provide for the payment of and to pay to the Commonwealth from the borough funds, in the manner provided by the said Act, and the supplement hereto, one-fourth of the total expense of said improvement when due, and be it further

RESOLVED, That the Commissioners of said County of Somerset be and are hereby petitioned to join in requesting the State Highway Department to extend State aid for the said road improvement, under the said Act. Approved September 7, 1915.

The foregoing is hereby certified to be a true and correct copy of resolutions adopted by the said Borough Council of Meyersdale Borough, Somerset County.

VALENTINE GRESS, Burgess, Chas. H. Dia, Pres. of Council.

Attest: E. J. Dickey, Clerk.

I, E. J. Dickey, Clerk of Council of the Borough of Meyersdale do hereby certify that the above resolution has been recorded in the Borough Ordinance Book and has been advertised as required by law.
E. J. DICKEY, Clerk.

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