

A Lawyer's Story.

THE following story told by a lawyer, shows the unreliability of 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 Frye was shot and killed by one of three men of bad character, who were in company and in open enmity with the soldiers. The men were arrested, committed to prison and brought to trial at the next term of court. Two of them were gamblers and desperadoes and supposed to have more than once had their hands stained in human blood. The third, whom I shall call Short, though bearing an unenviable reputation, was regarded as one unlikely to slay a fellow-man except under compulsion of circumstances. On account of the character of the men and the trouble they had already brought upon quiet, law-abiding citizens the sentiment of the whole community was strongly against them.

In order to clearly understand the force of the testimony given upon trial and the subsequent result it is important to bear in mind the physical peculiarities, dress and general appearance of each of the three prisoners.

Short was a small man, 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, dressed in dark clothes and wore a Derby hat.

Grey 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 the 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. There was no possibility here for a case of mistaken identity.

Short and Ryan were tried together, with their consent—Grey having asked for and obtained a separate trial—and each was defended by a 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 Commonwealth called as its first witness a woman, Mary Bowen. She bore a bad name for chastity, but nobody questioned her integrity or purpose to tell, reluctantly, it is true, the whole truth. The prisoners were all her friends and constant visitors to her drinking saloon, of which she was proprietress. She was a woman of powerful physique, almost masculine frame, great force of character and more than ordinary intelligence.

From her testimony it appeared that a colored woman with whom she had some difficulty had hit her on the head with a stone and ran, and the three prisoners coming up at that moment, started with her up the street in pursuit of the fugitive. Although the night was dark there was snow on the ground, and a gas lamp near by gave sufficient light to enable one 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. She swore that when the corporal called "halt" Short, whom she had known intimately for years replied, "Go to h—l," 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 four or five feet from him, and fired and then ran down the alley, the deceased pursuing him, she heard four or five more shots fired and immediately the deceased returned, wounded, and Short disappeared. While the shots were being fired she saw both Ryan and Grey standing at the corner some feet away from her and after that they separated and she went home. It was also proved that the alley was bounded, on either side, by high fences, difficult to climb, and led down to a stream of water about fifty feet wide and three or four feet deep. No traces of footsteps were found in the snow except those of one man leading down into this stream, and it was evident that the person who had fired had not climbed either fence, but had waded through the stream and disappeared on the other side.

The next witness was the soldier who stood close by the deceased when the first shot was fired, and who, not knowing the prisoners, described the person

who 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.

The testimony of these witnesses was in no wise shaken upon cross-examination.

Then the sworn anti-mortem statement of the deceased, taken by a magistrate, was read to the jury. He said that he had known Short personally for some time, but he never had any difficulty with him. He fully identified him as the man who had fired the first shot and then ran down the alley, firing one shot after another until he fired the last and fatal shot almost in the face of the deceased. He also fully described the clothing worn by Short as it had been described by the other witnesses.

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. Neither the Judge, jury, nor the spectators entertained the slightest doubt of his guilt, and when the Commonwealth, at this point, closed its case, it seemed as though the fatal rope was already around his neck and his escape impossible.

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 circumstances tending to show any previous arrangement or concert of action between him and Short.

After a whispered consultation between the counsel for the defense 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. This was resisted by the District Attorney, and, after lengthy and elaborate arguments, the Court decided that it was bound to grant the motion, and accordingly Ryan was declared "not guilty" and the verdict recorded.

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." Every head was bent forward, every ear was on the alert, every eye fixed on the witness—something startling was expected. Would he attempt to show that Short had done the shooting in self-defense? That seems the only thing possible. But how could he be believed in the face of the positive testimony of three witnesses, two of them living and in the court room, and one of them dead—murdered.

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 flush 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 of 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."

Most of the faces in the court room wore looks of incredulity; some of indignation at the hardened wickedness of the man who had just been declared innocent and who, by his own statement, was guilty of murder, if he was not guilty of perjury.

But, quietly and calmly, without a tremor, as coolly as though he was describing some trivial occurrence which he had casually witnessed, Ryan went on step by step, detailing all that had occurred, and when he had finished his story there was probably not a person present but who was fully convinced not only that Ryan had told the simple truth, but also that he himself fired the fatal shot in self-defense, or at least under such circumstances of danger as would have led the jury to acquit him.

He detailed how he had fired the first shot from a small, single-barreled 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 towards his pursuer, who was rapidly gaining on him, so as 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 cheeks, and, being thus pressed, he aimed and fired the last shot, which subsequently proved fatal. He further told how, upon recovering his feet, he ran, waded through the stream and finding that he had lost his hat when he fell, retraced his steps, recrossed the stream, 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 itself 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 the jury, witnesses of undoubted veracity who were called corroborated him as to the condition of his clothing and the cut on his cheeks 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.

So much for 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 disgrace its administration in some States at this late day.

The Young Woman's Front Hair.

THERE is no season of the year when a young woman doesn't have all the trouble with her front hair that anybody ought to have with anything in this world, but in the soft summer weather the management of the front hair or bangs, or frizzes, or whatever it all may be called, is quite too awfully discouraging for anything. During the cold and solid weather a young lady's hair will stay anywhere she may put it; she may even hang it over the gas fixtures or on the towel rack and it will remain as complacently and unruffled as may be desired. The bandolining compounds know their place in the winter time and maintain their dignity. They can always be relied upon. But when the water comes it is different. All front hair melts down as everything else melts. The bandolining glue won't hang together and the young woman who goes out in good order has no idea where she will find the most of her nice frizzes and bangs an hour hence. They have likely melted and run all around her forehead and into her eyes and scattered back toward her ears and generally given her a wild and horrible look which isn't pretty. She knows she is a fright; she says so a thousand times a day.

This is a very severe trial to a young woman, but she endures it with a fortitude that would give way at the sight of a mouse. Anybody would suppose that one day's experience of this thing would be enough. But don't for a moment deceive yourself with the notion that it is. No sooner does she escape from the public in this melted and demoralized condition than she makes arrangements to go through it all again. She pastes her front hair in place with a patience and skill which would win her fame if devoted to some durable work; she wraps an old and faded veil about her head to keep the pasted fragments in place while in the house, and finally she goes out again, knowing as well as she knows anything—which is sometimes suspected to be not very well—that in a very short time she will be in a state of trouble and confusion about that front hair, as she has been many, many times before. The young women will go on doing this as long as it is the fashion. It never occurs to them to do a sensible or a neat and tasteful thing in the way of fixing their hairs unless it is the fashion for them to do so; and sadly enough it must be said that anything so sensible is hardly ever fashionable. The consolation which any suffering young woman has unquestionably is that nearly every other young woman is about as much of a fright as she is. Co-operative misery, so to say, is always the most endurable. Every observing human being who goes where young women are on these summer-like days

must be convinced, however, of the great need of some device which shall in some measure mitigate the horrors of the feminine front hair. In its present unprotected condition it ruins the pleasure of life during the warm days and destroys the prettiest pictures of the drawing room and the promenade.—There can be no real happiness until front hair has been educated to stay where it is put at all seasons of the year, or until young women have been educated not to put it where it is impossible to expect it to stay.

The Ram at Church.

Mollie had a little ram, fleece black as rubber shoe, and everywhere that Mollie went he emigrated too.

He went with her to church one day—the folks hi-larious grew to see him walk demurely into Deacon Allen's pew.

The worthy deacon quickly let his angry passions rise, and gave it an unchristian kick between the sad, brown eyes.

This landed rammy in the aisle; the deacon followed fast, and raised his foot again; but ah! that first kick was his last.

For Mr. Sheep walked slowly back about a rod, 'tis said, and ere the deacon could retreat, it stood him on his head.

The congregation then arose and went for that 'ere sheep, but several well directed butts just piled them in a heap.

Then rushed they straightway for the door with curses long and loud, while rammy struck the hindmost man and shot him thro' the crowd.

The minister had often heard that kindness would subdue the fiercest beast, so "Ah!" he says, "I'll try that game on you."

And so he kindly, gently called: "Come, rammy, rammy, ram; to see the folks abuse you so, I grieve and sorry am!"

With kind and gentle words he came from that tall pulpit down, saying, "Rammy, rammy, ram; rammy, rammy, rammy, rammy, ram—best sheepy in the town."

The ram looked meek, and on he came, with "rammy, rammy, ram; rammy, ram, ram, rammy, rammy, ram; the nicey, pretty ram."

The ram quick dropped its humble air and rose from off its feet; and when the parson lit he lay beneath the hindmost seat.

And as he shot out the open door, and closed it with a slam, he named a California town—I think 'twas "Yuba Dam!"

A Snake Kills a Dog.

A few days ago a dog belonging to Timothy O'Neil, Birmingham, Delaware county, was over in a swamp when it suddenly started for home at a furious pace. When it arrived there and threw itself down in the yard its master saw what was the cause of its terror, and well might it have been so scared. Around the dog's body was wrapped a large black snake and five minutes after the dog had thrown itself on the ground it was dead. Timothy at once proceeded to kill the snake while it was still on the dog, but the reptile succeeded in getting off the dog's body before it was finally killed, which was not accomplished without some difficulty as the snake showed considerable fight.

A preacher whose delight it was to startle his hearers said that there were three things which a woman should both be and not be at the same time. First, she should be like the snail, always keeping within her own house; but she should not be like the snail which carries all it has upon its back. Second, she should be like an echo and speak when she is spoken to; but not be like an echo, which, always manages to have the last word. Third, she should be like the town clock and always keep time and regularity; but she should not be like the town clock, which speaks so loud that all the town can hear it.

It costs more to avenge wrongs than to bear them.

How to Save.

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