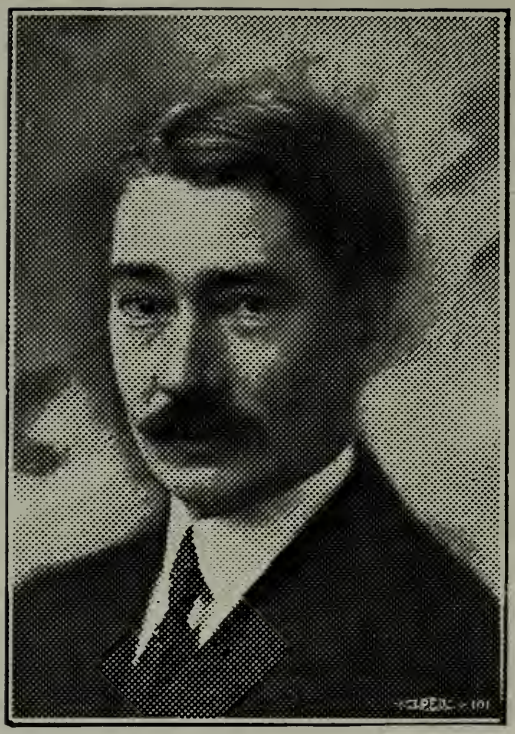
Told out of Court

By Members of the Chicago Bench and Bar



HON. JOHN P. McGOORTY
JUDGE OF THE APPELLATE COURT

Since writing his piquant reminiscence of the afflicted bigamy suspect the office found the proper man, and by large popular vote the writer was raised to the judicial bench. For many years Judge McGoorty has been active in the forefront of the best element in Chicago, putting up a vigorous fight for the betterment of society in general. Both in the legislature and out of it he brought light and cleanliness to dark places. Worthless tax eaters have fled before him; the padded payroll has been his favorite punching bag. He is to the Chicage Charter what Archbishop Langton was to that of Runnymede, Has been President of the Cook County Civil Service Commission; in 1898, at the age of 32, leader of his party in the legislature; in 1908, candidate for the democratic nomination for Governor of Illinois. And ever, amid the thickest of the fray, he has maintained an unvarying gentleness and courtesy that increased the respect of opponents and the fidelity of friends.

Judge McGoorty was married Nov. 30, 1893 to Miss May Wiggins, three sons and three daughters blessing their union.

TOLD OUT OF COURT

PERSONAL EXPERIENCES

OF

MEMBERS OF THE CHICAGO BENCH AND BAR

"Full of wise saws and modern instances."
—*Shakespeare.*

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TOLD OUT OF COURT

MURDERED FOR A FEE.

By John E. Kehoe.

"Come in," I said, in response to a gentle tap at my office door, and at once I was impressed by the appearance of my visitor and prospective client.

He was a combination of Hercules and Apollo—a tall and athletic-looking man of about thirty-five, of graceful and well-knitted figure, handsome and open countenance, dark hair and mustache. His attire, which he immensely became, was evidently the product of some high-class sartorial artist. On the whole his gentlemanly and distinguished mien was such as would have attracted attention and admiration at any social gathering. It would have lent marked tone to a select audience at fashionable tableaux vivants, perhaps even have caused the society dames posing in the frames to forget to keep still and stiff, like the long dead people they were representing, in order to turn their heads and gaze on him.

My first feeling was one of pride at this flattering addition to my clientêle, my next one of uneasiness lest he might have mistaken my office for that of somebody else.

"Have I the honor of addressing Mr. Kehoe?" he po-

litely inquired, and when he learned that he had—all there was of it—he quietly and impressively proceeded to explain his business with me. As he went on he seemed by degrees to cast off what seemed to be a sense of natural restraint and embarrassment, the feeling as of one who finds himself for the first time—and through no fault of his own—in some shameful and compromising position, the outraged and smarting object of the cold eye of merciless and unreasoning suspicion.

"I am under a cloud, under a dark and hideous cloud, and for the first time in my life," he said pathetically; "I, an unoffending man, am brutally accused of a vulgar and sordid crime of which I am as innocent as a child.

"It may surprise you, Mr. Kehoe, to learn that I am even now out on bail, that I owe my liberty only to the good graces of some kind friends who, as an extra valuable service, have directed me to you as a man whose high legal ability specially qualifies him to free my reputation from this shameful stigma. My enemies may strain and distort the law to ruin me. All I need for my vindication is plain and simple justice. And when you have learned the circumstances in the case I am sure you will find some means of proving my innocence."

He was under indictment for a burglary committed on the North Side, a robbery of diamonds from the house of a woman who has since, by the way, been often and unfavorably under public notice. I heard him attentively and promised to do what professionally in me lay to extricate him from his unpleasant trouble. He inquired what my services would cost, and when I named my fee he said it was to him entirely satisfactory and that he would bring me the amount on the second morning following. Then with courteous and courtly thanks he de-

parted, newly born cheerfulness and animation in his bearing, and my sympathy went with him as his stalwart and athletic frame, so unexceptionally arrayed, passed out the door.

He returned punctually on the morning he had mentioned.

"I regret, Mr. Kehoe, I have been unable to keep my promise of handing you your fee this morning," he said. "However, please be patient with me; I shall surely bring it tomorrow." And he departed.

I never saw my distinguished-looking client again.

But I heard of him—and grim and shocking was the information.

On the very night of the day I last saw my handsome and stalwart client there occurred on the South Side a peculiarly barbarous and cold-blooded murder. The victim was a well-known old milkman named Alexander Smith, who lived near the corner of Twenty-second street and Indiana avenue. From a description they obtained of a man who was seen leaving the hallway of the building on the night in question, together with other clews, the police laid hands on a man who proved to be my late client. His name was George Jacks. He was tried for the murder, convicted on clear evidence, and hanged.

It transpired that Jacks had been about three years marshal of some little town up in Michigan. When the people of the place were shocked to learn of his execution it came back to them that there had been numerous bold and successful burglaries there in his time, also that whenever Marshal Jacks was informed of any of them he displayed tremendous zeal and energy to catch the burglars, though none of them was ever caught.

That is how my distinguished-looking client, whose im-

posing personal appearance would have shed luster on any high social function, went out and committed murder to obtain funds to fee a lawyer to defend him from the infinitely lesser crime of burglary. And the bloodstained milk money was actually intended by him for me! For long afterwards it gave me chills and tremors to think of it.

A WEALTHY BUT MYSTERIOUS HUSBAND.

By John J. Coburn.

Though the kind of American "romance" of today that is most familiarized to us by exploitation in the newspapers usually consists in the purchase by her doting parents for some ambitious daughter of the plutocracy of some titled thing from beyond the sea, usually a scion of ancient and tainted blood, with crumbled castle, fortunes and character, in the humbler walks of life there occasionally occur passages that remind one of Cinderella and the prince and the glass slipper.

Some modern Cinderellas who have come under my professional notice were well deserving of the glass slipper, or a slipper of a more pliable and effective kind, though not in the manner described in the old fairy tale.

But Madeline Allen was deserving of all the good things that a kindly fairy godmother, had there happened to be such a benignant gossip in the family, could have bestowed upon her. She was as pretty and prepossessing as ever lived on the great West Side of Chicago, and as good

JOHN J. COBURN

Alert, incisive, humorous and popular—one of the brightest lights at the Chicago bar. Noted as a champion of labor organizations, a fighter against formidable odds. A public favorite on account of his successful efforts, freely given, to compel the payment to widows and orphans of firemen and police, killed in discharge of their duty, of funds charitably subscribed for them.

and virtuous as she was fair to look upon. But poor—so poor that she and her mother and sisters had to support themselves by doing scrubbing and washing for business houses. They were quiet and industrious people, happy in their own way, helping to bear out the rather sweeping statement of John Boyle O'Reilly:

> "There is nothing sweet in the city
> But the humble lives of the poor."

Fair and impressionable maidens and amorous princes are not all confined to old nursery stories and modern European parks and palaces; they still continue meeting one another, even here in rugged and Philistine Chicago.

It was at a gateway leading to her mother's home that Madeline first met her prince. He was not of the Marlborough or Castellane or De Sagan type—just a neat, dapper, alert little nobleman, about four and a half feet high, faultlessly dressed and with elegant bearing. He made some pleasant remark about the weather, opened the gate for the girl, raised his hat and passed on.

Thus did sweet Madeline Allen meet the debonnair and opulent Victor Pointdexter. With him it was a case of love at first sight, to be doubled at second and quadrupled at third. With the grand passion that mocks at all obstacles he managed to make her acquaintance, got permission to call on her, was introduced and made himself agreeable to the other members of the family. One day he came with a fine horse and buggy and took Madeline for a drive around the boulevards, during which it transpired to her amazement and delight that her distinqué lover was the owner of much valuable property in a most select district of the city.

"The fashionable apartment building yonder is mine,"

he explained, pointing with his whip. "My tenants there are very fastidious and exclusive, and children are not allowed—but I am changing my mind on the latter score. The mansion with the mansard roof is also my property, and so is the castellated structure back of the lawn where the ladies and gentlemen are playing tennis. All mine, Madeline," he said endearingly, "and I think I know somebody who will soon be sharing it with me."

And Madeline murmured incoherently in the fullness of her joy.

It was a parallel to the olden story, put in verse by Tennyson, of the disguised noble Cecil and the rustic beauty Miss Hoggins. The wealthy though diminutive lover proposed and was accepted. For some urgent private reasons of his own Mr. Pointdexter suggested a secret marriage, and after some hesitation the girl consented. Some time later her people discovered the union, but that same day Madeline's husband came and took her to a flat which was a dream of beauty and comfort—curtains, carpets, silverware, all furnishings most elegant and esthetic.

Here the young couple lived for a month in great happiness, which was marred only by a seeming inability of Mr. Pointdexter to break himself of his old bachelor habit of frequently staying out nights, sometimes even unto daybreak.

"It is cruel of you, Victor, to leave me so often all alone," complained Madeline.

"I could not take you with me, darling," he protested.

"Of course you could not—not among your rakish bachelor chums, you naughty boy," said his mother-in-law. "But, now that you are married, you ought really, Victor, make a little sacrifice as a husband and give up your late clubs and your nights out. You must know

that, losing your sleep as you do, in the daytime you are unable to properly attend to business."

The young man smiled sadly. "Yes, mother, it is too bad, but candidly I am compelled to agree with you—in the daytime I am generally unable to transact business as well as I would desire."

"You bad young man, we ought to deprive you of the privilege of a latchkey."

The little exquisite laughed; he thought he might be able to get along without one. However, he promised to soon become a most domesticated husband and tractable son-in-law.

One morning after breakfast he announced that he was called on important business to St. Louis and would be gone about a month. "And here are two locked satchels, my love," he said, "which I wish to have conveyed out to our friend Billings, in Oak Park, and kept there carefully till my return." So Madeline kissed her husband good-bye and had his request carried out, and she herself went out to Oak Park and stayed there for some time with friends.

And here is where my services were enlisted in the drama.

On Madeline's return from Oak Park she was arrested at her mother's gate by the police and taken to the station, charged with burglary, larceny and receiving stolen property.

Her flat was searched, and nearly all its furnishings were found to be stolen goods. To her horror, it was charged that her husband was one of the most noted cracksmen in the United States.

The young woman easily proved her innocence and she was honorably discharged by the grand jury. She went to

live with her friend Mrs. Billings, in Oak Park. There, four months afterwards, her husband suddenly appeared. With indignation he protested that there had been some huge and grievous mistake, that there had been a gross case of misidentification and that he had satisfied the authorities as to his innocence. He was believed and reinstated in the good opinion of his wife and her friends, and everything went on more satisfactorily than before, especially as Mr. Pointdexter now resignedly and edifyingly stayed home nights, like a good and model husband.

Suddenly there occurred a succession of bold daylight robberies in Oak Park and Chicago. The burglar or the stolen property was traced to Oak Park. Four Chicago policemen went out to investigate. They called at the Billings home. They found nobody on the premises—nobody but Madeline's husband, and him, although a little man and unarmed, they took no chances with but immediately shot to death.

The two satchels, still locked, that Madeline had innocently conveyed out there were discovered and found to contain over a thousand dollars' worth of stolen property Mr. Billings was arrested on account of the goods being found in his house, but he proved his complete innocence in the matter, and the case soon passed into oblivion.

Which shows that susceptible or ambitious maidens of both high and low degree should look closely into the character, pursuits and antecendents of whatever wandering and wealthy "princes" they may happen to meet in Chicago or elsewhere.

CONVICTED BY A COFFIN PLATE.

By Kickham Scanlan.

There was not a more troublesome and desperate pair of young criminals in Chicago than Tom Holton and Jerry Sawyer. Their specialty was burglary, sometimes with violence and very near murder, and their frequent and prolonged place of retreat the penitentiary, which did not seem to have any terrors for them; they were hardly out of it when they were busy again on a lurid round of law-breaking, creating ample occasion and necessity for their return.

One fine summer night—it was that of the fifth of June—immediately after their arrival here from Joliet, they celebrated the event by breaking into a dwelling house on the South Side and getting away with a quantity of plunder. A woman, who was aroused by the noise of their movements, was struck on the head with a revolver, but not before she had seen them closely enough to give a good description of them to the police, and their arrest followed.

Several months later, when their trial came on, it fell to my lot as assistant state's attorney to prosecute them. The evidence against them was very strong. Everything pointed to their conviction.

Suddenly the defense sprung a great surprise in the shape of a strong and seemingly impregnable alibi. The burglary was committed, as I have said, on the night of the fifth of June. Witness after witness—about half a dozen of them—took the stand and swore that on that particular night the two defendants were in their company

from 9:30 p. m. to 3:30 a. m. at the wake of a man named Alexander Howard, in Bridgeport.

There was no shaking their testimony; they swore clearly and emphatically that the two accused men were sitting quietly in their company during the hours specified, so that it was utterly impossible for them to have committed a burglary on the night in question.

Judge Dunne, before whom the case was tried, asked for rebuttal testimony. We had none to offer. It was a formidable and unexpected alibi, and we saw no possible means of demolishing or even assailing it. We asked for an adjournment in order to investigate, but this the defense strongly opposed. The court, on adjourning for recess, would grant us only until the sitting was resumed at 2 p. m., or an hour and a half, to present what evidence in rebuttal we could. Our case against the young burglars, who were now radiant at the sure prospect of exoneration and liberty, seemed gone all to pieces.

Taking with me an officer with some necessary papers I took a cab and drove hard and fast out to Bridgeport, in vague and desperate hope of finding some material wherewith to break down the strong barrier of defense thrown up around the men of whose guilt I felt assured.

I succeeded in finding the undertaker who had had charge of the funeral of Alexander Howard, at whose wake it was claimed the men had spent the night of the burglary. Small satisfaction, however, did I get from him. I asked to see his books, but on some excuse he did not produce them. Then I drove to the residence of the mother of the deceased and had a conversation with her in the parlor.

"Do you know the young men Tom Holton and Jerry Sawyer?"

"Yes, indeed, sir, I know them for a long time. They were friends of my poor boy that died."

"Were they at your son's wake, Mrs. Howard?"

"They were, sir; they were here all night, staying until broad daylight in the morning."

Which seemed to effectually end the whole matter. I rose to go, thinking perhaps that I was in error after all and that despite the defendants' penitentiary record it might have been a case of mistaken identity.

Suddenly an object that caught my eye aroused my interest. It is the custom of some people to preserve and frame, as obituary mementoes, the coffin plates of deceased members of the family, and this is what Mrs. Howard had done. Before me in staring white letters on a black ground appeared the name of Alexander Howard, his age, and the date of his death.

I looked at the date—it was not the fifth but the twelfth of June; the burglary and the wake were a whole week apart!

Taking with me Mrs. Howard, the undertaker and the coffin plate I hurried back to the criminal court and arrived only in the nick of time. With the evidence I had so strangely and unexpectedly secured it did not take long to demolish the alibi.

How was it that so many witnesses had so positively testified to the wrong date for the wake? Probably they believed that they had sworn truly. Several months having elapsed since then, it had been easy for the defendants to impress upon their friends that the wake had been held a week earlier than was really the case.

The young lawbreakers went back to the penitentiary and the South Side enjoyed a fresh respite from their nocturnal predations.

A REFORMED SABBATH BREAKER.

By James B. Jackson.

Among the youth of his sedate native village in Massachusetts there was none, I would venture to say, who enjoyed the esteem, admiration and patronage of the elders more than did Lemuel Z. Perkinson. In that prim and particular New England community, whose gentle goings on and gossip would have delighted the novel-dreaming soul of Kate Douglas Wiggins, Lemuel was no doubt regarded as a shining model for all the other boys and a phenomenon of juvenile rectitude. There is a possibility, a mere suggestion arising out of later phases of his biography, that in those development days of his he may occasionally, when morally weak and securely unperceived, have made free with his neighbors' orchards or even sneaked a coin out of the collection plate. But if he ever strayed locally from the straight and narrow path nobody ever traced his errant footsteps in forbidden places. So that when at length, responsive to the call of the west, he departed from his native place, he was sped forth with the best wishes of the community as the makings elsewhere of a saintly and talented man.

Somehow, I regret to say, sometime after his breaking of home ties and his plunge into the outer world, Lemuel's saintliness wilted and shriveled and his talents developed in dubious channels.

If Lemuel Z. Perkinson had adhered to the teachings of Sunday school, especially as regards the proper observance of the Sabbath, he would be a wealthy man today. If he had not yielded to the seductions of the Saturday

night dance hall and the Sunday skating rink he would now be the possessor of a large sum of money—although that money, strange to say, might not of right be his.

It was the Sabbath breaking of Lemuel that was the cause of giving me painful professional experience of him, and him even still more painful experience of me.

It happened that some Chicago clients of mine, manufacturers in a large way, were called upon to defend a suit brought against them by a former employe for serious personal injuries alleged to have been suffered while in their service. The amount of damages demanded they considered excessive, and they instructed me to defend their interests in court.

The plaintiff was the aforesaid Lemuel Z. Perkinson, and the amount of his claim was $25,000.

The trial of the case opened on Friday. From the start matters looked extremely blue for the defendants. The plaintiff, limping painfully, was helped into the witness chair, and a sympathetic jury listened with earnest attention while he related the extent and nature of his injuries. He demonstrated that, through negligence on the part of the defendants, he was seriously crippled for life. The chief injury was to his ankles; he could scarcely bear to stand on them, much less attempt to walk upstairs. A skilled machinist, his earning capacity was reduced one-half; instead of standing at his machine, as formerly, he was now obliged to sit down at his work, whereby he was unable to earn within fifty per cent of what he had been earning prior to his accident. On account of the permanent impairing of his abilities as an expert workman the sum of $25,000 would be barely adequate to compensate him.

We had no evidence to offer in rebuttal of the plaintiff's

testimony as to the permanency of his injuries. And so we took an adjournment to the following Monday, with the sword of a verdict for tremendous damages hanging over us.

But queer things happened in the meantime, followed by startling communications made to me by a marveling and truthful observer. Of these disclosures I made use to question the plaintiff on cross-examination.

"I presume, Mr. Perkinson," I inquired, "that you are still suffering from the effects of the injury to your ankles?"

"Certainly," he replied; "I don't have a minute but I suffer from dreadful pains in both of them, and I'll suffer from them till I die."

"You cannot stand or take exercise?"

"Of course not."

"Please tell the jury in what way you left this building last Friday evening."

Lemuel hesitated and stammered, then haltingly explained that he had walked down three flights of stairs, the injury to his ankles being so peculiar that walking downstairs did not hurt them much, though walking upstairs on them would be utterly impossible.

"What did you do Friday evening?"

"I remained at home."

"And what on Saturday?"

The witness flushed and hesitated, his counsel vehemently objected, but the court ruled in my favor, and the astonishing information was elicited that Lemuel, permanently injured ankles and all, hied forth with his skates Saturday and joined the merry crowd on the lake in Lincoln Park and skated and played hockey to his heart's content, also that the same night he betook himself to a

flashy dance hall and in that rendezvous of unhealthy gambols and license tripped it on the light fantastic away into the small hours of Sunday.

"And did you go to divine service, Mr. Perkinson?"

Alas, no, but instead Lemuel had taken his skates and his broken ankles away with him again to the park and enjoyed himself for hours in gyrations and real fancy skating.

The jury did not throw Mr. Perkinson's case out of court; he was allowed nominal damages, but the amount was so pitifully small that it utterly failed to console him in his bitter repentance of having broken the Sabbath, said repentance springing, I fear, more from material than from spiritual considerations.

"Boys will be boys, and as long as there are dances and skating they are not fully accountable for their acts," I said, in thanking the jury for their verdict, "but the main punishment of this gay and festive young Sabbath breaker is the defeat of his attempt to swindle people out of an immense sum of money by a scheme of perjury and fraud."

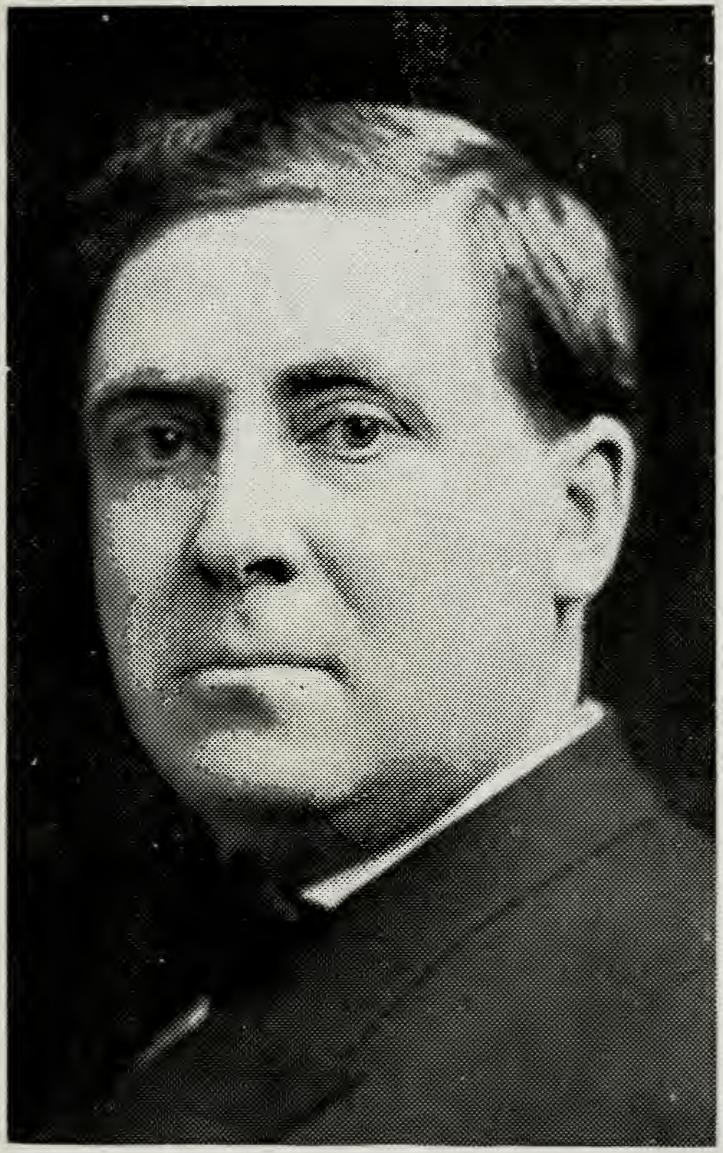
Lemuel now hates the sight and the thought of a dance hall or a pair of skates. Of course I deplore his temporary fall from grace, but the perplexing moral problem occurs to me that his Sabbath-breaking on that momentous occasion saved my clients many thousands of dollars.

AN EMBARRASSING FEE.

By Hon. Joseph A. O'Donnell.

It was the most striking and shocking fee I ever saw or heard of in my life. In self defense and vindication I must say it was forced upon me. However proverbially ravenous some lawyers may be for fees, no sane member of the bar would have received this one, none who had regard for his person, property and character, as well as for the honor of his profession and the respect of the people of his neighborhood.

Yet this particular fee came to me in a rather simple though unlooked for way. When old Phelim Rafferty, formerly of the rolling mills, got in trouble with his family I went out to defend him. Through receiving good pay for many years as a puddler at the rolling mills Phelim had acquired a pretty snug piece of property. This he was induced to transfer to his wife. When the rolling mills closed down he lost his job and was unable to find another. Then, in his declining years, he began, like Falstaff, to "take his ease in his inn" and enjoy himself occasionally with the flowing bowl, with the result that his family—he had six or seven grown up children—had him arrested on a charge of drunkenness, with the filial intent of having him sent to the workhouse or the bridewell, and so getting rid of him. Some of his neighbors bailed him out and he came to me to defend him. When I went into court I found his whole unmerciful family arrayed against him, all eager and willing to swear and do their worst. I tried to patch up a truce, but in vain—they were bent on getting rid of the old man. The case went to trial and I de-



HON. JOSEPH A. O'DONNELL

Able and highly respected lawyer, who was elected judge of the Circuit Court of Cook County by large popular vote. As member of the Legislature 1889-93 he took leading part in the passage of various important measures, including the Australian Ballot law and Juvenile Court law. Gives valuable aid in public affairs of Chicago.

fended him as best I could, pointing out the rank ingratitude of his family, after his long years of hard labor for them, in trying to turn him out of house and home. To their contemptible mortification, he was acquitted.

On leaving court he came to me delighted and tearful with joy. "Misther O'Donnell, I thank you," he said. "I know that lawyers must live. Now, I haven't got any money, but for what you've done for me this mornin' I'll give you one of the finest goats from here to Indiana."

"Oh, no, never mind, Phelim," I said. "What little service I've done for you was for the sake of old times. So we'll say no more about it."

"But in troth it's a lovely goat, sir," he persisted in a voice full of emotion, "and I'm offerin' him to show that I don't undhervalue what you've done for me. You're a fine lawyer entirely, an' some day you'll be a great judge. Yes, sir, you must let me give you that goat."

I had forgotten all about Rafferty and his goat when one morning as I arose from the breakfast table and prepared to go downtown a small boy rang the doorbell.

"Mr. O'Donnell," he said, "a man has left a goat here in front of the house, and he says it's intended for you."

A sudden sense of alarm seized me. "Run after that man, like a good boy," I said, "and tell him come back at once."

"Oh, the man is a long way off now, sir," he replied, "and I'm afraid I'll be late for school." And the boy hurried away, leaving me alone with my fee that had been delivered—on the hoof.

It was a goat with a vengeance—a monster billy, hirsute, aggressive, smelling to heaven. He was tied to a telegraph pole in front of the house and was making a preliminary survey of his surroundings.

Evidently the sight and his detention did not please him. Suddenly he drew out to the full length of his tether, bent his head and charged the telegraph pole. He hit it a tremendous crack that made it shiver from top to bottom and made the wires jingle and sing all along the street as if a cyclone had struck them. This performance he repeated several times with increasing fury. In my alarm and horror it seemed that he would speedily put the whole telegraph system out of order and leave me liable for enormous damages.

A crowd soon gathered to witness the circus, and presently the word went round, "It's O'Donnell's goat."

All this time the goat was fiercely butting the telegraph pole, threatening to pound it to matchwood and occasionally varying the performance by balancing and dancing on his hind legs and throwing somersaults and cartwheels. The yelling crowd enjoyed it. For me, I felt quite helpless and mortified.

At length, by the bribe of a dollar, I persuaded the colored porter at the barber shop to take the goat by the rope and two boys at fifty cents each to hang on to the brute's horns and conduct him along, and in that way they took him to the barn, after which, in considerable relief, I went downtown.

On my return in the evening trouble met me again. In sorrow and anger an esteemed female relative behind whose dwelling my barn stood made a complaint about a goat —my goat, my white elephant, my *bête noir*.

"He ate up the rope that tied him," she said, "and butted his way out through the end of the barn, and then he got at my week's wash and devoured the best part of it and bit large holes in all the rest."

By this time I was seriously discounting the pathetic

and touching character of my late client's gratitude and sincerely wishing I had never seen him or his case or his goat. Circumstances, however, soon afterwards rid me of the incubus of the awful animal. He engaged in a terrific encounter with the butcher's dog, and before Capricornus pounded the dog into pulp he himself received such injuries that they were compelled to get a policeman to shoot him.

Some time afterwards, happening to meet my friend, former Alderman Bowler, who lived in their neighborhood, I inquired about the Raffertys.

"They have all moved away," he informed me, "the old man and the rest of them. And, indeed, we are not very sorry for losing them, for they had the most fiendish lot of goats that ever spread ruin and devastation. There was in particular one big goat that was a perfect terror to the neighborhood, but old Rafferty got rid of him first of all—gave him as a fee, we heard, to some lawyer who defended him in court when his family prosecuted him for going on sprees."

As to the favored lawyer Mr. Bowler spoke of I kept discreetly silent. For "butting in," even professionally, in a family quarrel, his appropriate fee was a goat.

A LIFE SAVED BY CHANCE.

By Stephen S. Gregory.

This was a case where a human life hung on a thread which in this instance was a telephone wire—not on its use, but the failure to use it.

It was in the celebrated case where Herman Billik,

accused of having poisoned a man named Vrzal and four of his children—the poison being administered, it was claimed, by Vrzal's wife—was sentenced to be hanged for the murder of Mary Vrzal. The Supreme Court affirmed the judgment and denied a petition for rehearing. In the meantime Jerry Vrzal, one of the principal witnesses against Billik, had recanted and declared that nearly all the substantial parts of his testimony were false. Father P. J. O'Callaghan, of the Paulists, had become very much interested in the case, and after the judgment had been affirmed in the Supreme Court, he applied to me to act with Mr. Hinckley in an effort to save the doomed man's life. We appeared before Governor Deneen and the Board of Pardons in Chicago on Easter Saturday, 1908, with the result that execution of the sentence was deferred to Friday, June 12, in that year.

Application was now made to the Supreme Court for a new trial on the ground of newly discovered evidence. This was refused. Herman Billik's day of doom drew near. In the early part of the week in which he was to die the Board of Pardons again took his case under consideration; commutation of his sentence was refused, so was any further postponement; he was to hang on Friday.

On Thursday, rather hurriedly, we made application before Judge Landis, sitting in the Circuit Court of the United States for the Northern District of Illinois, for a writ of habeas corpus on behalf of Billik. This application, after argument, was denied, whereupon an appeal was prayed to the Supreme Court of the United States on the ground that Billik's constitutional rights had been infringed. The judge at first announced that he would not grant an appeal, but as we contended that our client was entitled to it as a

matter of right, he listened to the arguments during all that afternoon and at length adjourned court without announcing his decision, he being still in some doubt. As he was about to leave the bench I suggested to him, taking the district attorney into our counsel, that he could communicate by telephone or otherwise with Chief Justice Melville W. Fuller, who happened to be on a visit to Chicago, on the subject of our right of appeal. Judge Landis looked at me for a moment in thoughtful silence, and then left the bench.

And so, as it appeared to me, the life of our client hung on a telephone wire.

Friday, the day fixed for the execution, dawned, with the scaffold erected and the rope ready for Billik. Large was the crowd in the courtroom and great the tension of feeling, as in a crucial struggle to save a human life. When the judge entered the courtroom he obtained from the state's attorney an assurance that Billik would not be executed until the court had announced its decision, and the death march was accordingly stayed. Then he ruled that Billik was entitled to an appeal and that the appeal stayed all proceedings until the case was finally disposed of by the Supreme court of the United States, which was not then sitting and would not convene until the following October. The appeal bond and other necessary papers were filed and the record sent to Washington.

Not long afterwards I met Chief Justice Fuller. He referred to the Billik case and said he supposed that the court deciding the application for appeal was familiar with the fact that in order to prevent gross abuses in the way of applying to the federal courts on frivolous grounds to interfere with the execution of capital sentences imposed by the state—of which my application on behalf of Billik

seemed to be a particularly flagrant example—the Congress of the United States in March preceding had passed a statute taking away the right to appeal in cases of this character which had before been absolute except where the judge who heard the application or a Justice of the Supreme court should certify that there was reasonable doubt as to the merits of the application. I informed the chief justice that not only the judge but the counsel for the state and the counsel for the prisoner were entirely unaware that such a statute had been passed; and with that the subject was dropped.

Eventually the Supreme court, on this ground, dismissed the appeal. Billik was resentenced to be hanged; but by the clemency of the governor the sentence was commuted to life imprisonment.

Some months after Judge Landis had heard the case, I met him and reminded him that I had suggested to him that he could, if he cared to, communicate with the chief justice before deciding on my right to an appeal in the Billik case. He said he recalled the matter, and I then repeated to him my conversation with the chief justice on the subject.

"Well," he remarked, "if I had acted on your suggestion and communicated with the chief justice, the case would have ended there, and your man Billik would have been hanged.

"Yes," I said, tentatively.

He reflected a moment and said: "Well, I'm glad I did not do it."

So, through a singular variety of circumstances, did the merest chance intervene to save the life of Herman Billik at the moment when he stood in the very shadow of

death. Father O'Callaghan said he saw in it the hand of Providence. Maybe so; I do not know.

But this incident illustrates that Kenesaw M. Landis has the courage to do his duty as he sees it, and what is really more than that high quality, a humane and merciful heart.

Nor does the mere fact that in this case all concerned were ignorant of the then recent statute at all impair or affect this conclusion.

A QUESTION TOO MANY.

By Mrs. Antoinette Funk.

It was in a personal injury suit against a street railway corporation that I demonstrated for myself to a most convincing yet disconcerting degree the deadly pitfalls of extensive cross-examination.

My client had been injured in getting off a street car. One of the defendant company's witnesses, an importation from the green isle, testified that the plaintiff, without giving the conductor a signal to stop, had deliberately stepped from the car while it was in motion—the deduction being, of course, that my client had only himself to blame.

Taking the Milesian witness in hand, I asked: "At what time of day did the accident occur, Mr. O'Reilly?"

"About sivin o'clock in the evenin', ma'am."

"Had you been drinking during the day, Mr. O'Reilly?"

"Yis, ma'am, I had some dhrinks."

"How many drinks did you have that day, Mr. O'Reilly?"

"Indeed, ma'am, I can't very well remember how many."

"You cannot remember? Come now, Mr. O'Reilly, can you not even tell the jury how many drinks you had that day from noon to the time of the accident?"

"Well, ma'am, I think I can tell them about how many."

"About how many, then, did you have that day since noon?"

"It was a sulthry kind of day, ma'am," replied the witness, apologetically, as it seemed; "I had about eight."

With satisfaction I noticed the look of aroused interest in the faces of the intelligent jurymen and recognized that in their minds the props under O'Reilly's testimony were weak and trembling. While feeling secretly grateful to the hostile witness for his honest candor, and hating on that account to hurt his feelings, I felt that my duty to my client demanded that I put the elucidating and evidence-crushing query:

"So you had eight drinks that afternoon, Mr. O'Reilly; now, will you please tell the jury were those drinks beer or whisky?"

He looked at me in surprise and reproach and answered:

"They were nayther, ma'am—they were water."

"You see," he explained, as he vacated the witness chair, "since the hard times kem on and the prices of everything wint up, I became a Father Matthew man, what they call a total abstainer."

So, in the zeal of perilous cross-examination, did I inadvertently fire a shot that told for the enemy.

A REPAYMENT THAT PAINED.

By John R. Caverly.

Former Police Magistrate, now City Attorney of Chicago.

It sometimes happens that the untimely repayment of a simple debt, the sincere but tactless expression of ordinary gratitude, will cover a man with a damp sheet of confusion and embarrassment, give him the chilling and crushing sensation that he is the object of the cold eye of public suspicion and the accusing finger of public scorn.

That was the kind of delectable feeling that I was made to have one cold winter's morning when I was police justice at the Harrison street station. And I don't feel that I've quite got over the effects of it yet.

An old lawyer, a practitioner in my court, a man who had seen better days—and who I hope will live to see many more of them—stopped me that morning as I was entering the station and asked me for the loan of a dollar. He made some sort of apology for being in such reduced circumstances, but as I had neither time nor inclination to listen, I handed him the dollar. Then I hurried on into the courtroom, but not until I had heard him shout after me up the snow-covered station-house steps:

"Don't be worried, judge; I'll pay you this back, the first case I get."

Two or three days after that he came to me for another dollar, and later on another. It could just as well have been $25 as $3, for the old man was scrupulously honest and would repay as soon as ever he got the chance. I knew

that if he lived to earn another $5 fee he would pay me first of all.

It was a week or two, however, before I saw him again. The first case I called one morning was a plain "disorderly." My old lawyer friend was there at the side of the prisoner to represent him. He spoke to me pleasantly, or I might say in a tone which was calculated to make his client think that he, the attorney, and I were on the friendliest of terms. That was a trick of the practitioner at the old police courts; he studied to impress his client that he, and no other lawyer living, could have got him out of his trouble, whatever it was, with less than a six months' sentence to the bridewell.

The arresting officer gave his testimony and I then asked the prisoner what he had to say. It was not a very serious case and I had made up my mind to discharge the man, who had already been sufficiently punished by being locked up all night in the notorious Harrison street station souterrains.

But the old lawyer, probably reading my mind and fearing to lose the opportunity for his services, started in at once on an impassioned plea for mercy, for it would not suit his interests to let me discharge the prisoner without giving himself some show of earning the fee that was coming. Therefore, buttoning up his long Prince Albert coat, which was glossy and threadbare at the elbows, the veteran attorney waxed eloquent as he sawed the air with his fingers. It was "your honor, please," and "may it please the honorable court," and so on for a ten-minute speech that was a wonder for even police court oratory. And he brought his appeal to a magnificent final flourish with "Fiat justitia ruat coelum."

"Discharged," I said to the prisoner at the conclusion

of the oration, and without looking up from the arrest sheet called the next case.

The practitioner and his client retired to the rear of the courtroom, where the latter handed the old man five silver dollars. There seemed to have been an understanding beforehand that if the prisoner were fined the lawyer was to receive no fee, and if he were discharged he was to receive $5. On receiving the fee the old lawyer came rushing back to me, and, in the presence of the whole courtroom full of spectators, lawyers, bondsmen and police officers, handed me the $3 which he owed me.

"Here, your honor," he said, in a whisper that could have been heard out on the street, passing me the money over the top of the bench, "here is what's coming to you. Much obliged."

And my heart bowed down under the gloomy and mortifying reflection that everybody in the courtroom thought it was my "bit" out of the fee for discharging the prisoner.

A DOCTOR IN DIFFICULTIES.

By W. J. Hynes.

About the queerest medical evidence I heard in my life was given by a doctor who through some mysterious and wonderful means hailed from the Cook County Hospital.

He was put on the stand to give evidence as to a lacerated wound over the plaintiff's coccyx, in which wound an abscess had formed after an operation by the witness, who said he had made a cutting three inches long and two and one-half inches deep—which would indicate a phe-

nomenal amount of adipose tissue on the spine of the patient. The witness also swore that the latter was suffering from atrophy, which he described as "a peculiar nervous disease."

"How do you ascertain the atrophy?" I asked him.

"Well, I measured it in de region of de patella or shinbone."

"I thought the patella was the knee-cap," remarked the judge.

The witness concurred and stammered an explanation, which the court said was sufficient.

"What is the pathology of an abscess?" I asked.

"Well, it is about two and a half inches deep and three long."

I repeated the question.

"Well, it is a sac filled with pus."

"Doctor, will you explain to the jury what pathology means?"

"Well, it is de examination with de microscope."

"Is it not a fact that abscesses are idiopathic?" I inquired.

"Well, sometimes they are and sometimes they are not," he cautiously replied.

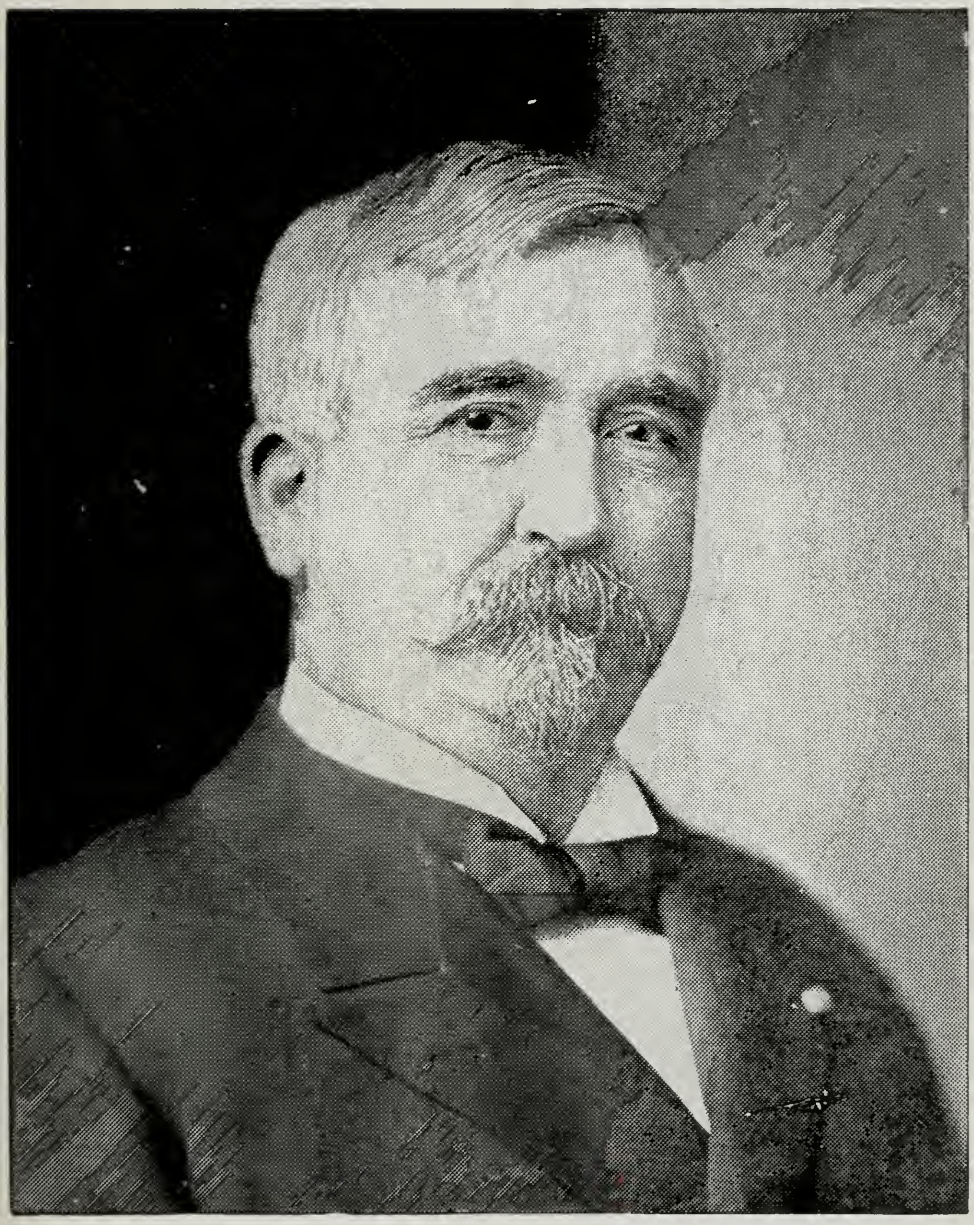
"Was this one idiopathic?"

"Perhaps it was."

"Doctor, will you explain to the jury what idiopathic means?"

The witness hesitated and at length said, apologetically: "Well, it might be in mine head and it run out again."

Then I let him go, for he said he had to "subscribe" for a patient in the County Hospital.



HON. RICHARD S. TUTHILL

JUDGE OF THE CIRCUIT COURT

Veteran of military laurels, judicial honors and humanitarian fame. Fought bravely for the union in the civil war. Organized the original Juvenile Court, which set a humane example to the world. Has been on the Circuit Court bench since 1887. A broad minded and ideal American.

NOT GUILTY.

By Hon. Richard S. Tuthill.

Judge of the Circuit Court of Cook County and the Juvenile Court of Chicago.

In Nashville, Tenn., when I began to practice law, there was a colored brother named William H. Moss, a strenuous and enterprising person, well known throughout the city for his frequent and copious display of pyrotechnic eloquence at public meetings. In addition to his other pursuits he occasionally acted as attorney before the local justices of the peace, where both the pleadings and the rulings were sometimes fearful and wonderful.

Under the law of Tennessee anybody who had a mind to do so could act as attorney before a justice of the peace, but there was a federal law requiring every practicing lawyer to take out a license, for which he had to pay a fee of $10 to the government of the United States. It happened that the forensic fame of my friend Moss at length attracted to him the attention of the federal authorities, and one day, when I was going to my office, I met him coming along the street in custody of a United States marshal.

"What are you under arrest for, Bill?" I inquired.

"For practicing law without a license," he replied.

"A most unjust and unwarrantable charge," I said. "Allow me to defend you."

He gladly consented, and I accompanied him before the United States commissioner, a stolid Englishman named Gray, who seemed to have no object in living beyond collecting his fees. I put in a plea wherein I wrote:

"And now comes the defendant William H. Moss, who is charged by the government of the United States with practicing law without a license, in violation of the statute, and he says in his plea thereto that he is not guilty, because he says that he practiced only before justices of the peace and that what he practiced was not law but a thing utterly unknown and foreign to the law of this country or of England or of any civilized country in the world, and on this pleading he asks that he be held discharged."

I then read his plea to him and said that it might be stronger if he swore to it. "All right, sir," said the barrister, "I'll swear to dat," and he did so, and signed his name to that affidavit with apparent pride.

The commissioner took grave judicial cognizance of the plea, and after weighty deliberation discharged my client. Brother Moss expressed most enthusiastic admiration of my legal ability and returned in triumph to his sphere of activity in the "justice shops."

MY RAID ON CANADA.

By Francis J. Houlihan.

It was an unlucky deal in fireworks that put the Isaacsteins to the bad. Young America did not celebrate that year on the scale the enterprising firm had anticipated; there was a premonition of a "saner Fourth," or the boys went elsewhere for their explosives. Anyhow, the Isaacsteins, who were three brothers, merchants, in business on Madison street, Chicago, found themselves out about $5,000, with bankruptcy staring them in the face. On

FRANCIS J. HOULIHAN

Born in quiet Ogdensburg, N. Y., and descended of three peaceful American generations, it is hard to conceive how such a pleasing Pickwickian personality as the above could bring himself to execute the dashing and successful swoop which he so graphically describes.

A lawyer of large practice and high professional standing, a steady friend and chivalrous foe, with acquaintance wide and varied, "Frank" Houlihan is one of the best known and most popular residents of Cook County.

consultation with a lawyer, however, they found that their financial condition was not so desperate as they thought, and with renewed business energy they proceeded to recoup themselves for their loss. This they did in a manner more questionable than ingenious. They bought on credit large quantities of goods from various firms and sold those goods for cash at 30 per cent less than the original price to some of the big department stores on State street. In this way they accumulated about $17,000.

Then the Isaacsteins proceeded to go into bankruptcy in earnest. They had three fictitious creditors file a petition against them in the United States court and had a friendly receiver appointed with a friendly attorney to represent him and another friendly attorney to present the petition of the creditors.

Under these circumstances I was employed by the bulk of the creditors this enterprising firm had victimized. I brought the Isaacstein brothers—there were three of them, Elias, Joseph and Robert—into the United States court for examination, and there for several days I had them under hot fire, eliciting their dubious methods and details of business. At length approached the feast of Yom Kippur, and the Isaacsteins begged that their case be continued over that day so they might be enabled to attend the services of the Jewish church. This was granted by the court, and the bankrupts, eluding the detectives we had watching them, seized the opportunity to make a quick and stealthy exit from Chicago.

My clients looked blue and I sympathetically reflected their color. "We will have sad cause," I thought, "to remember the ancient Jewish feast of Yom Kippur." It fell that year, by the way, on the 24th of September.

Two of the Isaacsteins were married. Our detectives

learned that the wife of one of them had packed her trunk and sent it to a railway station. I directed him to follow it, and he did so. The woman took tickets for Canada. She got off the train within ninety miles of Montreal, but the detective followed the trunk to that city. There he found that the brothers were in the city and had deposited considerable sums of money in the local banks, whereupon I set out for Montreal, determined to save what I could for my clients.

On my arrival there my man met me at the railway station. His crestfallen look at once told me that something was wrong; on the previous day, taking alarm at something, the Isaacsteins had withdrawn all their money from the banks.

It being Canadian Thanksgiving and a legal holiday, nothing in particular could be done, so, lest my appearance might drive our birds to fresh flight, I kept within the hotel, taking the precaution to sign a fictitious name in the register. Next day I went before the extradition commissioner of Montreal, made complaint and swore out extradition warrants to bring the fugitives back to Chicago. About 9 o'clock that night, with the aid of detectives and the Montreal police, we arrested Elias and Joseph Isaacstein and Bertha, wife of the former, and took them to the police station. At the station the brothers were searched, but there was found on them only the sum of $65. After a series of sweating questions by the captain of police and myself, Bertha produced the sum of $7,500 in Dominion notes, and a search of her person by the matron brought forth the further sum of $500.

Accompanied by detectives, I set out in search of the third brother, Robert. After a long and weary nocturnal search, I managed to locate him, about 3 o'clock in the

morning, in a room in a house in that part of Montreal known as "the Hill." Entering, I found him sitting on a sofa. Immediately on sight of me he thrust his hands into his pockets and I heard the rustling of paper. I grabbed him and turned him over to big Officer O'Keeffe, of the Montreal police. Off the floor I picked up a $10 bill and under the sofa I found $2,500 in Dominion notes. We brought Robert to the station. There in the captain's office Joseph desired to have a talk with me.

"What authority have you in this matter?" he demanded.

"I represent nine-tenths of the creditors," I replied. "What I would advise you to do is not to put me to any further trouble or expense, but to give up what money you have and get your brothers to do the same and come back with me to Chicago, and I will do all in my power to appease and call off the creditors and free you from all further responsibility. How much more money have you?"

"About $3,500."

He had it in a safety deposit vault, whence he drew it out and delivered it over, this making a total of $14,000 recovered in the space of twenty-four hours and safely deposited in the hands of the police.

But now a formidable danger confronted me, entailing the prospect of lengthy, costly, complicated litigation before the extradition commissioner, with perhaps the melancholy finale of my sustaining defeat through the subtleties of Canadian law and returning outwitted and empty-handed to Chicago. For word of the arrests and of the large sum of money recovered had gone forth among the Jewish colony of Montreal, and energetic and prodigious efforts were afoot to keep both the Isaacsteins and the money within the bounds of the Dominion.

On my solemn promise to intercede for them with their creditors, the three brothers and the woman promised to offer no objection in the proceedings before the extradition commissioner, and signed a document setting forth that the money handed over by them belonged of right to the trustee of the United States court and that they were perfectly willing without further ado to return with me to Chicago. With this precious paper we went at 10 o'clock before the commissioner.

Scarcely were the proceedings started when there came a loud pounding on the door of the commissioner's room. The door was opened and there poured into the room an excited mob of Jews and lawyers, wild with rage and indignation. It looked as if the whole ghetto had risen in fierce revolt.

"It's a shame and an outrage!"

"It's downright robbery!"

"Why not give those poor people the benefit of a lawyer?"

"Is there no law or justice in Canada to prevent innocent people from being kidnapped and robbed?"

"We will have the newspapers expose this infamy."

But the document was there with the signatures of the refugees, who at my questions arose one by one and declared they were perfectly satisfied with the arrangements and quite willing to go with me. With this I administered a stately and dignified rebuke to that mob of baffled Canucks, and said that such conduct as theirs would be impossible before a Chicago tribunal.

The amount collected from the bankrupts was duly handed over to me. With little loss of time I got a draft for $13,000 and mailed that much money out of the Dominion and back into Chicago. Subsequently, from

various sources, the sum recovered was raised to $17,000. The Isaacsteins took the train home with me. "My good people," I said, when we had reached Windsor, "here is the last Canadian station we will pass on our way, and if you have any doubts as to the nature of the treatment that awaits you in Chicago here is where you may drop off the train and go your way if you think fit. But if you will trust yourselves to my tender care, I shall see that you do not come to grief."

They came, and I kept my word with them. They are now, I understand, fairly prosperous in business, which they conduct along purely legitimate and scrupulous lines.

Thus did I rapidly and peacefully raid the Dominion and recover a fair amount of spoils from the Lion for the Eagle.

A GOOD FRIDAY SUPPER.

By Edward Maher.

An impulsive and loquacious female witness gave me one of the most poignant thrills of my life. And the occasion was one on which I was defending her brother against the charge of murder.

It was on Good Friday, the anniversary of the world's greatest tragedy, so sacred and solemn to all Christendom, that the crime of which my client was accused was perpetrated. It happened not far from the borders of Cook county. On the evening of the day, a country shopkeeper was assaulted and murdered in his store. Circumstances, including the mute testimony of the store clock, which was

torn from the wall in the fracas and stopped from the shock of the fall, showed the hour of the killing to be 6:30 p. m. Two young men were seen in the neighborhood of the store about the time of the murder, and, from descriptions furnished of these, suspicion settled on Harry Galvin, a farmer's son, who lived at least five miles from the scene of the tragedy, which at the time produced a great and painful sensation all over the countryside. The evidence of identification, while not clear or definite, was considered sufficient to go to the grand jury, with the result that the accused had to stand his trial for wilful murder. The second suspect had disappeared.

On investigation I was absolutely convinced of the innocence of my client. The defense was a complete alibi, which was established by the evidence of the father and mother of the defendant, by a visitor at the house, and by the defendant's sister, who waited upon them at supper on the night in question. It was proved that the accused boy was sitting with them at table at the alleged hour of the murder, and the distance between the Galvins' home and the scene of the crime was also proved, so that it was impossible that the defendant could be guilty unless, like Sir Boyle Roche's famous bird, he could be in two places at once!

The Galvins, I may mention, were Roman Catholics, and here came the crux of the situation.

Naturally anxious to free her brother, the sister was voluntary and voluble in her evidence. In reply to a searching cross-examination by the assistant state's attorney, she described the position of the dining-room and kitchen and even the order in which the company sat at table. She volunteered the statement that after supper they all intended going to Good Friday night services in

the local Catholic church near by. Her evidence had apparently great weight with the jury, delivered as it was without hesitation—though also, as it happened, without due reflection or consideration. At length, seemingly abandoning his case as hopeless, the state's attorney asked, in a perfunctory way:

"What had you for supper that evening?"

To which the witness promptly answered:

"Corned beef and cabbage."

At which I experienced the aforementioned dull sickening thrill and held my breath in apprehension. What if the state's attorney should know and remember that, above all days in the year, Catholics do not eat meat on Good Friday? The hasty statement would have crumpled all the previous testimony of the witness like a house of cards. But he failed to notice the startling nature of the answer, and so, strange to say, did the jury. When I had recovered my equanimity I suggested to the court that the alibi entitled the defendant to a verdict of not guilty, which was duly delivered.

"Wasn't I a great success on the stand, Mr. Maher?" afterwards said to me that "eternal feminine" witness, in exulting self-congratulation.

"Yes, Miss Galvin," I replied severely; "in your exuberance you were nearly successful in putting the rope round your brother's neck."

A LAYMAN'S DEFENSE.

By John C. King.

I was present in the Criminal court when a young mulatto by name Jefferson Johnson was tried for the crime of larceny. The presiding judge was Hon. Frank Baker and the prosecuting attorney was Charles G. Neely. The young fellow seemed to be very bright and intelligent and readily answered the questions put to him by the court as to whether or not the court would assign him a lawyer for his defense. He stated that he would like to act in this case as his own lawyer if the court would permit it. The judge, who seemed to be amused at the request, nodded assent and ordered the clerk to call a jury and let the trial proceed.

Mr. Neely seemed to take in the mulatto boy from head to foot, as if he were trying to measure his abilities for the coming contest. The jury was called and examined by Mr. Neely, who stated after his examination that he was satisfied with the jury. The court turned to young Johnson and asked if he desired to examine the jury. He stated to the court that he wanted to put a few questions. Taking up the first juror, he inquired into his business, residence, prejudices and his fairness to sit as a juror upon his trial, asking if he could give a mulatto boy a fair and impartial trial according to the law of Illinois, and if, after hearing all the evidence, he had a reasonable doubt of his guilt, he would acquit him. The juror answered that he would. Each juror on the panel was asked similar questions by Johnson and was accepted by him.

Judge Baker, at the close of the examination of the

jury, thought he remembered the face of the defendant, who had been tried several times before him for some minor offenses and who had escaped severe punishment through the clemency of the court. The judge then became very much interested in the defendant and paid special attention to every question put by him to the witnesses for the people.

The first witness who was called was an officer who testified that he noticed Jefferson Johnson before he entered the clothing store of Wilde, on State street, and that he did not have any bundle or other property in his possession when he entered the store; that he shortly afterwards saw him come out of the store with a bundle of clothing; that he turned round on Madison street and reached the alley running south from McVicker's theater. The officer further said that he followed him and arrested him and found the property about six or eight feet away from the place where he made the arrest, and that he saw him throw it in the alley.

This evidence seemed to settle the guilt of the defendant. The court asked him if he desired to cross-examine, and he said he did. The officer was then taken in hand by the defendant. He was asked his name, how long he was on the force, what was his business before getting on the force, and whether he had been in any trouble or not before he became a police officer. The answer to the last question was in the negative. The defendant then proceeded upon another line and asked the witness the hour of day or night he saw him on the occasion of the arrest. The officer said it was a little after 8 o'clock and that it was in the night time.

"Was the night bright or dark?" "The night was dark."

"Was it very dark?" "It was very dark."

"Did you see the person from the time he came out of Wilde's till the arrest?" "No, I did not; when he got into the alley I lost sight of him, but as I got into the alley I saw him running ahead of me, and then I ran and overtook him."

"How long was he out of your sight?" "About half a minute?"

"Was he a white or a black man?" "Black."

"Did you see his face?" "Yes."

"White or dark?" "Dark."

"Was it very dark?" "Yes, very dark."

"That's all, officer."

Some other witnesses were then examined and proved ownership of the property, after which Mr. Neely made his opening argument to the jury and claimed that there was no doubt of the defendant's guilt, saying that he was caught in the act; that he was seen to enter the store without the goods and seen coming out with the goods; that he was seen running into the alley by the officer and arrested there with the goods a short distance from him, all of which afforded convincing proof of the defendant's guilt. Mr. Neely's speech was short and to the point, and, when he rested, the defendant stood up.

Johnson was tall, slim, light of movement and graceful of manner. He bowed respectfully to the court and then to the jury, and said:

"Gentlemen of the jury, you told me when I examined you as jurors and accepted you that if you had any reasonable doubt of my guilt you would acquit me. I have been before you for two hours, and there is not a man on the jury that has not looked me over and learned all about my personal appearance. You remember the testimony of the officer who was the only witness for the state

to prove identification—that he said it was a very dark night and that the man who ran away had a very dark face. Even the prosecution did not ask him whether I was the party who was arrested in the alley. The only time my name was mentioned in this case was when the officer said he saw me enter the store and return from it, while his evidence as to the party arrested shows clearly that I am not the person. He testified that the man he arrested had a very dark face. I am a mulatto, and my face is almost as white as any on the jury. Gentlemen, you said if you had a reasonable doubt you would acquit me. Now, is there any difference between a black face and the face I wear? If so, gentlemen, there lies a reasonable doubt—a very reasonable one."

It may be added in this connection that the logical and convincing Jefferson Johnson did not take the stand in his own behalf. The jury were out only a few minutes before they brought in a verdict of not guilty.

After the verdict was returned Judge Baker stood up and walked back and forth on the bench, smiled and said: "There's another victory for Jefferson."

DRAWING HENS' TEETH.

By Thomas A. Leach.

The process of inducing or compelling some corporations to make adequate compensation to employes for injuries received in their service through no fault of their own may sometimes be compared to that extremely critical

problem in exquisite dentistry known as drawing hens' teeth.

This was a truth forcibly brought home to me by my strenuous experience in the case of former street car conductor Samuel Sawbuck, who is now dragging his way through life on a disabled limb.

"You may try to fool the court, but you can't fool me," was the non-encouraging way in which the affable counsel for the street car company met my overtures when I professionally interested myself on the part of Samuel.

It was about 11 o'clock at night on a down-town street that Sam met with the accident. There were two lines of street cars running east and west on the street in question. They ran on a double track connected with a switch track and were operated by an overhead trolley. When a car had completed its trip east it was switched off on the other track and started back west. The cars had fenders at each end which were as usual changed when the course of the car was reversed, that in the rear being fastened up and that in front let down. The car on which Sam Sawbuck was conductor had reached its eastern terminus and was standing still. Sam reversed the seats in preparation for the return trip and then went to the west end of the car to let down the fender, that being part of his duty. When he tried to do so he found that one of the cars of the other line running on the same tracks was so close up that there was no room to lower the fender. He therefore asked the motorman of the other car, with whom he was acquainted, to back away a little, so as to give him room. "Sure, I will, Sam," replied the motorman, and he turned the motor handle in order to reverse the current, but instead of going backward the car suddenly bounded forward, with the result that Sam's leg was

caught between the two cars and he was effectually put *hors de combat.*

His injury was a severe one. There was a compound comminuted fracture of the lower third of the tibia which necessitated a critical operation. Osteomyelitis, or consumption of the bone, set in, and the diseased portion of the bone had to be removed, the consequence being that Sam was lamed for life.

Shortly after the accident a representative of the street car company called on the victim and magnanimously offered to pay his hospital bill, amounting to $64, on condition that he would release the company of all further responsibility in the matter, which offer was declined. Subsequently Sam offered to settle with the company in consideration of the payment of $2,000. The general attorney for the company heard him with contempt and ordered him out of the office. Then Sam came to me.

On investigation the inwardness of the accident was learned by me and the blame placed where it belonged. It appeared that on the trolley cars running on the lines on which the accident happened there were in use two different kinds of motors, with different sizes of handles. The handles, which were removable, were taken off when the cars were placed in the barns and laid away by themselves ready for use whenever needed, and in this way they were liable to get mixed. The motorman of the car that had run into my client was using a wrong handle to his motor, put on by the barn man in mistake. With such a handle—a large one on a small motor—it was apparently possible to make the car go forward and also to stop it, but if the attempt was made to back it the handle was liable to slip, causing the car to shoot forward instead of going backward. On the day of the accident something

happened to a car which was being run by the motorman who ran down Sam and he telephoned to the barns for one instead, which was sent out and met him at a certain point, where he changed cars but neglected to change handles. The car which he had been operating had a larger motor than the one he was now on, and his attempt to use the larger handle on the smaller motor to reverse the movement of the car was the cause of the accident.

After ascertaining all this I had an interview with the attorney for the company and endeavored to explain matters to him, but the estimable gentleman insisted that such a thing was impossible, declared that I could not fool him by any such talk and scouted the idea that the company was responsible.

So there was nothing for it but go to law, and in the Superior court before Judge Gary a jury gave my client a verdict for $12,000 and judgment was entered. At this the company's lawyer smarted as from a sense of personal injury. "You cannot fool me," he said hotly, "and I cannot understand how you have succeeded in fooling the court and jury. But you'll never see that money." And he took the case to the Appellate court, where judgment was affirmed for $10,000 after $2,000 had been remitted.

My esteemed opponent, the watchdog of the street car company's treasury, was still indignant, resolute, unyielding. "You have fooled the Superior court and the Appellate court," he said, "but it will be impossible for you to fool the Supreme court." The judgment of the Appellate court was affirmed in the Supreme court. But my esteemed opponent was still irate and unconvinced, and as he handed me a check for $11,348.97 he muttered that there was one occasion that an audacious person had succeeded in

fleecing an innocent corporation and fooling the Supreme court of the state of Illinois.

Which goes to show that making certain corporations do the right thing gracefully is about on a par with the perplexing enigma of extracting the molars of a Plymouth Rock.

MYSTERY OF A GRASS WIDOW.

By Hon. John P. McGoorty.

"Oh, Jerry, Jerry, so I have found you at last, after all these long years of searching and mourning! Why did you leave me, my darling? How could you have been so cruel?"

It was an elderly woman that effusively greeted an elderly man on a quiet street of the South Side, grasping him by the hands and looking with smiling confidence in his face.

"There must be some mistake, ma'am," said the man in some surprise and confusion. "You are a perfect stranger to me—I never saw you before in my life, don't know you at all."

"Don't know me, Jerry! don't know your own lawful wife, that you married in Brooklyn, N. Y., thirty years ago this June! Ah, your memory is not so loving and faithful as mine, my dear, for in spite of all our years of separation I recognized your face and figure as soon as I saw you, half a block away."

"You have the advantage of me, ma'am, at half a block or at any distance, near or far. Your eyesight is sadly deceiving you when you take me for your husband."

"But my wifely instinct can't deceive me," persisted the woman. "Your features have altered a little, of course, but to me you are as handsome as ever. I don't need to see the tattoo on your arm—and I notice that you are as fond as ever of red neckties."

Mr. Cronin's face flushed as red as his tie; some of his neighbors were interested spectators and even listeners.

"Oh, go away, woman alive, and don't bother me any further," he said. "Who on earth do you take me for?"

"I take and claim you for my husband, Jerry Hunt, that married me thirty years ago and disappeared soon after and was reported dead."

"I'd advise you to hunt for your Jerry Hunt elsewhere, ma'am. I am Jeremiah Cronin, married, and with a family, and I never left any grass widow after me in any place that I can remember."

The speaker indignantly tore himself loose from the detaining clutch and walked away, considering the incident closed. But that chance rencontre had opened for him a crucial period of much worry and expense. "Jerry Cronin's grass widow," as she came to be called, began to haunt the neighborhood and to make investigations as to the career, conditions and property of him whom she stoutly and vehemently claimed as her lawful husband. Things progressed so that Jerry's neighbors and even his wife and children regarded him with ever growing suspicion. To him the air of the neighborhood became loaded with the sickening malaria of doubt and distrust. He shrank at every approaching female form. He felt that in the public eye he was a hypocritical wretch, a monster of deceit and bigamy. Bitterness and anger raged in his bosom when the street urchins began to shout after him: "Look out, Jerry Hunt; here comes your grass widow!"

And at length, strong in her declared belief that Cronin was Hunt, Mrs. Jeremiah Hunt, formerly of Brooklyn, N. Y., took emphatic legal steps to enforce what she considered her rights.

It was a wilted and dejected client that presented himself at my office one morning in the person of Jerry Cronin.

"This terrible persecution has reached the limit, Mr. McGoorty," he said. "Last Sunday that awful woman followed me into the church, forced her way right into my pew and plumped down in it, saying it was her rightful place and claiming me before God as her husband. Imagine that impudent impostor in such a place! I'm afraid there's some devils that holy water has no effect upon, and she's one of them. Oh, I'm disgraced and scandalized forever before the congregation! I'm ashamed to be seen on the street. My best and oldest friends are turning their backs on me."

"You were foolish to have endured it so long," I said in sympathy, "when you might have readily obtained legal redress from her annoyances."

"Heavens! it's quite the other way," he said excitedly. "Legal redress, indeed! Why, the law is helping her to persecute me more and more. She's after my property now, and she means to get it. As a beginning she says I must support her all the rest of her life, this strange tramp woman that one Jerry Hunt deserted for his peace of mind—and who could blame the poor man? She's filed a bill for separate maintenance. She's got the court to enjoin me from selling any of my property, and she's got things tied up so I can't draw a cent out of the bank. She's a wonder and a terror. But in court she'll have to make a big fight before she gets my hard-earned money."

The trial was before Judge Stein. It caused a great

South Side sensation. Popular feeling was about evenly divided as to whether my client was the respectable Jerry Cronin or the recreant Jerry Hunt. The plaintiff, wife or widow of the latter, put forward two sons who swore that the defendant bore strong facial resemblance to their father, and their own appearance bore out their testimony. It was proved that Hunt's arm bore certain tattoo marks —a heart and an anchor—and on investigation it was found that similar tattoo marks adorned the arm of Cronin! Well known and reputable citizens, some of them prominent politicians, testified in favor of the latter, who, it was proved, was roping and branding cattle on western ranches for a year or so before and after his alleged marriage in Brooklyn.

Never was there such extraordinary clashing of evidence. The atmosphere of the courtroom was tense with doubt, uncertainty, expectation. I began to feel uneasy and unhappy for my client.

And here, when every nerve was strained to twanging pitch, it was right and proper that into court and up to the witness stand should have stalked the form of the missing Jerry Hunt and satisfactorily cleared up everything. It was right and proper, according to the novels, but it never happened. What did materially and undramatically occur was, that Judge Stein, dispassionately reviewing the evidence, rendered a decree in favor of my client.

Next Sunday there was no ostentatious foreign invasion of the pew of Jerry Cronin, and none in church prayed more fervently and gratefully than he. Modestly he received the congratulations of his neighbors after Mass. But ever since he seems to resent as a personal affront any allusion to grass widows.

A COLLECTOR OF MOTHERS-IN-LAW.

By Hon. Jesse Holdom.

Judge of the Appellate Court and President of the Union League Club.

When I sat on the Chancery bench a German man and woman, both of whom had contracted several previous matrimonial alliances, came before me seeking a dissolution of their marriage. Then was revealed to me a startling taste in matters of domestic relationship, running contrary to all general traditon and belief.

It transpired that Heinrich, who was evidently a hard man to please in either a life partner or a temporary one, had got rid of a numerous succession of wives through the ingenuity of lawyers and the deadly facility of divorce before meeting this one. On visiting his home before their union she noticed there several elderly females, who, he delicately informed her, were relatives of his former wives, assuring her he would get rid of all of them as soon as she came there as his bride. Upon their becoming engaged he gave her $200 to buy her wedding outfit, but she being a widow, and he, like Sam Weller's father, being suspicious of widows and fearing that, woman fashion, she might change her mind, he got her to give him a note for the amount.

When Mrs. Heinrich went home with her husband after their marriage she soon found out who the elderly females were. Mothers-in-law! Lots of them, all representative of various branches of the great Teutonic race. They were there from Hesse-Homburg and Schleswig-Holstein and

Hohenlinden and Bingen on the Rhine. It was an interesting German confederation such as Bismarck had never dreamt of. They lounged in the parlor, and chatted in the sitting-room, and rattled among the pots and pans in the kitchen. There were commingling odors of various kinds of cheese and various kinds of sauerkraut. It was a miniature Vaterland in petticoats.

"Keep your promise and clear out these relics of your matrimonial ventures," commanded the bride.

Heinrich made delays and excuses and proposed that she bring her own mother and add her to his rare museum. Then her heart sank as she realized that she was wedded to that strangest and most unnatural of all human beings, a specialist and collector of mothers-in-law.

To her they were as domestic dragons, rampant on her hearth, resenting her presence as that of an unwarrantable intruder, depriving her of all authority under her husband's roof. So she packed up and departed.

Such were the conditions that brought this much-married pair before me in pursuance of their regular habit. The husband charged desertion, the woman claimed she was driven away by the mothers-in-law assuming charge of his domestic establishment to her exclusion from her natural right to run the household and that he had failed to fulfill his promise to have them go away.

I was unfeeling enough to hold that the woman's remedy, if any, rested in an action for breach of this contract, but did not absolve her from the performances of her marital duties. In this decision the Appellate court concurred, with a vigorous dissenting opinion by Mr. Justice Ball. The case proved a fruitful subject for the newspaper cartoonists of the time.

Strange though this may seem, the pair came before me

again when I had returned to the law side of the court. This time it was the man suing the woman on her note for the $200 he had given her before her marriage to buy her trousseau!

I promptly told him he could not "eat his loaf and have it, too," turned him out of court and absolved his wife from any further liability. He went out of the court-room in apparent high glee at the trouble he had given his ex-mate as a final tussle over his blighted affections.

SATISFYING A CONTEMPT FINE.

By Hugh O'Neill.

It was a pity that two good lawyers should fall out in the trial of a city father charged with boodling and drift from dignified forensic argument into painful personal exchanges—though, of course, as everybody knows, such unworthy scenes in our courts of justice are fortunately as scarce as boodling—more recently called grafting—is in the city hall.

The lawyers involved were the late Richard Prendergast, formerly judge, and the late Richard Morrison, then assistant state's attorney, and the scene was the court of Judge Dunne, since mayor of Chicago. Morrison was prosecuting, Prendergast defending. In the course of the trial of the alderman the passages between the opposing counsel, who were ordinarily good friends, became anything but amicable. Hot shot began to fly, and biting personalities, entailing the repeated warnings of the court.

"Great shade of Blackstone!" at length impatiently ex-

claimed Morrison, "in listening to the nonsensical efforts and arguments of counsel for the defense I have the patience of Job—indeed, I am a modern Job."

"Well, Dick," retorted Prendergast, "if you are a modern Job you ought to go out on a dunghill and scrape the corruption off yourself."

This kind of vituperation was more than the judge could tolerate; he promptly fined the two abusive lawyers $100 each for contempt of court.

Thinking to mollify him into a remission of the penalty, the pair later approached the bench arm in arm and each apologized for the language of the other and expressed his own forgiveness of it.

"Your honor, Mr. Morrison is a particular friend of mine," said Judge Prendergast. "I hope the court will kindly excuse any rash language he may have used when carried away by his feelings. As for me, I freely forgive him."

"Your honor," pleaded Morrison, "my friend Judge Prendergast is, as you are aware, liable to say things in the heat of argument that he does not really mean. For me, I am inclined to overlook whatever he has said, and I trust your honor will do the same."

But the court, instead of being softened, was further incensed.

"To mark my sense of your application," he said, "which further aggravates your previous offense, I will fine you another $100 each."

With the depression penalty of $200 each upon them the pair left the courtroom. But a way out of the predicament speedily occurred. Jacob Kern was then states attorney, and to him all fines for contempt of court were made payable. Morrison and Prendergast went to the

office of the clerk of the Criminal court and asked to see the judgment document showing the entry of a fine of $200 each. They got it, and Morrison, at the suggestion of Prendergast, wrote on the margin:

"Satisfied in full.—JACOB J. KERN, state's attorney, per RICHARD MORRISON, assistant."

So was the dignity of the court vindicated.

THE RESURRECTION OF O'GRADY.

BY ARTHUR W. FULTON.

Alderman of the Thirteenth Ward of Chicago.

A succession of death claims had been depleting the coffers of a fraternal society for which I was attorney. The mortality was startling, mysterious, unwarranted by the returns of the city health department. What was the cause of the uncanny hoodoo? The executive of the society began to institute investigations to this effect, especially after paying out the insurance money consequent to the demise of honest old Robert O'Grady, a Union veteran, who had long survived many a gory battlefield as if for the final purpose of taking out insurance on his life in this particular society and then passing promptly and quietly away.

The result of the investigations was that the aid of the state's attorney's office was invoked, and some persons, including the beneficiaries of O'Grady, were arrested on a charge of fraud. In due time they were brought to trial. It was before Judge Brentano. Harry

Olson, now chief justice of the Municipal court, then assistant state's attorney, prosecuted, and I assisted in the trial as special counsel for the fraternal society.

What were the circumstances of the death and burial of that worthy veteran, Robert O'Grady? Where and when did the hero breathe his last, and who stood by him to the end, like the comrade of the soldier of the Legion, and bent with pitying glances to hear what he might say? Where were his honored remains laid to rest, and who witnessed his obsequies?

These and similar questions were put to the defendants and their witnesses. They answered them clearly, convincingly, indignantly, making the listeners surprised and ashamed that suspicion and persecution should be the ungrateful lot of those who had performed the last duties of friendship and patriotism towards a gallant Union soldier.

Suddenly the faces of the defendants grew grave and green as the prosecutor called:

"Robert O'Grady."

And the sturdy Hibernian veteran of many a hard fought field stepped as if from the grave to the witness stand. But his voice, as he gave his evidence, had no sepulchral sound.

When it came to cross-examination the lawyer for one of the defendants, affecting humor in the midst of disaster, asked:

"Are you really alive, O'Grady?"

"If you're in any doubt about it," replied O'Grady, "buy me a drink and see what I'll do with it."

The defendants were a gang of ghoulish swindlers, whose specialty was the victimizing of fraternal insurance societies. For a time the scheme worked well and profitably,

dead men being often as successfully impersonated in the insurance offices as in the polling booths. The plan was to prepare an application and medical examination in the name of some aged or sickly person; then, if he did not die quick enough to suit them, or else go away from the city, they would tell him he was suspended, whereupon he lost all further interest in the matter; next, after keeping up the assessments for a few months, they would procure a corpse from the "cadaver trust," make a false death certificate, hold a funeral, and wind up by drawing and dividing the insurance money.

O'Grady had been discovered in the Soldiers' Home at Milwaukee, whither he had gone after being informed that his insurance had lapsed, after which the corpse of some poor fellow was buried in his name, and the insurance collected by the conspirators.

The latter received sentences of from one to five years in the penitentiary, and the business of swindling fraternal societies got a serious setback.

CHIVALRY IN THE COURTROOM.

By Hon. William W. Maxwell,

Judge of the Municipal Court of Chicago.

Professional humanitarians, reformers and the like are excellent and useful people in the main, yet occasionally, when one of them happens to get scratched, there is a yell as vindictive as an aggrieved redskin's. I have often noticed the prominent citizen who lends his important presence on behalf of charitable measures and "uplifting" enterprises display a most harsh and unrelenting spirit in the

prosecution, say of his janitor, for some minor offense. Reform rather than punishment is a worthy object in dealing with a certain class of offenders; it is this which has suggested the parole system. The ordinary spectator in court usually entertains sympathy for the prisoner and approves of the idea of giving him another chance on his promise to do better in the future; but an injured party or a prosecutor is apt to entertain a different view. Human nature retains its traditional quality, and all depends upon whose ox is gored.

It is a sad yet common spectacle in the police stations to see persons of seeming education and culture seeking warrants for their neighbors, their neighbors' children or other persons alleged to have done them wrong, however slight, with the object of having meted out to them the heaviest punishment the law provides in such cases.

In contrast to this miserable grist there comes now and then, like a ray in the gloom, some instance of forgiveness and magnanimity suggestive of the age of chivalry.

Before me one morning in the Hyde Park police station were brought two stalwart young Irishmen whose faces displayed the marks of recent lurid encounter. A policeman had found them the night before engaged in furious fistic battle on a vacant lot adjoining a principal street and had arrested them for breach of the peace. After the officer had given his testimony the defendants were asked to explain the trouble between them.

After adjusting the bandages on his head Phil Burns told that, having arrived in Chicago from Ireland the previous day, he succeeded in locating Mike Moore, an intimate friend of his boyhood. After joyous greetings and celebrations they recalled their mutual exploits and competitions at athletic sports in the old country, with the

FORMER JUDGE OF THE MUNICIPAL COURT

In its progress from England to Scotland, from Scotland to Ireland and from Ireland to America the ancient family of Maxwell acquired the alertness and ability begotten of ever vivid and impelling experience. This is exemplified in their descendant, above pictured. During his six years (1906-1912) as Judge of the Municipal Court of Chicago he made the rather exceptional record of never having had a decision of his reversed by the upper courts. At the same time his power of piquant observation had congenial sway, as seen by his pointed reminiscences.

result that they went on the lot to test their strength in a friendly wrestling match. "It was my fault, your honor," added the witness, "seein' that I lost my temper and hit Mike with my fists in the face, and he did the same by me, and we were at it hammer-and-tongs when the policeman came."

A fine of $1 and costs, or a total of $7, was imposed in each case, making $14 in all, whereupon the defendant Moore stepped to the clerk's desk and paid the entire amount. In surprise I asked him why he should pay a fine for a man who had violently assaulted him and temporarily closed one of his eyes.

"Sure, your honor," he replied, pathetically surveying me with his open optic, "maybe 'tis but little money my friend has, seein' that he is new to the city and hasn't yet got a job, and besides he ought to be given a chance until he gets better acquainted with the laws of this country. And anyhow this is a kind of private matter between gentlemen."

They left the courtroom arm in arm with the kindness of brothers and the gracious courtesy of knights of old emerging from lance-breaking joust in the arena. It was an echo of ancient chivalry.

This is the only instance I know of where the aggrieved party not only favored clemency to the man who had got him into troublt but without hesitation paid all the expenses himself. The episode is worthy of note by the chronic litigants who delight in making trouble for their neighbors.

THE METAMORPHOSED MULES.

By Francis J. Sullivan.

About the most strange and daring brand of evidence I ever heard offered in court had to do not with sensational murders or divorce suits but with a span of humble mules from Riverside.

The pair of quadrupeds in question were long the pride of that pleasant suburb of Chicago. They were fine, big, gray, strong fellows, weighing each about 1,300 pounds. Covetous eyes were often laid on them, and at length they became the object of legal contention. They were seized on some pretext or other, but their vigilant owner promptly had them replevined, the man who signed the replevin bond being a well known, shrewd, enterprising little Italian named Malatesta. And here was where started the real trouble, which made the famous Riverside mules a most mysteriously vanishing quantity.

The Italian, for his services in signing the replevin, thought he was entitled to some material consideration, for he was a man who did not believe in doing things for nothing, and so he informed the owner of the mules. The Riverside man was short of money at the time, but in compensation he offered Malatesta the use of the mules for a liberal period, which offer was accepted. The keen little son of Italy took the distinguished animals and worked them for two years on a contract he had on the drainage canal. Next he shipped them down the state, where he had another contract on a railroad near Cairo, and worked them there for a whole summer, the owner of the mules being all this time apparently complaisant in the

arrangement. At length, having had the fine gray span in his unchallenged possession for nearly three years, Signor Malatesta looked upon the mules as his own or as good as his own. Then they disappeared; it was said he had sold them for $400.

It was only at the end of all this time that the Riverside man, considering that his mules had well and truly worked out the full value of the signing of the replevin bond, asked for the return of his property. For some time he asked in vain. At length, becoming impatient, he sought redress in court, and, armed with the proper writ, a deputy sheriff and constable went out to the place where Malatesta lived, and demanded possession of the animals in question. The little Italian hospitably entertained his visitors, but pleaded that it was too late and dark just then to get the mules, which he said were out somewhere grazing.

"You getta back da mulas tomorrow, sura," he said, and with this assurance the officers of the law departed.

Next day, while the Riverside man was absent from home, some Italians drove a pair of mules into his barn and obtained a receipt for them from his wife. When the man on his return home was informed of the transaction and viewed the animals he was stunned as if thunderstruck, then he fumed and raged; instead of his manificent large gray mules he saw two diminutive red ones, puny, insignificant, lop-eared quadrupeds.

"Turn them loose, drive them away," he roared; "these mangy crowbaits are not my property, as I'll soon let that swindling dago brigand know to his cost."

A new writ was entered, Malatesta was invited to come into court and explain matters. The trial took place in the Circuit court, before Judge Stein. On the witness

stand Malatesta insisted that the mules he had returned were the right ones.

"But," said the plaintiff's lawyer, "the mules we lent you were large ones, weighing 1,300 pounds each, while those you returned are small things weighing each only about 500 pounds."

The defendant looked at the judge with an air of injured innocence.

"I canna helpa that," he said. "I worka da mulas on da canalee for more than two yeara; it was harda workee, too, and da mulas shrinkee at it, yes, judge, da shrinkee vera much."

There was a laugh in the courtroom. The lawyer for the defendant flushed and glared.

"So they shrunk, did they?" he said scoffingly. "And now please explain how, though the mules we lent you were gray, those you returned to us were of a red color."

"Why, dat is easy to tell, judge," replied the Italian. "I worka them mulas down at Cairo under the hot sun, and it did fade away da gray color off of them and burn them redda, redda."

And, the poor beasts, being thus effectively sworn out of size and color, judgment was for the guileless child of sunny Italy.

TO MAKE THE LAME WALK.

By Theodore G. Case,

Father of the Short Cause Calendar Law of Illinois and originator of the law requiring jury trials in criminal prosecutions for misdemeanors.

A client of mine had suffered serious and lasting injuries in an accident on a train. From a height overlooking the line an overhanging bowlder, left there through the negligence of the railway company and shaken from its place by the passing vibration, had plunged down upon the train, hitting the cab where my client was working as fireman and making such havoc with his spine and limbs as consigned him to crippledness and crutches for the rest of his life.

The suit for compensation was brought in the United States circuit court before Judge Gresham. To my satisfaction I had proved the nature of the accident and the liability of the company convincingly home to judge and jury, when came the turn of the defense, and the evidence presented by them was certainly nonplussing and sensational.

A young woman of prepossessing appearance and remarkably handsome took the witness stand. At sight of her my client looked startled and nervous. His eyes stared in bewilderment, his face grew white with alarm. He listened as if fascinated and spellbound while the winsome witness smilingly testified that his injuries were not such as he represented them to be, that he was not at all so

helpless and disabled as he pretended, that since the accident on the train she had known him to walk and even to run, that as for his crutches he could afford to throw them away altogether, and that he was in the main only a monumental fraud and impostor, trying to beat the company. Two male witnesses next appeared who gave evidence along the same rebutting lines.

"Who on earth is this woman?" I demanded of my uneasy and cowering client, and then, reluctantly and for the first time, to my amazement he unfolded to me the details of an elaborate and ingenious plot which had entrapped him in its meshes.

In the hotel where he was staying he formed the acquaintance of a man, with whom he gradually became on familiar and confidential terms. This man told him, among other things, that he had saved the life of a very handsome and accomplished young lady, the wife of a wealthy old manufacturer, in a runaway, for which service the husband had insisted on his a accepting a very generous reward. He intimated that on account of the disparity in their ages the young woman was not over fond of her elderly spouse and humorously suggested that he would give my crippled client the favor of an introduction to this charming hotel beauty. My client, conceited, as most weak mortals are, and pluming himself, despite his disabled condition, on his fascinating qualities as a gay lothario, promptly consented to the proposition. A private meeting was arranged between the pair in a room of the hotel. As my client and the lady were engaged in light and pleasant discussion the doors of the room were suddenly thrown open. At one of them appeared the man whose kindly offices had arranged the meeting, at the other the lady's alleged husband, who, uttering bloodcurdling

threats, rushed at my client, seized him by the throat and jammed him against the wall.

"You scoundrel," he cried, "what are you doing here with my wife?"

It was an old blackmailing trick, utilized in this instance to try to scare my client into making use of his limbs, as bears are made to dance by placing them on plates of hot iron. It was the administration of the "third degree" with a vengeance. All three, the proposer of the meeting, the woman in the case and the alleged husband, were employes of a detective agency that was trying to work up a defense for the railway company. The fascinating young woman had been a candy counter girl, with an ambition beyond selling chocolates and caramels; it was her first essay in detective work. She swore that my client under sudden stress of the ordeal of alarm, walked three steps; one of her colleagues went further, testifying that the cripple dropped his crutches and ran out into the hall. All three and the defendant corporation's counsel after them joined in depicting my client as a striking example of fraud and immorality. I placed him upon the witness stand and drew from him all the facts.

Then, in my address to the jury, I denounced the astute and unprincipled conspiracy by which the agents of the railway company had tried to entrap and victimize my client for the sordid purpose of cheating him out of just remuneration for his injuries. I pointed out the gross violation of fair-play in their contemptible mouchard methods, the mean and callous trickery of playing on the weaknesses of a disabled man, and especially the shameful disregard and dishonor paid to the appeal of the Lord's Prayer, which says "lead us not into temptation." When

I had finished my argument, in which I recited the Lord's Prayer in full, there was not a dry eye in court.

It took only fifteen minutes for the jury to bring in a verdict for my client for $40,000, which was, as Judge Gresham told me, the largest verdict for damages ever received before him as a trial judge.

IMPROVING A WEAK VOICE.

By H. W. Standidge.

It was in a suit brought against the city by a woman for personal injuries alleged to have been sustained by falling through a broken sidewalk. On the stand plaintiff spoke in painfully whispered tones, testifying that by reason of the injuries sustained she could not speak louder. As attorney for the defendant, I asked her, towards the close of her cross-examination, if a short time previously she had not testified in the criminal court and then given her testimony in a perfectly normal tone of voice.

"No, sir; I did not," she answered.

"Didn't you testify in the criminal court about a week ago against your husband?"

"I refuse to answer the question," said the plaintiff, with rapidly increasing indignation and steadily rising voice. "That has nothing whatever to do with this case."

"Didn't you," I persisted, "have your husband arrested for choking you, after you had first beaten him with a broomstick and then thrown a dishpan of hot water on him?"

"That's none of your business," shouted the plaintiff

HARRY W. STANDIDGE

One of the most prominent and successful of the younger set of the multitudinous Chicago bar. Born on a farm in Du Page County, about 35 miles west of Chicago, Mr. Standidge in his boyhood broke home ties and then broke bronchos on the prairies of western Nebraska. At the age of 18 he was secretary to the speaker of the Nebraska House of Representatives. Two years later he passed the Illinois State Bar examination, he waited until 21 for license to practice, then quietly and unostentatiously took his place among the star gladiators in the forensic arena.

Was assistant city attorney of Chicago 1903-1908. His noted case against the Chicago Railways Co., decided Feb. 3, 1913, settled the constitutionality of the Attorneys' Lien law of Illinois and is a leading case on that question throughout the country. His powerful and brilliant efforts in the Anderson and other well known cases have earned him the encomiums of the legal fraternity. He represents claimants having claims for over a million dollars for deaths and injury arising out of the Eastland catastrophe.

He is chairman of the legislative committee of the Lawyers' Association of Illinois, an august body of brilliant and brainy men.

at the top of a marvelously improved voice that could be heard a block away. "I'll show you that you can't insult a lady!"

"Calm yourself, calm yourself!" with waving arms frantically shouted her attorney as she grasped for an inkstand on the judge's desk. The bailiff restrained her before she could throw it, while some of the attorneys who happened to be in the line of fire suddenly bumped heads under the lawyers' table. The judge rapped violently for order, and when this was restored those who had taken cover emerged cautiously from their retreat.

"Did you happen to notice the tone of voice in which your client was talking?" I inquired of the plaintiff's attorney as soon as I had regained my composure and was able to be heard.

"Well, it hurt her awfully to talk that way—I know it did," he answered pleadingly.

The court then felt it his duty to deliver a lecture at considerable length on the proper ethics and decorum to be observed by both witnesses and counsel in the trial of a case.

The verdict of the jury was for the defendant.

A QUESTION OF IDENTITY.

By Hon. A. C. Barnes,

Judge of the Superior Court of Cook County.

In a trial before me on a charge of attempting to obtain money on a forged check, the prisoner relied on an alibi and hence claimed that it was a case of mistaken identity.

He had physical characteristics that were easily de-

scribed, and several witnesses in succession, when under cross-examination by his attorney, the well known and very successful John C. King, described those characteristics with noticeable and even monotonous uniformity.

"He was a short, thick-set man, with a round, chubby face and a close cropt head."

In vain Mr. King interposed his generous proportions between each witness and his client in order to screen him from observation as he asked for a description of the person claimed to be the prisoner. In each instance, with scarcely any variation, came the response:

"He was a short, thick-set man, with a round, chubby face, and a close cropt head."

This description was so accurate and repeated so many times that it became amusing even to the jury as they watched Mr. King's apparently needless efforts to screen his client from the view of each witness.

Afterwards in the course of the trial I looked towards the prisoner's seat. Not seeing him and his presence being required, I said:

"Mr. King, where is your client?"

With a look of surprise the lawyer arose, glanced about the room, and said: "I don't know, your honor. I supposed he was here. I'll go out and look for him."

He proceeded to do so, but as he reached the door of the courtroom he was hailed by the prosecuting attorney, Mr. Barbour, who never let an opportunity pass for a telling witticism:

"Mr. King, oh, Mr. King! He is a short, thick-set man, with a round, chubby face and close cropt head. I don't think you'll have any trouble in finding him."

The effect on jury and courtroom can be better imagined than told. Mr. King soon came back with his client,

and while he wore his usual benignant smile he looked towards the amused jury as if he feared the incident had clinched the question of identity and completely undermined his alibi.

A ROMANCE AND AN ACCORDION.

By Charles H. Soelke.

It happened one night during a performance at McVicker's theater that the attention of Mrs. Soelke and myself was casually attracted towards an oddly matched couple who sat near us—a young man and an old woman. Their appearance offered a striking contrast, he debonair and handsome, his face aglow with the ruddy hue of youth and health, she aged and withered, with wrinkles showing pathetically through a plenitude of powder. He was in age about twenty-three, she about eighty.

An affectionate grandson and a loving grandmother, was our first impression.

But on further observation we altered our opinion. Attired in gay and almost juvenile fashion, bedizened with jewels, ribbons and feathers, and by turns coy and kittenish, the old lady in her demeanor towards her companion did not suggest a grandmotherly or even a motherly relation. He on his part seemed to pay her devoted attention, though of a rather furtive kind, judging from the manner in which he looked around at intervals as if in apprehension of being observed or recognized. He held and caressed her shriveled hand and with fawning smiles returned the coquettish glances of her faded eyes. They

tenderly whispered soft nothing to each other even during the progress of the play; she called him her darling Herbert, and to him she was his dearest Caroline. There was no doubt about it, they were lovers, though perhaps not of the regular and natural kind that the world loves. It was one of those not unfrequent, sometimes genuine, but generally grotesque and mercenary amatory alliances between May and December.

Shortly afterwards I had a visit from a new client. To my surprise it was the love smitten old lady of the theater. But Caroline's blithe and perky manner of the billing and cooing episode did not accompany her into my office. Instead she appeared wearied and perturbed, full of anxiety and distress.

Sadly she informed me of her trouble. She and her companion at the play, Herbert—his surname is immaterial—were engaged to be married, and on the strength of this engagement she had advanced him $25,000 (she being a woman of considerable property), with which he was to purchase a farm in Michigan whereon when married they were to settle down and enjoy the simple life with all the sweet and fascinating accompaniments of love in a cottage. The process of their courting was ideally romantic. Their favorite trysting place was in Jackson Park, where at eve they roamed in the dreamy twilight, under the twinkling stars, by the dulcet waves of Lake Michigan, weaving a golden and roseate future of love and happiness among roses and sunshine, bees and butterflies. Love's old and young dream was a beautiful and entrancing one. But of late darling Herbert had betrayed certain alarming symptoms. He was ardent of promise but slow of performance. He was acting in a queer, evasive, unsatisfactory way, and—well, she wanted either a bridal veil or

the return of her money, for which, by the way, she had not the ghost of a receipt, depending absolutely on the honor of darling Herbert.

Some evenings afterward, by arrangement made with my client, I lay, in company with Detective Abraham and a policeman armed with a warrant, on the grass among some accommodating shrubs immediately behind a bench in Jackson Park on which sat Herbert and Caroline, to whose conversation we were most attentive and interested listeners. She got him to admit that he had received from her the $25,000 and that he had refused to return it, and on further demand and persuasion he refused to return it; darling Herbert would do anything in reason but that, and he expressed pained surprise that dearest Caroline should suspect his chivalrous honor and loyalty. He expressed the worrying difficulty of finding a farm in Michigan adequate to be the abiding place of their two fond hearts when united in chains of gold and roses at the altar of Hymen, but that with patience true love would overcome all obstacles.

Having secured sufficient evidence for my purpose I arose and walked in front of the bench, dropping my handkerchief, as a prearranged signal with the lady, for the interview to cease. The pair arose and walked away, but ere they had gone very far we grabbed the gay lothario and placed him under arrest. At the first signs of rough usage of her favorite, the old lady, who really loved the fellow to the limits of senile infatuation, screamed and threw herself imploringly on her knees.

"Mercy!" she cried. "Oh, don't, don't hurt my poor Herbert!"

By tact we persuaded her to go her way. Then, under the silent stars of night, amid the trees of the park, there

ensued for Herbert a most crucial and protracted ordeal. Where was the money, where the $25,000 of which he had by fraud and deception deprived his confiding inamorata? Long and stubbornly he refused to answer. Weird and strenuous were the exercises that accompanied his examination. It was fully 3 p. m. when he yielded, stating that he had lost $15,000 of the money on horses, but that he was willing to give up the balance.

Thereupon we accompanied him away out to Hegewisch, to the door of a room in a ramshackle dwelling.

"Wait here awhile," he said, "and I will bring you the money."

After giving him just time to get busy inside we burst in and found him, screwdriver in hand, trying to remove the key plate from a large accordion. I promptly relieved him of the job. A valuable musical instrument that—more valuable than was ever played by the most accomplished professor of the art divine. On opening it I found it to contain in currency exactly $25,000.

We let Herbert, sore and afflicted of mind and body, go his blighted way. I offered the officer who had accompanied me a reward of $200 for his services, but he nobly refused it, declaring that he had merely done his duty and was entitled to no reward, which declaration was afterwards confirmed, on my appeal to him to induce the man to take it, by the chief of police. Alas, that I should have to add, as an undesirable aftermath to the affair, that the same officer, with change of heart, later approached my client and borrowed from her the sum of $600, and that I was subsequently compelled to bring suit against him for the return of the money.

A DARK CLOUD WITH A SILVER LINING.

By Jerome J. Crowley.

When I started to practice law I had, like other beginners, the experience of meeting among the older lawyers some who gave me hearty and copious assurances of aid and patronage, of putting many fat cases in my way and turning over to me their superfluous crop of clients. Mine was a rosy outlook and a golden dream.

Sure enough, in due course the promised clients began to drop in, generously and considerately sent, as I learned from them, by this lawyer and that and the other, and my heart overflowed with gratitude at those signal proofs of friendship and encouragement. With alert and proud professional interest I listened to their stories, took up their cases and fought their battles both in and out of court.

Cheerfully and industriously I worked, but soon, alas! I found that, so far as I was concerned, the law and the profits did not seem to go hand in hand. It was all work and no pay. It dawned on me that my esteemed professional senior brethren were handing me a succession of lemons—all squeezed dry. A more depressing parade of the penniless I never saw. My office seemed to be a stranding place for all the Dead Sea fruit that ever floated on the waters of litigation. I felt like a student told off to operate on free patients in a college of dentistry, save that he at least drew teeth while I drew nothing but blanks and thanks and promises. It got so that whenever anybody came saying he had been sent to me for advice by Attorney So-and-so it was my cue to say that important

business was just taking me to the Philippines and that I might be gone a year.

Thus stood matters when one day a colored man came in and as usual proceeded to unbosom himself. "It am about a valuable piece of real estate, sah, a question very devolved and incomplicated, and I have been recommended to you, sah, by Attorney Corney Corrigan, who tells me, sah, dat you is de very best pusson to——"

In exasperation, anxious to escape from that dark cloud, I reached for my hat and proceeded to close my desk, muttering my stock excuse, when suddenly I changed my tactics and said peremptorily:

"It is impossible, my friend, it is no use telling me your troubles; I cannot take up your case unless you pay me a retainer."

"Retainer? Sutt'nly, sah. Of cohse, sah. And how would a hundred and fifty dollahs do, sah?"

I barely managed to articulate something, for it was all I could do to keep from shrieking and swooning as he hauled out a roll of bills as big, as it appeared to me, as a kettle-drum, and skinned off $150, which he laid upon my desk.

As soon as the mist cleared away and I had recovered sufficient consciousness I went into the particulars of his case. It came in due course into court and was disposed of with delightful ease and celerity. We were winners, and I received a most generous balance for my services.

Sometime afterwards I met Attorney Corrigan, and he chuckled with amusement as I mentioned the visit of the colored client he had so thoughtfully sent me. But as I unfolded the auriferous results of that visit his laughter ceased, his smile faded away, his face became "sicklied o'er with the pale cast of thought," and then it nearly came

his turn to do the swooning act, though from an emotion quite different to mine.

And that was one large dark cloud that certainly had a silver lining.

"AUTREFOIS ACQUIT!"

By Joseph B. David.

Occasionally when I see certain citizens, some of them former clients of mine, freely walking the streets of Chicago in full enjoyment of life, liberty and the pursuit of happiness under our glorious constitution, I have to marvel at the subtleties and interpretations of the law that have saved them from the penitentiary, perhaps from the scaffold.

Many are the lives that have been taken in violence in cases wherein the slayers, albeit with evidence strong and crushing against them, have been saved from the penalty of their dread offense by some hitch in the delicate and complicated machinery of the law. But, on the other hand, there are quite as many if not more cases in which innocent men, convicted on circumstantial or manufactured evidence, have been sent to the scaffold or railroaded to the penitentiary. In these contrasting instances the scales of poor blindfolded justice wabble in a most extraordinary and distressing manner.

Under all circumstances, however, it is the solemn professional duty of a lawyer to do the best he can for his client, to utilize as far as he is able, towards saving him, all that he knows of the vast accumulation of legal mate-

rial at his disposal—material that has been piling up for ages.

Some time ago, in defending a client, I had to go back for weapons all the way to the reign of that stingy old English monarch Henry VII., the usurper who defeated the much maligned Richard III., a far better man than he, on Bosworth Field, in whose reign North America was discovered and who rewarded the discoverer of it with the royal sum of fifty dollars.

There was also a question that seemed to transpire with grim curiosity in the case, to wit: whether an unknown man, or man of unknown name, might be killed with impunity by any person, as outlaws might be of old, and whether a man with a casually allotted name might be liable to the same cruel fate.

A stranger drifted into Chicago in quest of work, one of the numerous, thronging, toiling "sons of Martha," the surging proletariat, the workers with shovel, pick and hod, who hover round the mortar beds and swarm on the beams and perilous floors of buildings in course of construction.

At such a building the pilgrim of labor found a job, and there also he found his death. In the course of his daily work he happened to get into an altercation with his "boss," and the latter, during the altercation, drew his revolver and shot him dead.

A coroner's jury was held, the "boss" was found guilty of murder, the body of the friendless slain son of toil was taken away and interred in the potter's field. In due course the accused was indicted by the grand jury. He was released on bond of $20,000.

When the case came up for trial I appeared for the

JOSEPH B. DAVID

Able, popular, resourceful, successful, with the distinguishing and unique record of having won, against plutocrat lawyers and tremendous odds, the heaviest libel judgment ever given in Illinois, that of $7.500 in favor of the well known John F. O'Malley against the Hearst newspapers, which suit was confirmed by the Supreme Court Dec. 20, 1915.

Mr. David was born in Louisville, Ky. Oct. 27, 1863; came to Chicago 1881, graduated and was admitted to bar 1885; has been special Assistant State's Attorney; is member of Iroquois and Illinois Athletic, also of Illinois State, American and Chicago Bar Associations.

He is married, has four children, has office in the Metropolitan Block and lives at 4359 Grand Boulevard.

defendant, who was charged with the wilful murder of Frank Smith.

Evidence as to the shooting and killing having been given, a question casually arose as to the identity of the victim. The wife of a saloon-keeper whose place the slain man used to frequent testified that his name was Frank Smith.

"How do you know his name was Frank?" I asked her in cross-examination.

"I heard people call him that in the saloon, and he answered to it."

"And how do you know his name was Smith?"

"That was the name I saw given him in the newspapers in the account of the shooting."

This was the only proof the prosecution could bring as to the name of the deceased. How the name Smith had been given him, unless by the imagination of some reporter, remained a mystery. I moved that the defendant be discharged on the ground that the prosecution had not proved the name of the dead man to be as charged in the indictment, thus failing to prove that my client had killed any such man as "Frank Smith."

The court granted the puzzled prosecutors a continuance from Friday to Monday. Then, on their failing to better their case, he instructed the jury to find the prisoner not guilty, which they accordingly did.

The next grand jury indicted my client for killing a man whose name "was to the grand jurors unknown."

Then we put in the plea of *"Autre fois acquit"*—which plea, under a peculiar decision of our Supreme Court, must be passed upon by the jury trying the case—this plea, as expressed in the Norman-French of the old "English courts of law," means formerly acquitted. It was the

only instance bearing on our case that I could find in the law records of over four hundred years. It happened that in the eighth year of the reign of Henry VII., or 1493, a man was indicted somewhere in England on the charge of having assaulted "John the parish priest." On trial it was found that the defendant had not assaulted anybody of that name, and the jury brought in a verdict of not guilty. Then the man was indicted a second time, this time on the charge of assaulting "a priest," but evidently swayed by the arguments of some astute lawyer of ye olden time—probably another priest, for clergymen then acted as lawyers—who brought in the plea of *"autre fois acquit,"* the court held the plea good and discharged the accused.

So, after the lapse of a quartette of centuries, did an ancient Anglo-Norman or English law find echo in the criminal court of Chicago. Not much of an echo, however, for now there came about a change of state's attorneys, and for some reason or other our case was dismissed; probably the new man did not choose to inherit the responsibility of caring for such a delicate piece of antique legal bric-a-brac.

"What's in a name?" says Shakespeare—or, as you will, Bacon. There might have been very considerable trouble in it for my client had there been proof of the name of the man he had shot.

WHAT WAS ON THE OTHER SIDE?

By John M. Duffy.

At the trial of an ordinary justice court case in which I was engaged there arose suddenly and unexpectedly a thrilling and tantalizing mystery, to solve which would have taken all the Doyle-devised ingenuity of Sherlock Holmes, and some more besides. It was all because of a certain document incidentally introduced, which created more sensation than any stage document of imitation court-room kin ever did—say, a long lost will or title deed, or repentant murderer's confession to save the hero—produced at the climacteric moment in melodrama. The memory of that startling document shall forever haunt me.

It was in a suit brought for the recovery of money alleged to be due for house rent. I appeared for the defendant; on the other side was P. V. Castle. The case was tried in Cicero before a brusque, curly haired, authoritative little justice of the peace, who, although not a lawyer, was anxious to do what in him lay to prove the sound wisdom and judgment of the bucolic voters who had elected him. On the bench he was alert and loquacious, with an attenuated falsetto voice that could be heard for a long distance around the rural temple of justice.

It was a jury trial. Our case was that we had surrendered the premises, locking the door and delivering up the key to the agent, before the period for which rent was claimed. There was offered in evidence a piece of paper containing memoranda of certain payments made, and on the back of this paper there was something written which the jury was requested by both sides not to read, it having

no bearing on the case. Taking this paper with them, the jury retired.

After some time there arose a murmur in the jury room. It rose louder and louder until it swelled into the volume of a fierce and general altercation. The noise aroused the curiosity and apprehension of the justice. He looked shocked and outraged.

"There is some great difference of opinion, I think some very shameful squabble going on in there," he said, "and I must see what it is all about and put a stop to it."

And he rushed into the jury room—which of course he had no legal right to do—and closed the door behind him.

For a few moments the clamor ceased. Then it suddenly increased tenfold, with a bellowing of many voices, a trampling of feet, a crashing of chairs. The jury room door was suddenly thrown open, and, with a united angry roar behind him, the curly haired little squire was shot forth as from a cannon, his curls flying and his extended hands grasping the air, and the door vehemently slammed to behind him.

As soon as he had recovered himself, disheveled, panting, excited, mad, he gasped out, in his shrillest falsetto:

"Gracious heavens above! do you know what them farmers were doin' in there? They were actually readin' and talkin' about what's on the back of that paper! And when I ordered them to stop it they nearly killed me and fired me out!"

We endeavored to soothe and pacify him, but this was a difficult matter, owing to the little man's nervous and emotional temperament.

For three hours the jury debated, then they came gravely out and delivered a verdict in favor of my client.

What was on the back of the paper? Alas, I somehow

neglected to find out at the time, and for that neglect the mystery is all my life destined to follow and to shadow me.

THE PASSING OF HENRIETTA.

By Henry D. Coghlan.

For many a long year the name "H. Sour" was one of much surprise, confusion and abomination to the legal profession of Cook County, also to scores of claimants whom the use of the aforesaid name mystified and victimized.

The reason of this was that the name represented a dual personality, an enterprising domestic real-estate syndicate of man and wife, whose peculiar operations brought perplexity and bankruptcy to many a too confiding building contractor and many an industrious and bamboozled mechanic.

The business methods of Henry Sour and his wife Henrietta, both of Jewish extraction and weighing about 300 pounds each, were to get hold of a piece of ground, build thereon a house for sale, and then, if the speculation failed, let all the parties concerned, except their two enterprising selves, whistle for their money or the greater part of it, and whistle all in vain. The way Henry and Henrietta worked their peculiar game was this: The property was recorded in the name of "H. Sour"; when suit was brought against Henry Sour for any claims standing against it Henrietta would appear and swear the property belonged to her, and when suit was brought against Henrietta her devoted husband Henry would perform the same kindly domestic act by claiming the property as his. Thus for years of enterprising real estate speculation, not frenzied

but acutely deliberative, they floated through the law offices and the courts, sometimes narrowly missing the legal reefs and shoals, and victimizing people to an amount conservatively estimated at $200,000.

But there is a limit to all kinds of chicanery, even though defended by the chevaux dé frize of legal technicality, and at length Mrs. Henrietta Sour had an ejectment proceeding brought against her in connection with the foreclosure of a mortgage on her home. She consulted a leading Hebrew lawyer of Chicago on the matter; then, dissatisfied with his advice, she came to me, and my advice was the same as his. When I informed her that the ejectment would lie as a concurrent remedy with foreclosure proceedings she promptly concluded that I was as foolish as her previous legal adviser, and, as her case would reach trial in an hour or two, off she hurried, with her whole 300 pounds avoirdupois, although it was a hot day in June, to consult still a third lawyer. The latter, an ex-state's attorney of Cook county, was a most sympathetic and impulsive gentleman.

"They cannot possibly take your home away from you under such conditions," he exclaimed, and, seizing his hat, he hurried over with her to the court to defend the rights of Henrietta.

Now, a favorite courtroom "stunt" of the latter, often practiced by her with success in winning the sympathy of juries, was to faint or feint to faint from distressful emotion whenever a suit threatened to go against her, and the bosoms of susceptible good men and true were harrowed at the thought of this apparently guileless and unsophisticated 300-pound beauty being thrown out of her little home. In his address to the jury the court confirmed the opinion of the Hebrew lawyer and myself, that ejectment

could also be maintained in the foreclosure of the mortgage. The psychological moment had arrived, and Henrietta fainted. Uttering a heartrending shriek, she precipitated her 300-pound weight into the arms of her counsel, the ex-state's attorney, who staggered under the tremendous and unexpected shock. By valiant herculean efforts he managed to place Henrietta on a bench. This he did with the assistance of my partner, who in response to a summons received in my absence—not knowing the circumstances of the case nor the opinion I had expressed—had hurried over to give what legal assistance he might. The pair actively devoted their humane energies to the restoration of the prostrate and ponderous defendant. The ex-state's attorney administered cold water; my partner assiduously fanned her. They labored over her like two devoted physicians that hot afternoon in June. At length she sat up and took notice when the jury, ultimately callous to her dramatic swoon, brought in a verdict against her. Then, contemptuously sweeping her solicitous legal attendants aside, with words of wrathful derision she waddled from the courtroom—which was about the last appearance of Henrietta and of "H. Sour" in her old and profitable rôle of perverting the law of real estate.

"That was the most embarrassing position you ever got me into," complained my partner, when he returned to the office, excited, hot and perspiring. I fear he had not treated Henrietta over gently.

"Not guilty," I replied. "Why did you so recklessly butt in where angels like myself feared to tread? If you had only managed to consult me I could have saved you this sweltering midsummer day from a very serious legal and physical burden."

Our office never saw Henrietta again.

A LACK OF CONFIDENCE.

By Charles E. Cruickshank.

When a defendant is unable to pay for legal assistance it becomes the province of the judge to assign him counsel, on the old established principle that all lawyers are officers of the court, pay or no pay. Sometimes this arrangement, although fair and laudable, is a cause of doubt and dissatisfaction to the defendant and of embarrassment to the lawyer appointed to defend him.

On one occasion, in Judge Goggin's court, the impecunious defendant, a tough looking customer, looked very critically at the member of the bar (nameless here, but still living) who was assigned to be his guardian in his pending struggle for liberty. His feelings were apparently of dismay and contempt as he turned and inquired of the court:

"Judge, your honor, have I really to take *him?*"

"Why, yes, he is your appointed counsel."

"Say, Judge, if he dies can I get another lawyer in his place?"

"Of course you can—if he dies."

"Well, then, Judge, your honor, will you please have me left alone with him for half a minute in a dark room?"

A BOOMERANG EXPERT.

By George B. Chamberlin.

There are times when a seemingly trusty and powerful weapon, confidently relied upon by one side in a trial, may unexpectedly prove a boomerang, turning back and hitting the side that used it and utterly demolishing the case.

It was something like this that occurred in the celebrated Board of Trade case of Smith & Co. versus Adam Smith, involving a matter of about $50,000. The plaintiffs sued for payment of the amount, which they alleged was legally due them by the defendant; the latter declined to pay, claiming that his was not a legal debt and that the money demanded from him had been lost through gambling tactics on the part of the plaintiffs.

For ten or twelve days a hard and fierce legal battle had been waged before a judge and jury. The plaintiffs' books had been produced in court and thoroughly gone into, with the result of showing that the transaction between Smith & Co. and Adam Smith had been largely of a gambling nature, consequently exempting the latter from legal responsibility for the debt.

On our side, which was that of the defendant, we had subpœnaed a number of Board of Trade members in good standing to prove the truth of our plea as to gambling, but from the facts disclosed by the plaintiffs' books we did not think we needed their testimony.

One witness swore that certain members of the board were merely "scalpers," men who never received or delivered cash grain, or actual grain for cash, but merely imaginary grain, represented by transactions on paper.

We felt pretty sure of victory.

At length the attorneys for the plaintiffs put up a Board of Trade expert to prove that gambling had not been carried on in this particular case between the parties to the suit and that the transaction had been conducted in a legal and proper manner.

"How many members are there of the Board of Trade?" was asked him in course of cross-examination.

"Seventeen hundred and fifty."

"And of these how many actually do a cash grain business?"

He answered immediately: "Two hundred."

He was let go at that, but as the court was adjourning for recess I assured him that if he had been subpœnaed on our side and ever so well drilled and coached he could not have done more good to the cause of the defendant.

"Let your client take all the comfort he can out of my testimony," retorted the expert, "but I do not see how I have benefited his case one iota." And the attorneys on his side agreed with him.

"Gentlemen," I said in the course of my address to the jury, "you have heard the evidence and learned all the facts as to gambling and legitimate trading on the Chicago Board of Trade. You have heard one witness plainly testify as to certain operators on the floor of 'change who never receive or deliver grain in their transactions, merely making entry of imaginary bushels on paper, and who are therefore what are called 'scalpers,' and they, according to the evidence and record in this case, are gamblers. And you have heard the great and profound expert swear that out of the entire number of 1,750 members only about 200 actually do a cash grain business. From this you may perceive that fully 1,550 members of the board are, according

to the evidence and record in this case, nothing more or less than 'scalpers' or gamblers, and from this you may judge whether my client lost his money in a gambling deal or not."

The court laughed, the jury laughed, the defendants' side looked jubilant and the plaintiffs' glum; and the verdict was for the defendant.

Thus did the expert on the opposite side greatly assist in winning the case for us and proved as I have stated a boomerang for the plaintiffs.

NO ROOM FOR DIVORCE.

By William J. Donlin.

We were one day trying a case before an outside judge sitting in the county court, and the examination of a jury was going on, when the judge ordered the bailiff to rap for attention, and I saw standing before the bar a man and a woman. His honor then said:

"The court is about to perform one of its most pleasant functions. Marriage is properly recognized as a most solemn ceremony and the matrimonial relation is an institution of world-wide cognizance. I therefore ask you, John Jones, do you take Mary Smith to be your lawful wife for better or for worse, to aid her, comfort her and provide for her?"

To which the bridegroom responded: "I do."

"Now, Mary Smith, do you take John Jones to be your lawful husband, to live with him, assist him and comfort him?"

And the blushing bride said: "I do."

Whereupon the court said:

"Now, by the powers conferred upon me as an acting judge of Cook county, I pronounce you man and wife."

And, casually extending his sphere of authority and adding the religious to the judicial function to make the contract specially binding, he added impressively:

"And what this court has put together let no other court put asunder."

A DIVORCE FIEND RAMPANT.

By John E. Holland.

A client of mine whose honor and integrity I considered beyond reproach or suspicion brought into my office one day a lady of about sixty-five, whom he introduced as his sister, and her daughter, of about thirty-five. The business of Mrs. Wyndham and her daughter with me was in reference to a will that had been filed in the Probate court of Cook county. A considerable estate was involved, of which they were entitled to receive the benefit, but they explained that through undue influence the testator had been prejudiced against them, with the result that they had not been remembered in the will. They told a straight, strong story and in support of their claim presented quite a lot of documentary and other evidence.

We presented ourselves in court to contest that will as strongly as we could, having in mind the later filing of a bill to set it aside. The judge was very liberal in allowing us to put in evidence that was utterly inadmissible under

the strict rules of law, although some of it was most formidably in our favor, and, to my surprise, the attorney on the other side did not offer any serious opposition to its introduction. Too soon, however, I learned the cause of the sublime indifference of the latter; it transpired in the nature of his cross-examination.

"Miss Wyndham, where did you reside before you last came to Chicago?"

"In Joliet, sir."

"Where in Joliet did you live?"

In timidity, confusion and shame came her startling reply:

"In the penitentiary."

"What sentence did you serve in the penitentiary?"

"About three years."

"And was not your mother, who has here testified, also convicted and sent there along with you, and, having served the same sentence, released along with you from prison?"

"She was, sir."

In tears and trembling the unhappy young woman admitted that the charge upon which she and her mother were arrested, convicted and sent to Joliet was that of stealing rugs and carpets and maintaining a "fence."

Dismayed and mortified at this startling turn of evidence, I assured the judge that I had not had any knowledge whatever of the state of affairs, revealed; that unaware of the unfortunate criminal record of my clients I had presented the case in all good faith, and that I would be thankful for a continuance to enable me to investigate before proceeding further, which was granted.

Then, on re-entering into consultation with my clients, there was unfolded to me by the mother and daughter a

tale of uniquely cruel domestic wrong, a relation illustrative of the lowest depths of human depravity.

It appeared that Wyndham, the husband and father, had waxed wealthy and prosperous in Cook county, but lacked the moral stamina to withstand the test of riches. Becoming infatuated with a young woman of the same ethical fiber as himself, he deserted his family and went out with his affinity to Dakota, where they lived some years as husband and wife, he sending his real wife in Chicago a miserable pittance for the support of herself and their daughter, together with continual strenuous requests and pleadings to be granted a divorce. To the old scoundrel's appeals for the breaking of his marital ties Mrs. Wyndham turned a cold and indignant ear, until at length, desperate in his resolve to be set free in order that he might wed his giddy young companion, he returned to Chicago and in person argued, begged and threatened for the fulfilment of his desire. His wife, however, firmly resented and denied his application, and in this she was heartily supported by the daughter, for both were good and virtuous women and not at all of the divorcing kind.

Then suddenly Mrs. and Miss Wyndham were arrested and locked up as malefactors, to take their trial on a serious charge. Goods alleged to be stolen were found in the attic of their humble home.

In the county jail Wyndham visited and again labored with them.

"Help me to get the divorce, I don't care on what grounds," he said, "and the charge against you shall be withdrawn, and I will provide for you well besides. Refuse and you both go to state prison."

Strong in the consciousness of innocence and refusing to believe they would be punished for a crime they never com-

mitted, they steadfastly rejected his terms. They were tried, convicted on most circumstantial evidence and railroaded to the penitentiary.

It afterwards transpired that the old divorce-crazy miscreant had bribed a woman to place in their attic unknown to them the alleged stolen goods that formed the chief evidence in consigning his innocent wife and offspring to the doom of felons!

A NICE AND PIOUS COURT.

By Henry W. Magee.

One day, in a case in which I was interested in Judge Clifford's court, the court stenographer, who happened to be a young woman whose sense of hearing and knowledge of legal parlance were both slightly defective, was reading industriously from her notes, in the course of which she came to the expression:

"'I think that no nice and pious court should have made that order.'"

"What's that?—say it again," exclaimed the court with suddenly increased interest.

"'No nice and pious court should have made that order.'"

"This is the court referred to, and this is certainly a very strange way to refer to it," said the judge, and, turning to the lawyer concerned: "I presume you intend not to be otherwise than complimentary, but I must ask what you mean by referring to me as 'a nice and pious court'?"

The lawyer looked confused. "I never used the expres-

sion, your honor—I could not do it—that is, I think there must be some mistake."

And then it was ascertained that the expression really used had reference not to a "nice and pious" but to a *nisi prius* court."

A MANIAC FROM LAKE MICHIGAN.

By Hon. John H. Batten,

Former Judge of the Probate Court, Cook County.

Among the cases from the detention hospital that came before me one day was that of a young man who had been confined among the insane there for several days and whom his captor declared to be a fit and proper candidate for Dunning.

The said captor was a large Hibernian policeman, emphatic and oracular in his evidence.

"So you believe this poor young fellow to be insane?" I asked him.

"Believe it, your honor?—why, I know it; anybody can know it and see it. He's sure crazy, all right, the craziest crathure I ever knew."

"What were the circumstances of his arrest?"

"Well, I was on beat late at night, or rather early in the morning, on one of the downtown streets near the lake, when this poor deminted youngster came rushin' up to me mad and pantin' with fear, as if an army of red divils or green snakes was after him, and, 'Save me, officer,' says he, 'save me from that mob!' I looks about, did I, and

there was no mob nor any signs of one. Then I begins to suspect I had a case of rats or bughouse to deal with; so I humored him quietly along, tellin' him that he was quite safe and that nothing would hurt or harm him as long as it was up to me to prevent it, and we walks along conversin', and I asks him:

"'And whereabouts, sonny, do you live when you're at home?'

"'In the centher of Lake Michigan,' says he.

"That was enough for me, and it was him to the detention hospital. Oh, he's a terrible bad case, judge, and there's not many worse than him out in the asylum at Dunning."

"Are there any other witnesses in this case?" I inquired.

"Why, no, your honor." The only witness looked hurt at the mere idea that his strong and lucid evidence should stand in need of any corroboration whatever.

I called the "patient" to the stand. He seemed nervous, indignant, partially excited. He said he had come to Chicago in search of work. On the night of his arrest as a lunatic he wandered into a South Side saloon. Here he met some barroom loafers whom he treated to drink. On his refusal to repeatedly "set 'em up," they endeavored to assault him, and he fled out into the street. He went to the policeman for protection, but was arrested.

"And for the last eight days," he continued, "I've been locked up among a crowd of crazy people, and if I'm kept in such company any longer I fear I'll go crazy myself."

Then occurred to me the crucial question of his strange stated habitation.

"Where is your home?" I inquired.

"It is in Central Lake, Mich.," he answered.

So here was the nub of his mystery and misfortune.

His captor had mistaken "Central Lake, Mich.," for "center of Lake Michigan."

I promptly gave the young man his liberty, and he as promptly departed for his home across the lake, strong in the impression that any man who came to Chicago looking for work would be treated as a lunatic, or deserved to be.

MY FIRST CLIENT.

By Francis E. Hinckley.

It was brave even to rashness on my part, I thought, when I severed connection with the big firm that had fledged me, and so also thought several of my young legal friends who preferred for $10 a week to remain doing work for which their employers got the credit, with the prospect of becoming grown-up office-boy partners in the dim and distant future. However, when I struck out for myself I knew the location of the different courts, could call all the clerks by name, had acquired the acquaintance and even esteem of many of the judges and enjoyed a stock of vigorous self-confidence.

I had no friends to "boost" me, no political "drag" to haul me on the stony road to success. Sympathy with human trouble and suffering drew me to the North Side, where in the Criminal court I found plenty to occupy my time and attention. I had no difficulty in becoming acquainted with sundry interesting guests in Mr. Whitman's hotel. But my youthful appearance was against me—I was then barely twenty-four—and, unheralded and unsung, I failed to inspire confidence enough to cause me to be entrusted with a brief.

One afternoon as I was attentively watching the progress of a trial, I was roughly seized by a grinning bailiff and informed that the judge sitting across the hall wanted to see me. With a mind conscious of rectitude, I obeyed the summons and was marched by the bailiff right up to the bar of the court.

"Mr. Hinckley," said the court, smiling reassuringly, "this young man, who is accused of robbery, has no counsel. Our constitution provides that every person accused of crime may have counsel. I therefore appoint you to defend him and direct that you exert your best efforts in his behalf, even though you may receive no compensation. You may have a few moments' consultation with him before we proceed."

After expressing my willingness to perform my duty as best I could, I turned to my appointed client and saw seated before the bar a miserable looking specimen of youthful manhood, untidy, unkempt, unshaven, with the look of a hunted animal in his eyes. I sat down beside him, determined on assuming at all odds that he was innocent, placed my hand as if in protection on his shoulder and cast a glance of defiance at the state's witnesses huddled at the door.

"The state's attorney offers if I plead guilty that I will be let off with a year in the bridewell," said the young fellow; "but I can't plead guilty to what I did not do."

After an earnest appeal the court was prevailed upon to allow the defendant until next morning to prepare for trial, whereupon my client was roughly seized by a bailiff and hustled back to the county jail, whither I repaired by another route and joined him. There the young prisoner and I had a friendly and confidential heart-to-heart talk. I learned from him the names and whereabouts of

witnesses who could appear in his favor, also those of his parents; that he was practically helpless, friendless and "broke," in the cold shadow of the fate of a felon.

I cheered him up, encouraged him to erect himself manfully on his spine and to talk out loud, made arrangements for the improvement of his appearance tonsorially and otherwise, and departed to prepare for the morrow.

I located and notified his witnesses and communicated with his parents, whom I found to be respectable people of humble means. They thought as much of their boy as any parents do, but, with firm belief in his innocence, they had thought that in course of time he would be released automatically—usual mistaken idea of the layman as regards the administration of the law! I urged them to be in court next morning and secured the attendance of the witnesses for the defense.

The trial dragged along the whole of the day; the fight for liberty was strenuous, uncertain, painful. At its close my heart bounded with joy when the twelve good men and true announced their decision that the boy should be returned to his mother.

In a few days I was visited in my office by this rejoicing female parent. She voluntarily paid me what I considered a large fee in "real money." But my greatest compensation for the heart-blood I spent in my primal effort to save a young life from being railroaded to probable ruin via state prison was when after the verdict was read and the mother had kissed the son who was restored to her, she grasped my sleeve, and, with tears of joy streaming down her face, sobbed:

"God bless you, young man, you have saved my heart from breaking."

THE STAIN ON THE HANDKERCHIEF.

By Hon. Edward F. Dunne,

Late Judge of the Circuit Court of Cook County, and later Mayor of Chicago.

In the dismal grist of murder cases which came before me for trial when I was on the Circuit court bench was one that specially interested and impressed me on account of certain unique circumstances surrounding it.

It was that of a young southern mulatto who was charged with foully killing a man, the motive of the crime being the ordinary sordid one of robbery.

The slain man was an Italian, not long from his native land. He had gone into a negro saloon on Taylor street and Pacific avenue, not far from the Harrison street station, where, before a number of negroes at the bar, he had ordered a drink and displayed and changed a $10 bill. On leaving the saloon by a side door leading into the alley he was followed, stabbed to death, and robbed.

Immediately on receiving the alarm of murder the police surrounded and raided the saloon, arresting all they found there. The men were taken to the station and searched, and the damning proof of the crime was soon and strongly fastened on the young mulatto from the Southland. In due course he was brought to trial, charged with the murder of the Italian.

Several incriminating articles found or alleged to have been found on his person were produced as proofs of his guilt. There was a bloody knife, a bloody handkerchief, a bag of coins, and a mastiff tobacco pouch. Relatives of

the murdered man came on the stand and identified most of these things as his property, they having seen them in his possession. The handkerchief in itself was peculiar. It was a "campaign handkerchief," bearing portraits of the presidential and vice-presidential candidates in a current general election. Three or four similar handkerchiefs were found in the trunk of the victim, who, according to the evidence, was but recently from Sardinia and had spent some time in Canada. When some of the witnesses for the prosecution were shown the contents of the bag of coins they had no hesitation in pointing out certain articles they had seen with the deceased—"trifles light as air, but confirmation strong as proofs of holy writ." There was a half-cent, a monetary curiosity in its way, and there was also an oval medal, the badge of a Catholic sodality to which the murdered man had belonged in his native Sardinia. They testified that they had seen these in his possession, also the mastiff tobacco pouch. And the police swore that when they arrested the defendant he had blood on his shoes.

As the evidence was solidly piled up, crushing piece upon piece, the shadow of the gallows loomed darkly over the young mulatto.

Along with the bloodstained handkerchief there was put in evidence a bloodstained piece of muslin which was claimed to have been found on the person of the accused. Then came a woman of the unfortunate class who capped the climax of conviction by swearing she had been an eye-witness of the murder—that looking out of her window she had seen the Italian emerge from the saloon side-door into the alley and the prisoner follow him out, stick a knife into him and kill him, and rifle his pockets.

And there the prosecution rested.

The prisoner took the stand to testify. He had no wit-

ness in his behalf, no friend or advocate save the lawyers appointed by the court to defend him. His story was a plain and simple one. He was born in the south, the son of a former slave, had drifted from town to town in search of work, and floated into Chicago five or six days before the murder of the Italian in the alley at Taylor street and Pacific avenue. He got a temporary job in a cold storage warehouse, but it lasted only for a few days. Then he went work-hunting again and got to the saloon where he and all the others were arrested. As for the murder, he knew nothing about it.

The state's attorney took him in hand. "Did you not have a bloodstained handkerchief when you were arrested?"

"Yes, sir, but my handkerchief was a plain white one, and the spots on it were small and round, or nearly round, but the mark on this one is as big as an Irish potato."

"How do you account for the bloodstains on your handkerchief?"

"They came from a nosebleed. I'm subject to it."

"Do you have nosebleed now?"

"Yes, sir."

Some of the jailers and bailiffs were called to the stand and they corroborated the prisoner's testimony that he was subject to nasal hemorrhage.

"When arrested you had on you a bag of coins containing a half cent?"

"Yes, sir; I think there was some kind of a small coin in it."

"And it contained also a Sardinian sodality medal?"

"Yes, sir, there was a kind of medal in it shaped like an egg."

"Where did you get that bag of coins?"

"I found it on the sidewalk."

"Did anybody see you with any of these things in your possession?"

"Yes, sir, a Mr. Jackson, who is engineer in the Masonic Temple; he saw them with me when I was playing checkers with him."

The man referred to was sent for; he corroborated the prisoner.

The latter was asked to account for the piece of bloodstained cloth that was alleged to have been found in his possession. He denied that it had, either that or the bloodstained campaign handkerchief, but admitted everything else.

I took the piece of cloth and compared the stain on it with that on the handkerchief; they were both of the same contour and dimensions.

"Where are the effects of the dead man?" I inquired. Nobody seemed to know. "Bring the coroner," I said, "and have him produce everything he found on the dead man." At 2 o'clock the coroner came. He produced a second mastiff pouch, a second pipe, some coins, etc., mostly duplicates of the first exhibits.

"Do you know anything of this bloodstained cloth?" I asked him.

He took it and examined it. "Yes, it is a piece of stuff we use for lining cheap coffins. I used this piece to tie up the exhibits."

Which accounted for the similarity of the bloodstains on the cloth and on the campaign handkerchief, which now appeared not to have been found on the prisoner at all but on the person of the dead man and to have been tied up with other articles in the coroner's bundle, where it transferred its stain to the covering.

I sent the assistant state's attorney (I think it was Hon.

Frank Crowe, now Municipal court judge) to the scene of the murder to test the evidence of the woman who swore to have witnessed the killing. He looked out the window from which she said she had seen the murder, but a projection shut out all view of the alley and of the saloon side-door through which the victim emerged to his death.

The evidence for the prosecution was thus utterly shattered root and branch. The prisoner, so late near conviction and doom, came from under the shadow of the gallows and went forth to liberty.

THE WAY THE DOOR OPENED.

By Thos. M. Hoyne,

President of the Chicago Bar Association.

There are times when even the most expert of cross-examiners—and to this class belonged my friend the late Robert Hervey, one of the greatest trial lawyers of his day—may be seriously puzzled and put out by apparently conflicting but at the same time truthful replies on the part of a witness, be the witness either guileful or obtuse.

On one occasion Mr. Hervey was cross-examining a female witness—an Irishwoman, I fancy—when the question turned on the means of communication between her kitchen and her back yard. In the course of cross-examination she stated that she had gone out the back door into the yard.

In the course of his subsequent queries Mr. Hervey said:

"Now, you have stated that there was a door opening into the back yard?"

"I said no such thing," she retorted emphatically.

"But you have just stated so," he persisted.

"I never said it," she declared, "for I couldn't say it."

"You most certainly did."

"No, my dear man alive, you're mistaken entirely. I never said there was a door opening into the back yard."

"Did you not state that you went from your kitchen into the back yard?"

"Of course I did, but what's that got to do with it?"

The cross-examiner looked at the witness in surprise and anger and then appealed to the judge, who sternly said:

"Woman, I advise you to answer the lawyer's questions straightforwardly and truthfully and not to perjure yourself or to attempt to trifle with this court."

"I ain't triflin' with the court or with anybody," she exclaimed indignantly, "and I'm not perjurin' myself, either, for I'm tellin' the downright and honest truth."

"Very well, then, we'll see whether you are or not," and Mr. Hervey repeated his previous questions.

"You say you went from the kitchen into the back yard?"

"I certainly did, and I say so again."

"Therefore your kitchen door must open into the back yard?"

"Therefore, with all respect to you, it must not. I never said it did, for on my conscience, I couldn't say it."

"Your honor," said the now highly incensed Hervey, "I ask that you commit this woman for contempt."

"Witness, you are trespassing on our time and patience too long," thundered the court. "Do you really under-

stand the question or are you merely feigning imbecility? How could you go from your kitchen to your back yard unless there was a door there? Surely you don't want us to believe that you passed out like a spirit through the wall?"

The witness looked thoughtful for a moment, then cast a look of withering contempt on the exasperated Hervey.

"Oh, you poor simple man," she said, "and, for the great lawyer that you think you are, is it a little thing like that that's puzzlin' you? No, of course, as I said, the door doesn't open from the kitchen into the back yard, but just the other way, same as in any other house—the door opens from the back yard into the kitchen."

AN INDIAN OCULIST.

By Myron H. Beach.

One of those dubious benefactors of humanity who claim to be "Indian doctors" and possessed of sterling though mysterious specific cures, learned from the medicine men of the red sons of the prairie, once brought action against a client of mine for compensation for his professional services.

My client was a machinist who had had his eye injured by a splinter of steel. The Indian doctor, a bronzed old fellow with flowing hair and beard, had taken the patient in hand and professed to apply remedies, until the victim, finding his injured optic going from bad to worse, sent him about his business, refusing to have anything more to do with him. Then the doctor brought suit to recover a

sum of money for his services. When the plaintiff took the stand I proceeded to examine him as to his knowledge of the construction of the eye.

"Do you understand all about the different coats of the eye?" I asked.

"Certainly, sir."

"How many coats has the eye?"

"Two, of course; the inside one and the outside one."

"What is the sclerotic coat?"

He said he did not know it by that name, but by its Indian one, giving a name I, of course, never heard before, nor probably anybody else.

"Where do you locate the cornea?"

"In the corner of the eye."

I questioned him as to the aqueous and vitreous humors, the choroid coat, etc. He said he knew them all, but only by their Indian names.

"Did you ever perform the operation of extracting the pupil of the eye?"

"Certainly, sir; I've taken it out of the eye lots and lots of times; I have a large box of pupils at home in the Indian Territory."

You will hardly believe that despite all this display of profound and startling optical knowledge and surgical ability on the part of the plaintiff, I won the case for the defendant, but I did.

A HUNT FOR WILL WITNESSES.

By P. A. Hines.

This is the story of a long and stern chase. From its character it is historic in the records of the Probate court of Cook county. It was about the most protracted, far-reaching, zigzaging, bewildering, exasperating search of the kind that ever happened. Clerks of the court mentioned recall the memory of the McDonald case with a sinking spell, a feeling of exhaustion. For myself I shudder when I think of the amount of worry and work that was attached to it. It had never occurred to me that even this big city of Chicago, with its changeful cosmopolitan population, could present such possibilities of strenuous legal labor.

And yet the amount involved was only about $2,000.

It happened that in August, 1888, Mrs. Emily McDonald, wife of Alexander B. McDonald, residing in the southwest section of the city, and who had lived in Chicago about a dozen years, executed her last will and testament, devising to her husband all her real and personal property, which consisted in the main of the premises where they lived, a frame building and lot valued at $2,000. They had no children. The will was witnessed by George E. Thomas and Elizabeth A. Thomas, his wife, then residing at 3738 Calumet avenue, Chicago. Mr. Thomas was by occupation a civil engineer, and he and his wife were friends of the McDonalds.

Eleven years after the signing of the will, or on May 20, 1899, Mrs. McDonald died. The will was duly offered for probate in the Probate court of Cook county. As attor-

ney for Mr. McDonald it devolved upon me to locate the witnesses, in order to take their deposition, or else to produce them in court.

But where were they? Where were the Thomases? On inquiry being made for them it was learned that they had left Chicago seven or eight years before and moved to Iowa, whence, after some years, they went to live with their daughter in Springfield, Ill. Efforts to find them in Springfield failed; they had gone to New York, where Mr. Thomas was employed in his capacity as civil engineer on some public works by a New York corporation. I was now hot on his meandering trail and had all but got him, when I heard that he had been sent from New York to Maitland, Nova Scotia.

Meanwhile I had to apply for continuance after continuance in the Probate court.

I now received the gratifying assurance that the people I wanted had taken up their permanent residence in Maitland, and accordingly I prepared the necessary papers to send to that place, to have their depositions taken before the local county judge. The papers were sent, but they did not reach George E. Thomas; from the snows of Canada he had flitted to the heat of the Antilles. His employers had ordered him to Cuba, to look after some engineering work there, while his wife returned to Springfield, Ill. And so the McDonald homestead in the southwest of Chicago was still doomed to remain without a legal owner.

Continuing to follow the extraordinary peregrinations of the couple, I trailed Mr. Thomas from Cuba to New Orleans, where he remained several months, and from there to Little Rock, Ark., and thence to Kansas City, Mo., where his wife joined him and where they resided for some

time. Later Mrs. Thomas went to Iowa and her husband returned to New York city. It was a wearying and seemingly hopeless chase. And there were more continuances.

At length I located Mrs. Thomas at the home of her daughter in Springfield. She promised to come to Chicago on her way to join her husband in New York, and she did so. She arrived in Chicago in the morning and expected to leave for New York in the afternoon. I met her with a carriage at the Alton depot and whisked her over to the Probate court, where her testimony relative to the execution of the will was taken before Assistant Judge John D. Casey, and at 3 p. m. I saw Mrs. Thomas board a train for New York, she telling me that her husband would probably remain there for some time and giving me the address of his employer. On this pleasing news I prepared papers and sent them to New York to receive the long desired signature of Thomas, but again I lost him—he was gone to Truro, Nova Scotia! Here, however, I fortunately and finally got him; I prepared and forwarded a new set of papers; Mr. Thomas appeared before the judge of the Probate court at Truro and his deposition was secured; it was then sent to the clerk of the Probate court of Cook county, Ill., and my long quest, extending to many places thousands of miles apart, was over, and the will admitted to probate.

In order that the testimony of the witnesses to Mrs. McDonald's will might be obtained there were eighteen continuances asked for and granted by the Probate court. Which, I venture to say, is the banner case of the hunting and finding of witnesses to a will.

AN EXHIBIT FROM HEALY'S SLOUGH.

By Hon. Oliver H. Horton,

Former Judge of the Appellate Court, Cook County.

It was in a suit brought against the city by the widow of a man who lost his life by a combination of drowning and poisoning in the ghastly and foul-smelling eyesore long known as Healy's Slough, in which suit I was acting as counsel for the plaintiff. It appeared that when returning home in the dark the victim had fallen through a breach in the sidewalk, left there through negligence of the city, and on the following morning his body was found on the other side of the slough.

The city made a vigorous defense, attempting to show that the deceased had not fallen in at the defective place indicated—else, they demanded, how could his body be carried to the opposite side of the slough? To offset their objections I put on the stand a witness well versed in the chemistry relative to the case, a sagacious little old Irishman who told of the effect of gases produced by blood, offal, steel filings, etc., on a lifeless human body, how they might inflate it and cause it to float about, etc. His evidence was of course unwelcome to the attorneys for the city, who in cross-examination proceeded to harry him with queries as to the analytical chemistry of Healy's Slough, the olfactory classification of the odors arising from its non-pellucid bosom and the resultant theories as to the gaseous disintegration of human remains. As a conscientious and painstaking witness he was doing his manly best to respond along this line of investigation, more sarcastic than serious, when court adjourned.

Next morning when my witness took the stand and his cross-examination was resumed, he produced a small, wide-mouthed black bottle.

"Gentlemen," he said to the counsel for the city, "your questions yesterday denoted a strong anxiety on your part to ascertain, as most germane to the issues of this case, the exact nature of the odors arising from the pungent liquescent body known as Healy's Slough. I am glad to say that I have here, as you may nasally discern, the very strongest kind of evidence on the point. In this bottle I have the sublimated quintessence of the aroma that floats over Healy's Slough."

He pulled the stopper as he spoke, and a powerful odor immediately filled the courtroom. It was not suggestive of a bower of roses by Bendameer's stream, nor of the fragrances of Araby the Blest. There was a sudden general gasping of breaths and grasping of noses, then a great trampling of feet and clattering of falling chairs, as lawyers, jurymen, witnesses and spectators made in a panic for doors and windows. The court—it was Judge Porter—was heard to shout something about contempt of court before he shoved his head out the window and looked about for a fire escape.

When the appalling exhibit was recorked and sufficient fresh air had flowed in through all the open windows my old Irish chemical expert witness was hastily and fervently excused, and he triumphantly departed, taking with him his potential bottle. But for years afterwards the court bailiffs asserted that the atmosphere of that particular courtroom was strongly suggestive of Healy's Slough.

ASCERTAINING THE LEGISLATIVE INTENT.

By Hon. Ross C. Hall.

It is a well known principle among lawyers that, for the proper administration of the law, it is well to know the legislative intent of a statute. This is sometimes a matter of serious and perplexing difficulty even to those who, for their greatest possible enlightenment, make it a point to attend certain sessions of the legislature and be present at the very hour and place where the laws they are specially interested in are made.

This difficulty of ascertaining the legislative intent of a statute on one memorable occasion greatly perplexed the judicial mind of Chief Justice Wilkins of the Supreme Court of Illinois.

It happened that party feeling had gradually waged high in a question before the house. We democrats were in the minority, but we were making a determined battle for what we considered our rights. Taunts and recriminations were hurled from side to side, and the murmur of protesting voices arose to an angry roar; when in strolled the judge, conscientiously anxious to ascertain the legislative intent of the subject under consideration. Suddenly an enraged legislator, in protest against the continuous hammering of the gavel, threw an inkstand with such correct aim that it hit the speaker of the house on the head, and another statesman promptly seconded the motion with a volume of state reports. Immediately the sacred air of the stately hall of legislation was full of inkstands, statutes and war cries. Judge Wilkins viewed the

scene of conflict and uproar in amazement, then retired in hopelessness and dismay.

"I fear my coming here is in vain," he remarked; "the methods of the lawmakers are strenuous and exciting, but I must admit I am unable to learn the legislative intent."

AN EASY FEE.

By Theodore Proulx.

It is not often the sensation of making an easy fee comes to the average lawyer. That blissful sensation was mine some time ago. It is of the nature of angels' visits.

Two French chefs called on me and asked my services to defend a comrade of theirs, a brother of the battalion de cuisine, who, that same morning, had been held over from the Harrison street station to the grand jury on a charge of burglary. They said they believed he was not guilty, that it would be a shame and a disgrace to the profession to allow him to go to prison, and they inquired what would be the amount of my fee. I told them it would be fifty dollars for a retainer, and if I succeeded in getting him out of his trouble it would be fifty dollars more. They went away satisfied, saying they would raise the money by subscription among the organization of cooks. Soon after they brought me fifty dollars.

Chef Adolph Girard, the young man in the county jail, had been staying in a boarding-house on State street, near Polk. He was charged with stealing from there a cloak valued at fifteen dollars belonging to the hired girl, and a suitcase containing clothing, the property of a guest, a

visitor to the city. He was seen, it was claimed, leaving the place at three o'clock in the morning with the articles in his possession.

I went out to the boarding-house and heard the hired girl's plaint over her lost garment. Her story certainly made things look black enough for the hapless knight of the gridiron. Incidentally I learned that the owner of the stolen suitcase had left the city and gone home, not caring, as ordinarily happens in such cases, to stay and prosecute and tediously throw valuable time after lost property.

A few days afterwards an unknown Frenchman walked into my office with a cheerful smile and expressions of glowing gratitude.

"My most sincere and everlasting thanks to you, Mr. Proulx," he said. "How in the world did you manage to get me out so quick?"

It struck me that my visitor must be my French cook.

"Oh, we lawyers do things pretty quickly once in a while," I said guardedly in my surprise.

"You are a bright star in your profession," he said, "and there's nothing too good for you. You are a wonder!"

My visitor was Chef Adolph Girard, sure enough. I naturally had thought that his case would not get round to the grand jury for a couple of weeks, leaving me ample time to prepare his defense, yet here he was in smiling liberty.

"Yes, you certainly did fix it up for me pretty quick and well," he continued. "They kicked me out of the county jail last night and told me go about my business. And I will come around tomorrow and give you that other fifty dollars."

Feeling a slight remorse of conscience—not being as artful and callous in annexing fees then as I am now—I assured him to his astonishment and increased gratitude that I did not want any more payment in his case, that I was amply remunerated for my services, as I had anticipated much more work in his case than what I had done.

The chef departed thankful, jubilant and rejoicing.

The only solution I can suppose in the matter was that when his case came before the grand jury no witnesses appeared against him and no bill was presented.

Anyhow it was the easiest fee I ever got in my life.

CHASTE YET CHASED.

By Hon. Frank Crowe,

Judge of the Municipal Court of Chicago.

It happened on one occasion, when I was assistant state's attorney, that I was prosecuting a young man who was on trial on a charge of abduction. It appeared from the evidence that the defendant had been staying in a boarding-house kept by the uncle of the girl in the case and that the uncle, owing to some quarrel between them, had put the young man out of the house.

For the defense some character witnesses were called, including an elderly Syrian woman, who struggled with the intricacies of the English language while displaying much confidence in her familiarity with it. In reply to

counsel she said she knew the defendant to be chaste and virtuous.

"How did you know the defendant to be chaste?" I asked in cross-examination.

"I knew it well, and all the neighbors knew it," she declared.

"Do you know, madam, the meaning of the word chaste?"

"Of course I do."

"When would you consider a person to be chaste?"

"Well," replied the witness emphatically, "I'd say that a person is chased when he's fired out of his boarding-house."

A KIDNAPPED CLIENT.

By James V. O'Donnell.

To many the matter herein narrated will appear extraordinary, amazing, even incredible, something impossible of occurrence in the very heart of a large, bustling, modern city like Chicago. It takes one's mind back to the days of dubious romance when there was little or no regard for the rights of the citizen, when a royal lettre de cachet issued at the instance of some despot's infamous mistress sufficed to spirit a man away from his home and family and fling him to pine and die forgotten in some gloomy oubliette of the Bastile.

The trouble out of which the singlar circumstances cropped up arose from a serious breach of the commandment which forbids us to covet our neighbor's wife. The coveter in this case was a foolish and wealthy old sinner

JAMES V. O'DONNELL

Master in chancery high in esteem and strong in demand, owing to unvarying courtesy combined with sterling integrity. A chivalrous soldier of the ancient race of Tirconnell.

Master O'Donnell, born in Portland, Me., September 14, 1868, came to Chicago 1875, graduated from Notre Dame Univerity 1889, graduated Chicago College of Law 1890, studied law under Judges Moran and Bailey and was admitted to the bar in 1891; with Judge Gibbons, now of the Circuit Court, and Judge Kavanagh, now of the Superior Court, became member of the firm of Gibbons, Kavanagh & O'Donnell; served as first lieutenant in the 7th Illinois Volunteers during the Spanish-American war; is member of the Illinois and Chicago Bar Associations and the Chicago Athletic Association; was married in 1899, to Miss Agnes Lynch, they have three children.

with one leg in the grave and the other in a flourishing distillery, a modern dragon with the financial resources of a Crœsus and the moral scruples of a jack rabbit. The covetee was the erring wife of a German of humble means who had managed to draw a very unlucky number in the critical lottery of matrimony. Physically Hank was not a very prepossessing or fascinating party, but she ought to have recognized that impressive fact before they had made their impulsive fluttering turtle dove flight to St. Joseph. Anyhow the elderly Lothario with the money and the youthful notions was no improvement on the simple, industrious Teuton; but for that she did not care, she being about as bad as such unhappy women are made.

When the slow perceptions and suspicions of Hank were finally aroused to the point of action he came to me for the purpose of obtaining legal redress of his domestic grievances.

I brought suit against the amorous Don Juan for alienating the affections of Hank's wife and also filed a bill for divorce against the woman.

"Blackmail!" naturally howled the veteran blighter of married felicity, the hoary rooter up of the hearthstone, who had been caught by our agents in as many compromising situations as he had toes and fingers on his senile body, and in the alarm of detected guilt he set in motion all the legal and detective machinery that his wealth could control in order to impeach the character of my client and the source and nature of our evidence..

Hank was daily and nightly dogged by detectives in the employment of the panic-stricken old libertine, until the annoyance and perils that menaced my client became so constant and dangerous that I thought well to send him for retirement out to a neighboring suburb, to remain out

of espionage and harm's way until the time came for the trial of the case.

Suddenly, to my great bewilderment and dismay, my client disappeared, vanishing from human ken as utterly and completely as if the ground had opened and swallowed him.

My partner and I exchanged vague and unprofitable surmises. One of the most prevailing and rational of these was that Hank had gone over to the enemy, allowed himself to be bought off for a sum of money, and decamped to parts unknown, basely leaving us to go uncompensated for our services and to bear the burden of the considerable expense we had incurred in his behalf. I fear that in our disappointment and chagrin we breathed as many curses as sighs after that mysteriously vanished German.

At length one day came a mud-bedaubed letter which I read in intense amazement, with a thrill of returning hope:

"Dear sirs, please come and get me out of here. I have been a prisoner many weeks in the offices of the Hawkshaw Detective Agency on the top floor of the Sunscraper building. I was taken without warrant of law and they won't let me see anybody and I am guarded day and night."

The letter was signed by Hank. They had found his place of retreat, and one day, when he ventured to make a visit to the city, they had nabbed him on the way, thrust him into a cab and drove him to the offices of this particular detective agency, where they put him through a severe course of "sweating" with the view of extorting something that might weaken his case against the wicked old despoiler or perhaps by means of threats to frighten him into an abandonment of the case altogether. These tactics failing, they plied him liberally with champagne

and besought him to be "a good fellow." But his native stolidity proved impregnable against all manner of pleadings, threats and cajoleries.

"You fellows are well paid for this," he said, "so I can't blame you for doing your best, but you can get nothing out of me."

They emptied his pockets, fearing he might have some writing materials wherewith he might communicate with the outer world. They supplied him with food and sleeping accommodation, and they assured him that out of there he would not move unless he came to their terms, until his attempted blackmail would railroad him to the penitentiary.

There poor Hank remained, a prisoner illegally and audaciously detained in the strongly pulsing heart of this great American city, as helpless as if magna charta was never signed at Runnymede or Madame de Pompadour was still holding active patronage in lettres de cachet. At length he somehow managed to get possession of an envelope, a piece of paper and a postage stamp, and he wrote a letter and shied it from the window of his lofty prison into the street—the letter we had received. Somebody picked up the letter from the mud of the street and considerately dropped it in a mail box, and that was the beginning of the end.

Promptly we filed a petition for habeas corpus before the late Judge James Goggin—well known for his hatred of high-handed proceedings by both city police and detective agencies—with the result that the alarmed corporation at once gave our client his liberty.

Well, that's about all. The case was settled out of court at a cost of several thousand dollars to the senile Lothario. As for the woman in the case she went to the

Klondike, where she appeared for some time on the boards of a playhouse, from which stage and the stage of life she soon after passed simultaneously, much for her own good, I hope, as well as for that of the rest of the world.

AN AWARD THAT DWINDLED.

By George S. Foster.

In surprising ways does the uncertainty of the law manifest itself now and then, causing many a handsome award to shrink like a burst balloon and many a wronged and injured person to anathematize the intricacies of the legal machine.

Owen O'Brien went from Chicago to Wisconsin looking for employment. He got it, running a crazy elevator in a paper mill in Appleton, and there also, through defects in the machinery, he received sundry grievous personal injuries that incapacitated him for a long time and almost crippled him for life.

Owen brought suit against the paper company in Judge Jenkins' court and was awarded judgment for $15,000.

The company's lawyers appealed the case, and it was retried before the late Judge Gresham. The latter held that the complainant should have made himself familiar with the conditions of the elevator before taking the risk of running it. His directions to the jury were that the company was not responsible for the accident. So the jury brought in a verdict exonerating the company and the $15,000 verdict went glimmering.

The paper mill company, however, recognized that

O'Brien, who had been long in its service, was entitled to some compensation, and therefore offered him, through his lawyer, $1,000. This the lawyer advised him not to accept, as he had good grounds for an appeal and would probably get judgment in his favor on a third trial. He told Owen to return to Chicago, whence he had come to attend the trial, and that he would probably hear favorably from him in good time.

After about sixty days Owen got a letter from a Chicago lawyer asking him to call at the latter's office.

"Well, your attorney in Wisconsin has settled that case of yours," Owen was informed when he appeared. "Everything has been arranged very favorably and there is some money for you here and a document to sign."

The Appleton company had offered Owen $1,000 compensation, he thought they might have in justice agreed to give more; therefore great was his dismay when there was placed before him a written undertaking to abandon all claims against the company and any further legal proceedings in consideration of the sum of $60.

"But I was to get $1,000 anyway," protested Owen.

"Oh, there were costs of court and lawyers' fees and other expenses," explained the lawyer, "and this $60 is all there is left."

Owen indignantly refused to sign the document and went forth to seek satisfaction. But lawyer after lawyer refused to take up his case. At length one obliging lawyer said he would, but on reconsideration thought it would be hopeless and advised him to accept the $60 offered, saying he would go and get it for him. At length Owen reluctantly consented, and the lawyer put on his hat and went out and got the money. He deducted $20 for his services and handed O'Brien the remaining $40.

And Owen was stung, mad and mortified at his experience that he "blew in" $20 before he went home and had just a $20 bill to look upon as a relic of his $15,000 verdict.

SWORE AS HE FELT.

By Hon. Theodore Brentano,

Chief Justice of the Superior Court of Cook County.

There are sometimes circumstances surrounding an experience, say some shock or lurid sensation of a lifetime, that impress the subject of it with such peculiar force and vividness that in subsequent narration of the affair he is liable to indulge in what may seem to be most extraordinary and extravagant details.

In a case of highway robbery that was tried before me, the victim of the robbers, a little Irishman from the West Side, was on the stand giving his evidence.

"What weapon did the man use who held you up?" asked the state's attorney.

The witness impressively answered:

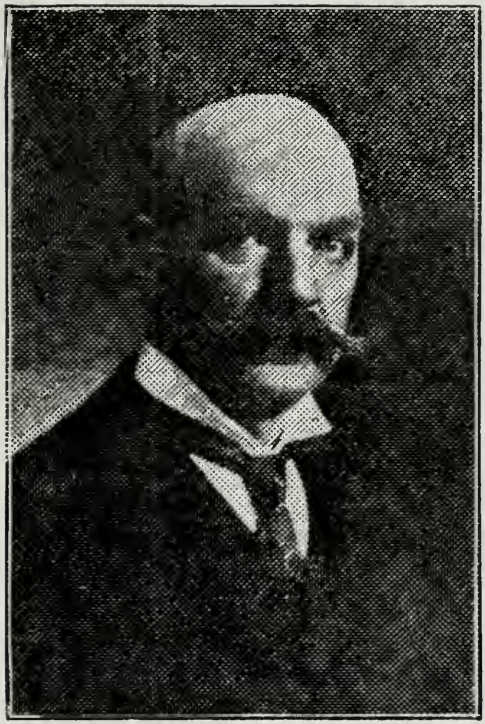
"A cannon."

"I object," said the lawyer for the defense; "this is palpable and absurd exaggeration."

"Might I ask, mister, wor yerself iver held up?" inquired the witness.

"Never, thank heaven," replied the lawyer.

"Faith you may well thank heaven," said the witness, "for if you wor you'd not think it was only a common cannon but a twelve-inch navy gun."



HON. THEODORE BRENTANO

CHIEF JUSTICE OF THE SUPERIOR COURT

Son of the patriot Lorenz Brentano, in 1848 President of Baden, who fought for the freedom and uplift of Germany, Judge Brentano inherits from worthy ancestors a love of fair play which has endeared him to the masses. His remarkable judicial temperament makes him a tower of strength, of which all siege has been abandoned. On Monday, Dec. 6, 1915, he celebrated the twenty-fifth anniversary of his elevation to the bench of the Superior Court, amid the congratulations of hosts of friends and the perfume of a myriad flowers.

"How long did he hold the gun to your head?" continued the state's attorney.

The witness replied emphatically:

"A year."

"Come, come," exclaimed the defendant's attorney, starting up again, "remember that you are on your oath and you are telling a deliberate and ridiculous untruth."

"Not at all, sorr, not a bit of it," protested the witness, "and faith if you were in me shoes that night you'd swear it was for a century!"

NO RELATIONSHIP.

By Leon Zolotkoff,

Late Assistant State's Attorney, Cook County.

"In a suit for forcible entry and detainer which was tried before the late Judge Tuley," said Assistant State's Attorney Leon Zolotkoff, "Attorney Smejkal appeared for the plaintiff, the landlord of the premises in question, and I for the defendant, the tenant. When the case came up it was necessary, of course, to prove the relationship between the parties as landlord and tenant. Accordingly, when his client, a man whose notions of the meaning of language were both plain and literary, came on the stand, Mr. Smejkal put him the question:

"What is the relationship between you and the defendant?"

"Relationship!" indignantly repeated the plaintiff. "Relationship, indeed! No relations whatever, none at all, sir! Why, I am a Christian and he is a Jew!"

THE MAN IN THE CORNER.

By Hon. Harry Olson,

Chief Justice of the Municipal Court of Chicago.

About the most critical thing in the trial of a case, especially one in the Criminal court, is the impaneling of a jury, a fact that was sometimes forcibly impressed on me during my period in the state's attorney's office. Justice requires a myriad eyes and arms to keep out of the jury box unscrupulous and undesirable characters whose specialty is to baffle and befool her.

Among the attaches of the state's attorney's office in my time was Grove Walter, whose particular line, besides looking after bonds, lay in finding out through various agencies the reputations and records of veniremen, so we might be able to exercise due discrimination in making a selection. One day as I was examining men called for jury service in a criminal trial, Walter was as usual busy in getting information at the telephone and rushing backward and forward in frantic endeavor to keep me posted. In the course of his vigilant and well meant efforts he came to me and whispered:

"Take the man in the corner."

I gladly accepted the hint, also, when his turn came, I accepted, after a few perfunctory questions, the man in the corner. The defense also accepted him with remarkable and what I would consider under other circumstances suspicious promptness, and with the others he was duly sworn on the jury.

By and by Walter came in again. On looking over the array in the jury box his face grew grave.

"You haven't put on the man I advised you to," he remarked.

"I most certainly have," I retorted in surprise; "you told me take the man in the corner, and I took him."

"Oh, I meant the man in the other corner," said Walter. "That fellow you've put on is a notorious character who'll either hang the jury or get them to let the defendant go. You picked your man out of the wrong corner."

"I wish that next time you'd be more definite in your advice," I said.

Walter's prediction proved correct. I lost the case; the accused man, although the evidence against him was strong, went free, and I had reason to believe that his acquittal was due to "the man in the corner."

A PHILIPPINE COURT OFFICIAL.

By Hon. Paul W. Linebarger,

Former United States Judge, Philippine Islands.

Humor often repeats itself, but I never thought that a stone-age joke would be innocently repeated on me as it was while I was organizing my courts in the Philippines in 1901.

Among our first reforms was the abolition of the Spanish chamber method for our own open court system. We had as one of our deputy sheriffs an old revolutionary general of Castilian courage and courtesy, but very retiring and modest. He was also a great churchman and a Ritual-

ist. He received from the clerk the formula for opening court, and after doubtfully scrutinizing it, he anxiously inquired:

"Can't I have someone else announce the opening of court?"

"No," he was informed; "you had better commit the formula to memory, and don't get it mixed up with your ritual."

Whereupon the old man was seen to sequestrate himself in a quiet corner of the courtroom and plunge into earnest study. When the hour arrived for the opening of the session, with some nervousness and with his hand twitching at the paper on which was written the formula, he commenced in stentorian tones:

"Oid! Oid! Se ordena silencio en nombre del Gobierno de los E. E. U. U.," etc. (Hear ye! Hear ye! Silence is ordered in the name of the Government of the United States while the honorable judge presides!)

Here a deathlike pause ensued, and again the veteran sheriff commenced his formula:

"Hear ye, hear ye! in the name of the United States silence is ordered while the honorable judge presides."

Again a deathlike pause, while the deputy sheriff gazed in a pathetic attitude of nervousness towards the ceiling, as if he expected it to fall on him. Then suddenly straightening himself up and calling out at the top of his voice he yelled:

"Hear ye! Hear ye! Silence is ordered in the name of the United States while the honorable judge presides! —while the honorable judge presides!—while the honorable judge presides!"—here an embarrassing pause until the perplexed official suddenly fell back on the words of his church ritual and thunderingly concluded: "While

the honorable judge presides! *May God have mercy on us all!"*

This same deputy sheriff was a very interesting character. I remember on one occasion I was going out in a small boat, he being with me, to take a coastguard cutter that had been sent to transport me from one court to another. The sea was very rough and as we pulled through the waves at every moment we expected to be foundered. But the military instinct and courage of my deputy sheriff, stimulated by sundry libations of leavetaking, arose to the occasion, and turning to me with a lordly gesture of his hands and arms he said:

"Suseñoria! Never mind, your worship! If you go down I will go with you!"

AN EXPERIMENT IN BUILDING.

By C. H. Havard.

Whenever I see an apartment building in course of construction it brings to my mind the speculative architectural experiment of Hooker and Thompson and the consequent coolness between them.

They were friends, and in the course of their rambles and observations and interchange of ideas a scheme occurred to them which presented glorious possibilities of making money. It was not an unique or extraordinary scheme, by any means; it was just the ordinary and well known Chicago one which keeps on bringing wealth to some, disaster to others, namely the erecting and selling of apartment buildings.

Thompson had money and Hooker modestly admitted that he had some brains, so they confidently set out on the road to glittering opulence. They fixed up a kind of contract between them without the aid of a lawyer. Then Hooker bought a desirable site on the South Side, employed men and procured materials, and a handsome structure went up. And Thompson paid the bills. Then each began to show the building to their friends and acquaintances and to expatiate on its elegant and up-to-date character with the view of obtaining a buyer. But unfortunately they had overlooked the adoption of a definite line of commercial policy.

"That's my building—ain't it a peach?" Thompson jubilantly said to his friends.

"That's my building and it's worth every cent I'm asking for it and a good deal more besides," Hooker told every prospective purchaser.

Which declaration of ownership was duly carried to Thompson by some of his skeptical and trouble making friends.

"Why, old man, what are you giving us?" they said. "You must be dreaming. You don't own a stick or stone in that building. Hooker says the building is his and he has the deeds to prove it."

At this Thompson began to investigate and to his alarm he found that, as far as the records showed, the building belonged to Hooker and that he himself seemed to have no definite legal interest in it. He consulted his lawyer, who advised him to have Hooker give him a deed covering a half interest in the property.

"Why, man," said Hooker, when Thompson made this application to him, "your interests are quite safe with me. I had the bulding placed in my own name so that we

CHARLES H. HAVARD

In the advent of Mr. Havard to the ancient and critical duties of Master in Chancery the proper office found the proper man. Cool and deliberative, yet genial and humorous, he is an office lawyer by preference, with keen sense of equity and instinct for adjustment and arbitration.

As such, in his office, 1310 Title and Trust Building, he has successfully settled large numbers of cases out of court, sending both parties away mutually satisfied. An expert in chancery, corporation, probate and real estate law, a reliable counsellor and adviser, he has saved many would-be litigants much money, time and trouble.

Mr. Havard, who was born in Chicago in 1873, is a law graduate of Lake Forest University and member of the Chicago Bar Association and the Illinois Bar Association.

could handle it better, just to simplify the matter of sale as soon as we get a buyer. Thompson, your intentions are good, but your knowledge of the real estate business wouldn't fill many large libraries."

But Thompson, with a sense of gloomy uneasiness, declined to be reassured; he pressed for the deed, threatening to bring legal proceedings. Hooker, who feared to lose his own interest in the property, came to me and I advised him to give Thompson the deed he desired. Hooker did so reluctantly.

Then Thompson, after much hard thinking, claimed that the whole building belonged to himself alone. He hauled out the home made contract and said:

"See here, Hooker, you don't own a stone of that building. Our contract provides that on the sale of it, after taking the cost of the land and the building out of the price received, the balance or profits, if any, shall be divided equally between us," which of course Hooker failed to see, and claimed a half interest in the property as it stood.

So to law they went and at law they kept until it looked as if the lawyers would strip all the meat off the bone of contention. At length, their eyes opened, they got together and settled matters on the basis of the deed of half interest. The property was sold and the proceeds thereof divided in that manner.

It took a large sum to cover the costs of that lawsuit, and Hooker and Thompson have greatly abated their confidence in apartment building experiments as a source of Monte Cristo wealth.

WHEN THE ROOF LEAKED.

By A. S. Lakey.

It was before Justice Dooley, in pre-municipal court days, and I was counsel for a defendant in a suit brought by a man named Callaghan for the alleged breach of a roofing contract. The plaintiff had no attorney, but his father-in-law, a precise old gentleman of rather defective hearing, was pushing the case for him as well as he could, besides bearing witness in his favor. In the course of the old man's testimony the court asked him:

"Do you swear that, even after the defendant fixed it, the roof leaked all the time?"

"Louder please, your honor," said the old man, with his hand to his ear.

Justice Dooley repeated his question in stentorian tones: "After the defendant fixed it did the roof leak all the time?"

"Leak all the time, did it?" repeated the precise and conscientious old gentleman. "Oh, no, your honor—only when it rained."

MY FIRST FEE.

By Hon. Nathaniel C. Sears,

Former Judge of the Appellate Court of Illinois.

After I was admitted to the bar I at once opened an office in Chicago and proceeded to wait and hope for clients and fees. The first client that presented himself was a young fellow, a representative of a jobbing house. He

wanted me to bring suit against one of his customers who he said had passed on him a counterfeit bill for $10, offering to pay me half that amount for my services if I succeeded in saving his firm from loss in the matter. The customer in question had vehemently denied having passed the bill and repudiated all responsibility for it, declaring that he never would be fool enough to handle a bill that was so plainly, glaringly, unmistakably counterfeit.

On inquiry, however, I ascertained that there was sufficient testimony to establish the fact that it was the said customer who had handed this particular bill to my client, so we started out to obtain expert testimony that the bill was bogus. Going to Adsit's bank I handed the bill through the teller's window to James Adsit, then a young man, and requested him to give me two $5 bills for it. Without hesitation he handed them out.

"You had better examine that bill I gave you," I said, "it is said to be bad."

He looked at the bill again and replied: "Why, I would be glad to take as many as you have got just like it."

My client may have been naturally mortified at his hasty blundering recourse to law, but, according to our arrangement, he insisted on my keeping one of those $5 bills.

And that was my first fee.

HOW THE JUVENILE COURT WAS FOUNDED.

By T. D. Hurley,

President of the Visitation and Aid Society.

It is an old adage that out of insignificant matters have sometimes arisen mighty movements.

I did not, however, consider it a quite insignificant matter one morning some seventeen years ago when the strong hand of the law was laid on my partner Koerner and conducted that amazed and apprehensive young lawyer before Judge Christian C. Kohlsaat of the probate court to make accounting for a certain sum of one hundred dollars. Anxious as to what might befall my partner I followed him to the dread temple of justice.

Fortunately it proved a matter easy of adjustment. It happened that two years previously the firm of Hurley & Koerner was requested, as accommodation to a brother lawyer, to procure letters of administration on an estate which consisted of one United States government bond of the face value of one hundred dollars, the sole legacy left by a deceased father to his widow and five children. Our firm performed this slight service as a mere act of charity. The bond was sold for its value to the First National Bank and the money turned over to the widow. Some two years afterwards the latter was cited by Judge Kohlsaat to file her final account and close the estate. Not knowing the importance of the notice, she ignored the same. Thereupon in due course of administration she was attached for contempt of court in not filing her final account and report. Being brought before the court by the sheriff on

an attachment she stated that she had received the one hundred dollars from the sale of the bond and spent it for the support and maintenance of herself and her five children. My partner also gave a very complete and comprehensive accounting as to all that had transpired with regard to the humble legacy. And so the matter ended.

What struck me most about the affair was that, while the state displayed special care and attention as to what had become of the money, it manifested not one iota of interest as to what became of the five children. Those poor little human chattels were apparently looked upon as worthless flotsam, to be tossed heedlessly on the ocean of life.

As president of a charitable association known as the Visitation and Aid Society, I proceeded to investigate, and it did not take long to ascertain that our treatment of helpless and dependent children was a blot upon our so-called civilization. I found that while the law gave ample care and protection to the property of an orphan child if he had any, it otherwise ignored him as to his maintenance and education, leaving him to grow up a pauper and a criminal. If arrested and charged with crime he was treated the same as an adult, even as in the periwig days when in England infants of twelve or fourteen were sent on various charges to the scaffold. I found that we had flourishing amongst us a deadly system that was working moral ruin to tens of thousands of derelict children and building lockups, jails, reformatories and penitentiaries.

A bill was prepared at the instance of our society and introduced in the legislature in February, 1891, by Representative Hon. Joseph A. O'Donnell. This bill provided for the proper care of dependent and delinquent children that were being raised in poverty or crime, and while it

failed to become a law it attracted the attention of humane workers throughout the state of Illinois and aroused them to more determined exertions. Thenceforth for eight years we kept resolutely pounding at the door of the legislature, creed combining with creed and society with society in the assault, until at length, in April, 1899, was passed the Juvenile Court Law of Illinois, the first of its kind ever enacted.

Since then some thirty-four states have enacted similar laws, as also have England, France, Scotland, Germany, Canada, Japan and other countries.

So did Chicago and Illinois lead the way in a grand march of humanity.

BLUNDERING TO VICTORY.

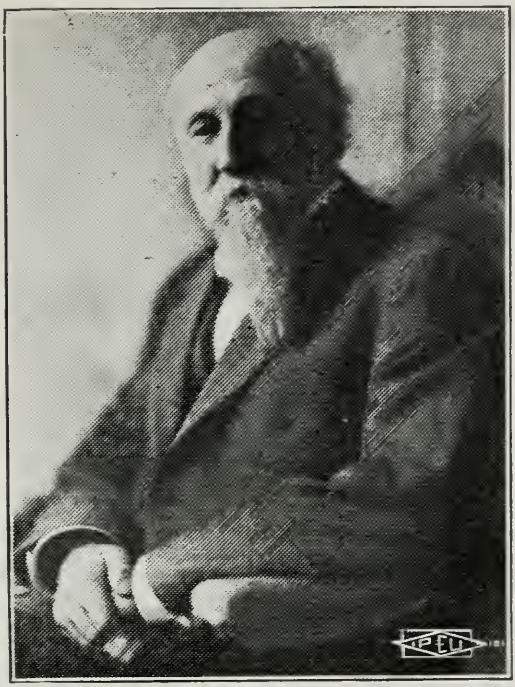
By Hon. John Gibbons,

Judge of the Circuit Court of Cook County.

"My lords, I always thought, and, by my soul, I have often heard the boast, that your English law was founded upon reason. If that be so, why have not I and others reason as well as you, the judges?"

So protested canny James I. to the judges of England when he wanted to constitute himself supreme judge as well as king over all the land, his pedantic claim evoking the objection of even the time serving and truculent Coke, that causes are "not to be decided by natural reason, but by the artificial reason and judgment of the law."

It happened once in my early days of practice that I



HON. JOHN GIBBONS, LL. D.,

When he came to America, in the '60s, from the daisied dells of his native Donegal, the present Nestor of the Cook County bench was possessed of a large fund of racial staying power. For many years, at judiciary elections, certain Chicago "reformers," ostensibly solicitous for Judge Gibbons' health, have asserted that he has lost this remarkable power and even almost induced him to retire; but the great mass of the voters vehemently rebuked them—and there he stays! The secret of his popularity is his store of practical human sympathy. In 1876, when in the Iowa Legislature, he introduced the first bill ever presented in a legislative assembly for the protection of wages of workingmen and mechanics. And along such lines his life efforts have been laid. He married Mrs. Richard B. Fuller, April 20, 1892. Has been on the Circuit Court bench since 1893.

somehow felt of the same mind as King Jamie, my humble ideas of reason and common sense clashing with the law or what was said to be the law.

In the early fifties great and frantic was the enterprise of counties, cities and towns of Illinois, Iowa, Nebraska and other states towards the obtaining of railroad facilities. Railroad aid bonds to the amount of millions and tens of millions of dollars, bearing interest at 10 per cent per annum, with the usual coupons attached, were voted in order to induce railroads to build lines to the places voting the subsidies. These bonds and coupons, made payable to bearer, were eagerly bought up, particularly by non-residents and foreigners, who saw in them a glittering bonanza. In many instances the local indebtedness thus incurred was all out of proportion to the value of the property which was to bear the burden. The result was that by and by there was a general attempted repudiation of the bonds, a neglect or refusal to pay either principal or interest. This failure to pay led to innumerable suits in the federal courts.

Among the municipalities against which several of such suits were brought were Keokuk and Iowa City, Ia. In April, 1871, the city council of Keokuk elected me city attorney at a salary of $200 a year. My first duty after qualifying was to ascertain the number and status of cases pending against the city. Chagrined at his defeat, my predecessor declined to give me any information concerning them, so I had to hunt it up by myself.

Going to the office of the clerk of the United States Circuit court at Des Moines I found that the suits of Austin Corbin and eight others against the city of Keokuk were based on several coupons that had matured more than ten years before the suits were commenced. As the statute

of limitations provided ten years on written contracts and the statute was not pleaded, I hastened to court and asked and obtained leave to amend the several answers, which I did instanter, setting up the statute of limitations as a defense to the several suits. Keokuk, I considered with relief and triumph, was saved.

The judges on the bench, sitting *en banc* in the trial of an important railroad case, were the able and scholarly John F. Dillon, author of the great work on municipal corporations, and the genial and upright James M. Love. They had had no hesitancy in granting my application. But now came counsel for the plaintiffs, namely ex-Judge Grant, of Davenport, who pointed out in a kindly, fatherly way, apparently indulgent of my inexperience, that the Supreme Court of the United States had made two rulings directly contrary to my contention. While my red head seemed to glow redder with confusion, I asked for and got five days to look into the cases named.

Sure enough I found that in cases appealed from Wisconsin and Kentucky it was decided that a suit upon a coupon or interest warrant to a bond was not barred by the statute of limitations unless the lapse of time was sufficient to bar also a suit upon the bond, although in each case the city attorney had pleaded the statute in question, which was for six years in both those states, and claimed that the coupons or interest warrants were simple contracts subject to this statute, although the bonds from which they were detached were specialties, for which the limitations were twenty years in Wisconsin, fifteen in Kentucky (9 Wallace, 477; 14 Wallace, 282).

The syllabus, copied in Judge Dillon's book on municipal corporations, was materially different to the opinion in one of these cases, but lawyers had come to regard the

question as settled that the statute of limitations could not bar a suit on a coupon as long as a suit might be maintained upon the bond to which it had been attached. Had I read the judge's book I might have had the same impression. But common sense convinced me it was absurd that the first coupon that would be due six months after a fifty years' bond was issued might pass around say for sixty years, because the bond to which it was attached would not be outlawed for that length of time. I took the position that the court meant to say in these decisions, that the coupon was a part of the bond for the purposes of identity and the nature of the security as much as if it carried upon its face the seal of the bond or never was separated from it; but that, so far as the right of action to the holder was concerned, the coupon became at maturity a separate and distinct contract between the maker and the holder, and thenceforth the statute began to run.

On this and other grounds I prepared and had printed an elaborate argument, which I presented to the court. Judge Dillon, adhering to the construction set forth in his book, dissented; but Judge Love concluded that the position taken by me was correct and granted a certificate of division.

Then ensued a memorable time of tribulation for coupon holders.

While I was arguing the case the city had compromised all its bonded indebtedness. But in the very next case of the kind, Clark *v.* Iowa City (20 Wallace, 583), eight of the nine judges of the Supreme Court held that its prior decisions meant as I contended; Judge Clifford, who had prepared the opinion in one of the previous cases (14 Wallace, 282) alone dissenting.

As the communities that had issued railroad aid bonds

had defaulted in principal and interest, and as millions of back interest had accumulated, this decision nullified a more immense amount of indebtedness than probably any other decision ever rendered in any court in the world.

Since that experience I have always maintained that any rule of law not founded upon common sense should be investigated and nullified, if possible, by the court that uttered it. No great court will be ashamed to acknowledge that it is human to err.

FOR THE GOOD OF THE LODGE.

By Robert H. McCormack, Jr.,

Late Assistant United States District Attorney.

Doubt, uncertainty and grave debate prevailed in a German social and benevolent lodge on the North Side. A brother was in grave trouble. His brethren were seriously concerned in his behalf. Old Fritz Hoffmann had fallen through sudden foolishness and youthful notions into the clutches of the law. His unhappy position was the cause of much uneasiness and discussion among the members. The lodge was in bounden duty obliged to extend aid and protection to its old though erring member, and to what extent this might be done without unduly drawing on the financial resources was the main topic of contention.

The honor of the association was concerned. Its funds were also in peril—for old Fritz had among the members many friends, who, while they cursed him for his folly, would readily vote a cavernous hole in the coffer to save him from the penitentiary.

"Of course it's behind the bars the old Mormonite ought to be," fervently agreed some of them; "but unfortunately we can't stand for that; it would be a dishonor to the society and to the German name to let the old fool go to the penitentiary. Let us keep him out of there for the sake of ourselves and the Vaterland."

So it was a case of pride versus pocket, of race versus ransom. Even after the passing of all the gray centuries the meetings of that North Side aggregation of Teutons, vehemently debating the case of the erratic and provoking Fritz Hoffmann, were as an echo of the tribal councils held in the celebrated old woods of ancient Germany. On the North Side the circumstances of the case were nightly vigorously debated to extensive accompaniment of amber fluid and pretzels. It seemed almost as a revival of the momentous question of whether rakish Kaiser Henrich should be abandoned in his grim hour of need and compelled with hate in his heart and chillblains on his feet to travel through the snow to Canossa.

I was handling the case for the state. It was not one of a very unique character. Old Fritz Hoffmann was long looked upon as a model husband and father and a very worthy member of the community. He lived happily with his wife, to whom he had been married fifteen years, and had a daughter of fourteen years and a son of ten. Suddenly the pleasant monotony began to pall upon him. The rage for variety, the demon passion for domestic change found riotous refuge in his bosom. He covertly sought some means of breaking his now galling matrimonial fetters, and without much searching found one who claimed to be an expert fetter breaker. In the precincts of the Criminal Court building the old German met one of those harpies of the law whose dingy and voracious species is

becoming gratifyingly extinct. This worthy, on learning Fritz's desire, told him he could promptly fix up his business all right for a liberal consideration. This was six years ago. Fritz could talk no English and knew little about American law. His legal mentor took him out to a justice shop on the far South Side, made some show of talking and arranging matters with his honor on the bench, got Fritz to sign his name to a legal looking sheet of paper, then told him he was a free man, pocketed a generous fee, and departed on the swindling tenor of his way, leaving his duped client glowing with a sense of freedom and a new and rapturous zest of life.

Next day that old and respectable member of the community, Mr. Fritz Hoffmann, mysteriously disappeared from home, omitting to say farewell or where he was going or the proposed term of his absence. But his bearing was airy and jaunty and his raiment new and gay, with a strong suggestion of nattiness and juvenility.

His family had search made for him and a few days later an officer located him in a newly furnished flat north of Lincoln Park. Mr. Hoffmann looked proud and happy as he sat smoking in a pleasant room, with an artistic Nuremberg stein at his elbow, apparently on the best of terms with himself and the rest of the world.

"Why, Mr. Hoffmann, we thought you were lost," said the policeman, a brother Teuton.

"So I was—up to a few days ago," complacently replied Fritz, "but I've found myself at last, and now I'm as happy as a king."

"Why have you ceased living with your wife?"

"I am living with my wife. Oh, maybe you mean my first wife. I got a divorce from her. I'm living here with my second wife. Here she is."

And from the next room there entered a buxom young woman still radiant in portions of bridal finery. Fritz had married her on the very day of his disappearance, the day after his getting his bogus divorce.

The variety loving old Teuton was arrested, indicted and put on trial for bigamy. There was a grand muster in court of members of the lodge, and when it came to the defense a number of them took the stand in succession and presented a similar line of evidence.

"What do you know about the defendant, Fritz Hoffmann?"

"I know that he is crazy."

"How do you know that?"

"Because I saw him walking along the Lake Shore drive dressed in a way that showed he was out of his mind."

"What did he wear?"

"He wore low patent leather shoes, blue socks, a yellow vest and brown pants with a red stripe in them."

Another witness swore that he believed the defendant was insane because he saw him trying to catch a spotted dog by the tail, another because he heard him say he found a pair of shoes in a fish he caught, another because he saw him apparently trying to light his pipe at a water faucet in Loncoln Park, another because he heard him declare that sauerkraut was the foundation of the German empire.

"He's crazy, crazy as an owl, crazy as an anarchist, and not responsible for his actions," was the chorus of these character witnesses.

Old Fritz was, however, convicted of bigamy.

A few days afterwards a very prominent German business man came to me, said he was a member of the lodge the convicted man belonged to, asked if there was any possible way of saving the old man from the penitentiary

and presented a petition signed by about fifty leading and reputable Germans, expressing their conviction that the defendant was insane and asking that he be dealt with accordingly.

"To bring him in insane," I said, "the thing for you to do is to have him examined by the county physician. Then if he is proved to be in that condition he will be sent to the insane asylum at Dunning, where he must probably stay for the remainder of his life, for very few persons ever get out of there once they go in. On the other hand, if he goes to the penitentiary he will very likely be out in a year and a half, around attending to business."

Important to the stage of excitement was the next meeting of that North Side lodge. The preliminary feeling was one of alarm and dismay. Then the spirit of genial fraternity and racial pride vanished, giving way to motives of cold material considerations and rigid business economy, as I found when the envoy called again to see me.

"It was all a mistake, Mr. McCormick," he said; "that old fool of a bigamist is no more crazy than you or I. You see," he continued confidentially, "last night we looked into the rules of the lodge and we found they provide that when a member goes insane the other members must contribute to the support of his family."

And he whispered the saving suggestion, for the good of the lodge:

"Best let old Fritz go to the penitentiary."

IN HIS OWN LANGUAGE.

By James C. Dooley.

It was a rugged, independent, prosperous old Irishman that drove around as usual one fine morning to see the progress of a house of his that was in course of erection on the boulevard. Mr. Corrigan Casey is a man of abrupt business methods and arbitrary disposition, whose idea is to get to a given point in the shortest possible space of time. Therefore after his regular trenchant matutinal criticism of the operations of the builders and a pouring forth of caustic objurgations, he sought to make a short cut to his place of business by driving his buggy across a twelve-foot strip of green turf that was under the protection of the park commissioners. As there was a street about to be opened up in that direction, Mr. Casey did not suppose he was committing a grave breach of the park ordinances. Not so, however, with Officer Ikey Rosenstein, a Hebrew member of the park police, who, happening to observe the occurrence, rode up on a bicycle and informed Mr. Casey that he was under arrest for breaking the law. It was a thunderbolt to the pride and prestige of Corrigan Casey, who, as a local magnate, was largely a law unto himself and a "he who must be obeyed." Instantly ensued a contest between Irish resource and Jewish ingenuity.

"I'll get into the buggy," said the officer, "and we'll drive over to the station."

"No, you won't," objected Mr. Casey; "you can't sit in my buggy. You have your bicycle, so ride on that, and go ahead and show me the way."

"No, but I'll ride beside you on my wheel," said the policeman; "and now, come along."

Buggy and bicycle started east on the boulevard, en route to the station, but a desperate idea of escape entered Casey's head, for on reaching a cross street he suddenly wheeled north, struck his horse with the whip and started off at a furious pace, shouting that Officer Rosenstein might go to a much warmer region, but his business called him in another direction.

Then ensued a stern and rapid chase. The horse, at full gallop, drew gradually away from the bicycle. The officer, who wore a heavy sweater, pantingly pedaled in his efforts to keep up. He drew his revolver and began to shoot, the reports attracting a number of interested spectators. East for nearly a mile went the chase, then north on Spaulding avenue to Ogden and east on Ogden, the horse now white wih foam, the officer steaming with perspiration, and now and then a shot from the latter's gun. Suddenly the bicycle hit an obstruction, Officer Rosenstein flew over the handle bar and landed squarely on his head, and when he recovered it was only to see the object of his pursuit disappearing from view.

The policeman swore out warrants against Casey, who in due course appeared in my court to answer charges of breaking the park ordinances and resisting an officer. Casey was unrepresented by counsel; Rosenstein was accompanied by a Jewish lawyer.

The complainant, who was the only witness for the prosecution, described the circumstances as heretofore stated, his injured feelings fully shown in his indignant graphic description of the wild flight and pursuit, including his own narrow escape from a broken neck. Corrigan Casey then took the stand in his own behalf, when some pre-

liminary remarks of his induced the Jewish lawyer to say:

"Now, Mr. Casey, what we want you to do is to tell all about this in your own language."

"Thank you, sir; that's just what I'll do," replied Casey with a sudden flash of inspiration. And he proceeded to give his version of the occurrence in a tongue that Officer Rosenstein or his counsel had never heard before.

"What in the world is the man saying?" inquired the latter, hopelessly bewildered at the mellifluous speech of yore spoken by Milesius and Queen Macha and Fionn MacCuil.

To which the defendant replied that he was only doing strictly as requested, that is, speaking his own language, which was Irish or Gaelic. Accordingly in his ancient native language he gave his testimony. The lawyer, when he came to cross-examine him on it, was confused, helpless and dumb. Therefore, there being no preponderance of evidence on either side, I had to discharge Mr. Corrigan Casey.

A PROBLEM IN LIVE STOCK.

By Frank J. Hogan,

Attorney for the Chicago Fire Department.

Out of the contested ownership of a mule arose one of the most complicated legal entanglements I ever knew. The trial of the case almost brought upon me the wrath of a rural justice of the peace and filled a whole countryside with marveling wonder at the subtle mystery and intricacy of the law.

The origin of the case was simplicity itself. Benson and Cassidy, two neighboring, friendly, ambitious young farmers who lived in that section of Cook county, bought between them a fine, young mule; each putting up one-half the price and each consequently becoming possessor of an undivided half-interest in the useful quadruped.

Scarcely, however, had they concluded their purchase when along came a man who claimed that the mule belonged to him. By some means he secured possession and took away the animal, whereupon Benson and Cassidy had recourse to the law. They employed me as their counsel and brought separate suits before a country justice of the peace for the recovery of what they considered their property.

The suit brought by Benson for his half-interest in the mule was tried first. After hearing all the evidence the justice said he would take the case under advisement for a week or two. At the same time Cassidy's case was continued, on the application of the opposing counsel, who claimed to have further evidence to introduce.

On the continuance day the justice decided in favor of my client Benson, confirming his title to one-half interest in the mule. When Cassidy's case was taken up new evidence was introduced for the defendant, with the startling result that the court decided against Cassidy, ruling that his claim to one-half interest in the animal was null and void. I was disgusted and nettled.

"Well, if that is your decision," I gravely asked, "will your honor please to state which half of the animal belongs to my client Benson, as we are to have actual possession of that half at once?"

"What do you mean, sir?" sternly demanded the court.

"Will you please define our interest in the mule? Do we own the right side of him or the left side?"

The justice stared and frowned and grew red in the face.

"Does Benson own the forequarters or the hindquarters? Please tell us, your honor, as we want to get back our property right away."

"What I'll tell you, sir," thundered his perplexed and outraged honor, "is that if you try to insult me with any more of your fool questions you'll mighty soon get a big fine for contempt of court!"

A GREEK WITH PRESENTS.

By John R. McDonnell,

Justice of the Peace, Lyons, Ill.

Aroused early one morning by the persistent ringing of my door bell I went down and encountered a visitor transplanted from the shores of the sunny Ægean. Sometimes I had stopped and bought oranges at the fruit stand of Demetrius Poukupolos, but never till now did I dream how high I stood in his particular regard and affection. With little speech but impressive manner he bore in and deposited in the hall sundry interesting packages, to-wit.:

One ice-cream freezer full of ice cream,
One box of good cigars,
One ten-pound box of candy,
One dozen American Beauty roses.

"What is the meaning of this, Mr. Poukupolos?" I in-

quired. "I do not remember having ordered any of these."

"Oh, just a few little presents from me to you, judge," he replied. "I want you to kindly remember Poukupolos."

I expressed my surprise and obligations at his Hellenic generosity and he went his way. Later I consigned the ice cream and candy where they would be duly appreciated, inhaled the fragrance of the flowers, enjoyed the bouquet of the cigars and experienced enthusiastic admiration for the gallant and generous land of Leonidas and Demosthenes.

Soon after a case came before me in which Poukupolos was one of the suitors. He sought to obtain possession of a valuable piece of property that was owned by another Greek. To my surprise he took a charge of venue before another justice of the peace. Next morning my door bell rang again. Demetrius Poukupolos was there and gravely presented me with a bill calling for return of or payment for certain items, to-wit:

One ice-cream freezer full of ice cream,
One box of good cigars,
One ten-pound box of candy,
One dozen American Beauty roses.

Again I expressed my surprise, tempered with regret that I could not comply with his request, inasmuch as heavy personal and domestic inroads had been made upon the commodities named, which were, I protested, none of my ordering, but had been received in good faith and gratitude as a token of kindly personal appreciation, which I delicately deplored to think he had somehow felt occasion to alter. Demetrius departed with expressions of dissatisfaction and wrath.

It appeared that, after having rendered me material tribute in the Oriental manner of conciliating the cadi,

Poukupolos was warned by some other Greek that I was not exactly "right" and that he could obtain better "justice" elsewhere. Therefore he took a change of venue, accompanied by a fresh set of presents, to another justice of the peace. Nevertheless he lost his case. He thereupon applied to the second justice for the return of the ice cream, candy, etc., but received the same answer that I had given him.

Therefore, his best efforts and intentions set at naught, did Demetrius Poukupolos go forth a disgusted and bewildered litigant, with gloomy and brooding doubt as to the integrity of American justice courts.

WHEN CHALLENGES WERE EXHAUSTED.

By Marquis Eaton,

President of the Hamilton Club.

In the first case I ever tried before a jury I had an experience with the peremptory challenge which has ever since made me cautious as to its use. The sad feeling was mine of finding myself disarmed and helpless in the presence of the enemy.

It was all about that frequent source of neighborhood trouble and of injured feelings physically and mentally—a dog. My client had sued out a warrant for the arrest of a neighbor on the charge of keeping a vicious canine. After spending a few hours in the station the dog's owner was discharged, but in retaliation for his arrest he brought action against my client for malicious prosecution.

Neighborhood feeling ran high on the matter, nearly everybody taking sides. A memorable day was that of the trial. There was a large attendance in court, the dog owners in the majority, many of them accompanied by their beloved pets. Bailiffs grew timid in the presence of truculent bulldogs and Great Danes. There were dog fights on the stairs and in the hallway. The lovers of "man's faithful friend" glared at my client and me as if we were inhumane monsters. In making up the jury I naturally tried to exclude the dog owners—a hopeless task, for they were all there, the owners of Blanche, Tray and Sweetheart, of spaniels, pugs, dachshunds and terriers. At length came a man who admitted that he owned two dogs, that he dearly loved and admired for their many excellent qualities, etc., and on him I reluctantly exhausted my last peremptory challenge. It was then a West Side Irishman smilingly presented himself for examination.

"What is your occupation?" I inquired. He replied:

"I am, sir, a dog fancier."

Ye gods! It was the last crushing straw. There was a grand chuckle of exultation among the dog defenders. I think some of the canines themselves barked with instinctive joy. The fancier refused to admit that he was prejudiced either way, so I had to let him go on, and the finale was obvious; he enthusiastically argued dog when the jury retired and ultimately won them over to giving a verdict, though a modest one, against my client.

From that incident I have inherited a certain sense of apprehension which comes to me on a jury trial whenever I have expended my last cartridge, used up my last peremptory challenge.

A CRUCIAL ALTERNATIVE.

By Hon. George A. Trude,

Former Judge of the Circuit Court of Cook County.

She was an old German woman, and her appearance indicated anger, worry and annoyance when she came to me for advice. She sat down and proceeded in broken English to unfold a long and monotonous tale of trouble, of fallings out and feuds with neighbors, of desultory clothesline skirmishes and so forth, that had made her cup of domestic tribulation flow over. I sat and listened as patiently as I could, wondering where my services could come in for as yet there had been no well-defined overt act of warfare. From her manner and narrative I fancied that her tongue and temper were none of the best, which would explain the chronic hostile attitude of her neighbors.

She lived with her aged husband far down on the South Side and they owned their own home, where the pair of them lived together, their only companion and guardian being a large Newfoundland dog, which she said was a very fine and noble animal. This dog was continually entering into her story; she repeatedly dilated on his points and sagacity and seemed specially uneasy on his account. As for her husband she did not express any grave concern about him. However, she said that the persecutions of the wicked neighbors were growing intolerable and she concluded that the best thing she and her "old man" could do was to sell their home and move out of the neighborhood.

I fully concurred with her; they were, I surmised, an

old couple whose eccentricities made them the butt of unfeeling neighbors or mischievous children, and the sooner they got away from the place the better. So she employed me to attend to the property, and left, saying again and again:

"Ach, it vud be a great shame and a pity if anydings did happen to dot dog."

"A few days later she rushed into my office in a state of high excitement.

"Gott in himmel, we must get out of there right alreatty quick, else dose people will for certainly kill mine dog."

"What's the matter now?" I inquired.

"They did throw stones at dot dog today."

"And how about your old man?"

"Vell, they did throw stones at him, too."

"I mentally consigned the dog to a canine hades. "Now, madam," I said, "let me understand which of the two you would prefer to lose—your husband or your fine Newfoundland dog?"

For about half a minute she struggled in silent and serious thought with the problem. Then in tender and pathetic tones she said:

"Ach, but it vas a fine dog!"

THE MISSING MICHAEL KELLY.

By George E. Gorman.

A truly remarkable piece of evidence was once adduced casually in a will case. An attempt was being made to find the rightful heirs to the estate of Mary Kelly, deceased, so that the property might be equitably divided.

Among the lawyers engaged was Col. Francis T. Colby. There was particular desire to glean some information as to one Michael Kelly, brother of the deceased, who would be one of the chief heirs to the property, but whose whereabouts were unknown. All efforts to locate him had failed, and it was not known whether he was dead or living. At length there appeared a witness who professed to be able to clear up the matter. He was a regular old-timer with Galway whiskers and face as rugged as the old head of Kinsale. He hailed from Glin, on the green banks of Shannon, where the Kellys also came from, and was an intimate friend of the family. In response to the examination of Col. Colby the answers of the witness were prompt and positive.

"You knew Michael Kelly, brother of the deceased Mary Kelly?"

"Oh, yes, I knew the ould man well."

"Do you know whether he is living or dead?"

"He's dead, sir."

"When and where did he die?"

"Och, sure I don't know the exact year, but he was on his way to Chicago and when he was crossin' a small sthrame in Ohio he lost his balance and fell in and he was swept away and dhrowned."

"You know this for a certainty?"

"Yes, sir, certainly, of coorse I do."

"How do you know it?"

"Well, a fortune teller, and a very good one, told me. She told me and Mary Kelly just exactly how it happened when we went to her lookin' for news of Mike. Poor Mary is dead, but maybe ye might be able to find that same fortune teller."

WHERE AN OFFER WAS DECLINED.

By W. J. Stapleton.

In the days before the passage of the present practice act by the legislature it was not uncommon for cases to be dismissed on the first call, with no power to reinstate, if one or both parties failed to respond. Lawyers were continually getting into trouble on this account.

There was none more strict in enforcing the old rule than the late Judge Anthony, none more severe on lawyers who allowed their cases to go by default.

One day I was present in Judge Anthony's court when a prominent member of the Chicago bar was arguing a motion to reinstate a case which had been dismissed a few days previously on first call. The lawyer read an affidavit made by himself, a second by his law partner and a third by his office boy, the substance of which was that both he and his partner were engaged in other courts and the office boy was watching cases in other courts at the time this particular case was called and in this manner they had unavoidably happened to slip up on it.

The opposing attorney made a pro forma objection to the reinstatement of the case; well aware of Judge Anthony's noted antipathy to reinstate, he claimed that his opponent had not made out a case of proper diligence, that he himself had been at all times ready with his witnesses to go to trial and that he ought not be called upon again to prepare for trial.

The judge delivered his usual lecture on the duty of an attorney to be punctual in his attendance at court and zealous in the interests of his clients, but said that in

view of the hardships that would be inflicted on the plaintiff in this particular case on account of non-reinstatement he was inclined to relax his usual rule, but he would have to inflict some penalty upon the plaintiff's attorney. Turning to the latter, he said:

"As a lesson to you, sir, I will reinstate this case on condition you pay the defendant's attorney the sum of fifteen dollars."

"Your honor, we accept the condition," briskly returned the lawyer addressed, and suddenly jumping to his feet he pulled out a roll of bills and flicked off and laid on the clerk's desk the amount named.

Amazed and dazed, the defendant's lawyer staggered to his feet and addressed the court.

"Your honor, your honor," he frantically protested, "why, your honor, the plaintiff's attorney came to my house last night and offered me as much as $200 if I would consent to reinstate this case."

With a grin of sudden amusement the court regarded this sorely nonplussed attorney and remarked:

"As a young man who has had experience at this bar for many years, you ought to know that it is not my place to tell you how to practice law."

OUTRAGED AN OFFICER'S DIGNITY.

By Hon. Elbridge Hanecy,

Former Judge of the Circuit Court, Cook County.

It was in days prior to the passing of the Juvenile Court Law of Illinois. In those days erring children were placed by the state in the same category with erring adults, and

often ill fared it with friendless youngsters who happened to wander within the meshes of the law or to incur the disfavor of the police. It happened on one occasion, when I was sitting in the Criminal court, that one of the good samaritans who make it their duty to visit prisoners told me there were two very young people confined in the county jail who did not seem to have any right to be there.

I ordered the prisoners in question to be brought before me. When I saw them I gave a gasp of astonishment. They were mere children, two little boys, brothers, one about eleven, the other about eight years of age.

On inquiry I learned that they were young Hollanders, juvenile members of the Dutch colony at Roseland, and that they were the children of poor parents, who made a scanty living by raising and selling garden truck, and who were unable to furnish bond for their offspring when the latter were arrested. I inquired as to the charge against the children, but could glean nothing specific.

"Send for the officer who arrested them," I ordered.

He came in due time, and at sight of him the little boys shrank and quailed, their timidity increasing to terror. He was a tall and well groomed policeman, imposing of person and pompous of mien. In reply to my inquiries he said the prisoners were bad boys, irrepressible juvenile malefactors. When I asked him to specify an offense against them he hesitated, reddened and stammered that they were very incorrigible youngsters indeed.

"Come here, my boy," I said to the elder of the twain. "I will not harm you, and I will not allow anybody else to harm you. Now tell me really and truly what you and your brother did that you got arrested."

The little fellow hesitated as if in surprise. We didn't

do nothing, judge," he declared, "we just didn't do nothing at all. I only said——"

"What did you say, my boy?"

The mite of a prisoner looked doubtfully at the large and imposing guardian of the peace, and the latter returned with a glance that might have been of furtive intimidation.

"Well, you see, judge, me brudder an' me an' some other kids was playin' around a store when de copper comes along, an' says I—says I——"

"Well, out with it my boy," for still he nervously hesitated.

"Says I, callin' after de copper, 'Say, mister, would you have time to whitewash a ton of coal?' Den he pinched us."

There was a burst of laughter, in which, however, the prosecuting policeman failed to join. His face glowed like a furnace; his sensibilities seemed deeply hurt and his dignity badly ruffled.

Having ascertained that the tiny pair would be able to find their way back to their home on the far South side, I gave them their carfare and dismissed them. But first I warned them never more to attempt to seduce a dignified guardian of the peace from off his beat by the suggested offer of a job at a most singular and unheard-of industry.

A MESSAGE FROM PRESIDENT ROOSEVELT.

By John P. O'Shaughnessy.

A few years ago an old man came to my office in great distress. He had been sent there by a friend who requested me to assist him in his trouble. He was a hard working man of small means, scrupulously honest, who for many years had been the treasurer of a certain benevolent society. His wife was dead, and his only daughter, who had been married only a few months, lived with him and acted as an assistant to him in keeping the accounts of the society. After each meeting it was her custom to take the funds to the bank. One day, while on this mission, her purse, containing $30.00, was lost or stolen. She reported the loss to the police, but feared to tell her father, well knowing the jealous care with which he guarded this trust; not one cent of the society's funds had ever gone astray while in his keeping. She was unable to make good the loss out of her husband's meager salary and at last resorted to the desperate expedient of raising a money order from two dollars to thirty-two dollars, and, attempting to cash it, she was immediately detected and arrested. When brought to trial she pleaded guilty in the United States District Court and was sentenced to serve one year in the bridewell. Her father tried to save her and offered to take the blame upon himself, but to no avail. A few months after her incarceration he learned that she would become a mother and he petitioned President Roosevelt for a pardon. This petition had been forwarded to Washington two months before and had not been acted on, and the time of her accouchment was almost at hand. He was

distracted in his desire that his daughter be released, or if that could not be obtained, that she be removed to a maternity hospital where she could receive proper care, and above all he did not want the child born in prison.

I promised to help him and called on Andrew M. Lynch, the superintendent of the bridewell, with a request that the young woman be sent to a hospital, under guard if necessary, until after the mother was out of danger. Mr. Lynch was keenly sympathetic and expressed great sorrow, saying he would gladly comply with the request if authority were given him to do so, but that without an order from the court he could do nothing, as she was a federal prisoner. He also stated that he was apprehensive of the woman's safety, as he had no facilities in the bridewell for handling cases of that kind. One of the district judges was then seen, and I was informed that nothing could be done, as the matter had passed out of his jurisdiction. Another judge was sympathetic, but could do nothing, as the case had not been tried in his court. The matter was then presented to the city corporation counsel's office, in the hope that authority might be obtained to move the prisoner to a hospital, but the gentlemen of the city law department feared to interfere in a federal case. Another call was made on the judge who tried the case in company with the corporation counsel, who requested action in behalf of the city, but without result.

The matter was then presented to Mr. Morrison, the federal district attorney. He could not help us, as the matter was then in the hands of the President of the United States. He alone could help us. We asked the district attorney to telegraph the president, who had that day returned to Washington after an absence of some days on a hunting trip in the south, and he readily consented.

At 4 o'clock that afternoon the following telegram was sent:

"Fannie Brown, a federal prisoner serving a year's sentence in the bridewell, is about to become a mother. No adequate facilities for handling maternity cases. Petition for pardon has been forwarded to you. Prompt action is necessary."

About 11 o'clock that night an assistant superintendent was called from his duties to answer the telephone. A voice informed him:

"This is Mr. Theodore Roosevelt."

"What brand of dope do you smoke?" retorted the official, in resentment and disgust at such palpable trifling.

"This is the President of the United States," continued the voice.

"Oh, go chase yourself off to bed; I have work to do," commanded the superintendent, with scathing scorn, and he was about to hang up the receiver, when suddenly his face grew pale, his hair bristled and his legs shook under him as he realized somehow—electrically—instinctively—psychologically—that he was actually in communication with the nation's chief executive!

The president's message was to the effect that he wanted the woman Fannie Brown released at once and that he was sending her pardon by wire.

My client's daughter was accordingly released without more ado. Four days after obtaining her liberty she became a mother.

That, as I afterwards ascertained, was the first pardon granted by Mr. Roosevelt as president.

A CHICAGO LAWYER IN THE COUNTRY.

By Joseph D. Irose.

It was with exhilarating anticipation of combining pleasure, practice and profit that I started on a professional trip to a country town in a famous onion, rhubarb and asparagus belt, about one hundred and fifty miles from Chicago. My mission was to defend the interests of a client of mine in a chancery proceeding involving about $9,000—a prodigious sum in that particular community—and I looked forward with keen interest to unique legal experience, together with rural felicity and a dash of the simple life.

My advent in Hayville was unheralded. When I walked into the office of the clerk of the Circuit court and stated my business that official received me most politely, with prompt assurance of desire to do all in his power to serve me in any and every way in his power. My immediate object was to examine some court files that had bearing on my case, and for these he proceeded to look with commendable zeal, when casually he inquired:

"And where do you hail from, my friend?"

"From Chicago," I answered, with something of the proud consciousness of citizenship of an ancient Roman announcing, *"Civis Romanus sum."*

Instantly his demeanor changed. His frank geniality turned to stark suspicion. He seemed as alarmed as if he suddenly found himself all alone with a desperate burglar. He cast a hurried uneasy glance round the office lest there might be anything of value in sight on which I might lay unscrupulous hands. He made a show

of searching for the files, keeping a furtive eye on me all the time and evidently hoping hard that timely help might arrive. At length he told me the files were in Attorney Burdock's office, and he drew a breath of relief at my departure.

In Attorney Burdock I found a model of affability until he learned I was a lawyer from our famed Garden City, when he was so stunned that he was unable to raise the window and shout for the police. When he had sufficiently recovered he refused to discuss the case with me lest he might in baseness or ignorance betray the interests of his client. As for the files, after a perfunctory search he said they were not in his possession, and, apparently nervous to get me out of his office, he took his hat and conducted me to the office of another attorney, where he said they were. But they were not there either, nor in another place, nor in another.

Meanwhile the disquieting tidings had gone forth through Hayville that a Chicago attorney, a cunning desperado from the great maelstrom of legal iniquity, was in town with the sinister object of depriving the place of the enormous sum of $9,000 under color and perversion of the law. My appearance on the street caused almost a riot. The natives scowled on me. The town marshal vigilantly shadowed me, uncertain whether to run me out of town or lock me up in the calaboose.

Soon vanished my dream of bucolic pleasure, of pastoral simplicity. The fields and flowers and cows and shoats ceased to have charms for me. The smiling stretches of onions, rhubarb and asparagus no more appealed to my poetic sentiment. Talk of ozonic country air!—I already began to long for that of Chicago, including even the zephyrs from the stock yards.

At length the case was called, and I learned the cause of the absence of the important files. The summonses had been sent for service to the sheriff of Cook county, and he refused to make a return until he received his fee, and they wanted me to enter my appearance so that a return would not be necessary. This I refused to do until I saw the files, and in a short time they were produced in court. Then, amid an assemblage of grim and unsympathetic rustic faces, liberally fringed with "spinach," I fought single-handed a dreary battle. The opposing attorneys adopted dilatory tactics, the judge always agreeing with them, and on one pretext or another they kept me there a solid week, when the judge had to go home, and I was requested to come down the following week. This I did, and then the attorney on the opposite side proposed to have my answer and cross bill stricken from the files. The judge looked very learned and requested that we file written briefs, and every move I made encountered a barrier of Bœotian judicial prejudice.

Eventually I won my case and succeeded in making good my exit from that indignant rural community. But ever since the delights of country life appeal to me in vain and I have a strong gastronomic grouch against onions, rhubarb and asparagus.

GOT THE BAILIFF'S CONSENT.

By Daniel Byrnes,

Counsel for the Chicago and Northwestern Railway Co.

Great is the importance of some functionaries attached to the higher courts, impressive and even bewildering their assumption of authority. The attitude of one bailiff in particular used to get on my nerves to an awful extent. This one considered it not only his duty to jealously guard the dignity of the court, but to carefully quiz all comers, to make himself acquainted with the judge's private business affairs and to exercise the liveliest vigilance concerning them.

It happened that I occupied apartments in a flat building owned by the judge whose court was adorned by the officious individual I refer to, and the latter's keen inquisitiveness had made him duly aware of the fact. One day, as I entered court, the bailiff as usual accosted me.

"Well, sir, what may be your business here today?"

"I want to try a case," I replied.

"You do, eh?" he said, eyeing me suspiciously. "Well, say, have you paid this month's rent of the flat you're living in?"

"Why, Mr. Riley, of course I have," I answered in surprise.

"All right, then," he said, grandiloquently, "the trial may proceed."

HERMAN'S CHOICE.

By Hon. George Kersten,

Judge of the Circuit Court of Cook County.

When Herman came to this country from Germany he entered with zest into the enjoyment of what constitutes so many foreigners' curious idea of American liberty, to wit, the right to do just about what he pleased. He found a good job, and later, when he had saved some money, he met a pretty fraulein from the Black Forest, whom he admired and wooed and won. He married her, rented and furnished a flat and settled down to a quiet life of domestic happiness and cheerful and laudable industry.

In the pleasant home fabric he had built there was, however, one loose but important stone. He had overlooked—apparently as too light and trivial for consideration in this great land of the free—the fact that he had a wife living in his native land. Possibly he had bestowed a last pensive thought or two on his left behind Katrina, but he had dispensed with the formality of securing a divorce. In his new domestic arrangement the views and feelings of Katrina were not at all taken into consideration. Therefore, after ceasing to hear from him and waiting a reasonable time, like a good and faithful wife, she followed him across the sea. In their cozy newly furnished home on the North Side of Chicago she located him living with wife number two. Then trouble ensued for Herman.

It was the present Judge Newcomer, then assistant

state's attorney, that ushered the unsophisticated bigamist and his two wives into my chambers. There was a sad and striking contrast in the appearance of the two women. The abandoned wife was gaunt, sallow, coarse-looking, uncompromisingly ugly, with features roughened and hardened by sordid toil. The second one bore eminent credit to the taste of Herman—she was a radiant and blooming Hebe, neat and dainty, winsomely fair to look upon. As for Herman himself, he was a good-looking yet simple young fellow whom I regretted to see in such a predicament.

I reproved him for the crime he had committed in deserting his wife, for the irreparable injury he had done to an innocent and confiding young woman, for his base act in breaking the laws of the land that afforded him employment and good living, and finally gave him the alternative of taking back his lawful wife to live with him or else going to prison as a felon on an indeterminate sentence of from one to five years.

He looked at Katrina, who sat grimly awaiting his decision, shabby and scraggy, her cruel ugliness emphasized by her tension of feeling; then his gaze rested long and yearningly on the vision of loveliness on the other side of him; then he looked again at Katrina and shuddered.

And then he looked at me and said with deliberation:

"All right, judge—me to the penitentiary."

ONLY HALF A TRAGEDY.

By Hon. William N. Gemmill,

Judge of The Municipal Court of Chicago.

One day while holding court at Harrison Street, a besotted-looking individual was arraigned before me, charged with disorderly conduct. An Irish police officer testified that at about two o'clock a.m., while walking along his beat on South Clark street, the prisoner came running wildly toward him, hatless and coatless, and yelling at the top of his voice:

"I'm shot! I'm shot!"

The officer said he grabbed the fellow and hurried him up a narrow stairway to the nearest doctor's office. The doctor hurriedly stripped the prisoner and examined him from head to foot for bullet holes, but found none.

The officer, in concluding his testimony, said:

"Yes, yer honor, he wasn't shot at all—he was only half shot."

A QUESTION OF ETIQUETTE.

By E. S. Cummings.

An elderly woman who had met with a severe accident was attended by my family physician. A gentleman of high ability in his profession, he gave her the best attention, with the result that in due time she was able to move around, but only with the aid of crutches, and the indications were that she would remain a cripple for life.

At the suggestion of the doctor, the old lady hobbled into my office, told me the nature of the accident and the grave extent and lasting character of her injuries and besought me to obtain for her proper financial compensation from the parties responsible.

"And indeed you ought to make them pay me well," she moaned pathetically, "seeing that I'll never be able to walk a step again in my life without these pair of crutches."

Backed by the representations of the doctor, I set to work in the poor crippled woman's behalf, with the result that the company that was responsible for her hurts settled her claim for a substantial sum of money.

Soon afterwards she appeared in the office of my friend the doctor, expressed high appreciation of his professional ability, thanked him for his patience in having waited so long for his fee and paid him for his services. She also expressed to him her deep gratitude towards myself for my work in her behalf. And then in a whisper she concluded:

"And now, doctor, out of respect for both of you, I suppose I ought not to throw away these crutches for a couple of weeks?"

A WOLF AT THE STOCK YARDS.

By Oscar E. Leinen.

It was a period of business depression at the Union Stock Yards, causing want and discomfort in the families of tens of thousands of employes.

A curious social paradox—want in the midst of plenty, in the great center of the food supply of the world.

Under these hard industrial conditions many of the toilers resorted to borrowing money in order to support their families. Then came trouble. Men lost courage and hope on account of the burden hung about their necks by the usance of greedy men.

Prominent among the loan sharks was one whom I shall call A. Wolf. He had a clothing house near the yards and made shirts as well as loans to order, but he was essentially a "banker," and his financial ambitions, especially in the matter of interest, were appallingly steep.

It happened that, as I was attorney for labor unions in the stock yards, some of the officers and business agents came to me requesting that I would interfere to check the blood-sucking perpetrated by Wolf and his kind, and I took up the cases of forty or fifty of the victims.

The business methods of the loan sharks were simple but effective. On all sums loaned they charged 10 per cent a month, or 120 per cent a year. If a man borrowed, say, $5, he was required to have some of his friends or fellow workmen go on his note for that amount, with the usurious interest added. He was obliged to give the usurer an assignment of all the wages earned by him or to be earned in the future without regard to fixing of time or place. This assignment was good in Chicago, New York or elsewhere, and good forever. If the borrower failed to pay the note when it became due, his wages and the wages of those who had signed with him were held up. The assignment was signed in blank; that is, the borrower put his name to an assignment without date or the name of his employer; then, in case of failure of payment, the money lender filled in the employer's name, dated a copy of the assignment and presented it to the employer, and if the packer refused to pay over the man's

wages to the shark the latter brought suit to collect, and the original assignment signed by the borrower, filled in with date and name of the packer, won the case for the shark. Together with the 10 per cent usury monthly, the shark had other emoluments and perquisites in his banking business; he charged fees for his attorneys and for his agents; extra charges were made every time a payment was not made by the borrower, and whenever the latter or his sureties had to be sought out by the loan shark's agents, or a collection made, another fee was charged, through which process the original small loan soon attained extraordinay size.

The operations of the loan sharks exasperated the employers as well as the men, and the packers' lawyers were continually fighting claims in court and trying to devise means to stop the robbery.

Of the cases I was called upon to defend, that of Dennis Driscoll—as I will call him—was typical. He was a simple, honest man who lived in a small house near the stock yards, endeavoring to support himself and his wife and seven children on $1.75 a day or $10.50 a week, and all he possessed, including the furniture of his home and the clothing of himself and family—everything, in fact, he had on earth—was not worth more than forty or fifty dollars. In money he had less than a dollar. And he was not a drinking man.

Under these circumstances I prepared a bill for injunction against Mr. Wolf, setting up that all the original loan had been paid and asking for an injunction restraining him from collecting any further money, also enjoining the packer from paying any of my client's wages to Wolf and asking for the production in court and cancellation of all notes and assignments of Driscoll's wages held by

Wolf. And I adopted a similar course in the cases of the other forty or fifty victims of the usurers. On account of the poverty of my clients the law of Illinois permitted them to begin and carry on such a lawsuit without court costs, and they were also allowed, upon a showing of the fact that they were unable to secure a bond, to have the injunction issued without their giving one. On our setting up facts showing the danger of delay, injunctions were issued forthwith by various Circuit court judges, and the first intimation Mr. Wolf and his fellow sharks had of our proceedings was when the sheriff served the writs upon them.

"How much did you borrow of him, Dennis?" I asked.

"Just $19, all told, Mr. Leinen," said Dennis, "but although I have paid it to him over and over again, principal and interest, he keeps wanting and demanding more and more, chasing me from one packing house to another, and driving me and keeping me out of work, and all the while my family in bitter need."

It was even so. In pursuance of his exquisite thumbscrew methods Mr. Wolf had tied up my client's small wages with the Continental Packing company, obliging him to seek employment elsewhere. Thence with the pertinacity of a bloodhound he traced and followed him in succession to the packing houses of Armour & Co., the Anglo-American Packing and Provision Co., Harry Boore & Co. Every place that Dennis went the wolf was sure to go, and in every place he ousted him from his job and always got whatever money was due to Dennis, sometimes one day's pay, sometimes a week's wages, and Dennis got nothing for his labor. He was driven forth in want, humiliation and despair.

When the loan shark learned that Dennis Driscoll was

going to fight him in court he determined to make him an awful example in order to intimidate his numerous other victims into abject submission to his extortions. He let out or settled with the four or five sureties who had signed the note for Driscoll, got a little money from them, made large promises in return, thus leaving Dennis to fight his battle alone, hoping to overwhelm him with law costs and utter defeat and ruin.

Before Master in Chancery Owens we proved that Mr. Wolf had been paid the money lent by him twice over and more. The master's ruling was in our favor and all the costs were taxed against Wolf. Then the case went before Judge Mack, who, profoundly impressed by the revelations in elaborate usury, bent over his desk and addressed the distinguished financier:

"I'll look over the records very carefully myself to see if you are entitled to that $19 you claim, Mr. Wolf. I hope that I'll not be able to find that you are. You can have your pound of flesh if you are entitled to it, but not one drop of blood."

The loan shark lost. The enormous costs of nearly $1,000 were taxed against him, and as a consequence he lost in the various other suits that were pending on reference to Masters in Chancery Jamieson, Gray, Hummer and other masters, involving hundreds of pages of typewriting, with other costs amounting to large sums of money, all of which the defeated and disgusted Wolf was obliged to pay.

He forthwith quitted the scene of his depredations, and the example of the king loan shark was promptly followed by all his chagrined colleagues, now rendered toothless and harmless, much to the unspeakable relief of many a home in the stock yards and to the packers.

And to many the pungent air of that city district became suddenly fraught with a strange delicious sense of jubilee and emancipation; there was not one loan shark in the stock yards!

NOT A DEADLY WEAPON.

By Hon. Thomas B. Lantry,

Former Judge of the Municipal Court.

Years ago, when I was assistant attorney of the Sanitary District, our police had patrol of a mile on either side of the main drainage channel. We had the prosecution of all sorts of crimes, and held the criminals over to the grand juries of Cook, Dupage and Will counties, as the case might be. I recall once prosecuting a man for assault with a deadly weapon, before a rural justice of the peace. The evidence tended to show that the defendant had in a fit of anger taken a pitchfork and stabbed the complaining witness, causing a very severe injury.

The old justice, after patiently listening half a day to the evidence, at the close of the prosecution's case straightened up, put on a wise look, and after reading aloud the complaint, said:

"The evidence in this case only shows that the defendant stabbed the complainant with a pitchfork. The crime charged is that the defendant without any reasonable or just cause whatsoever did then and there assault the said complainant with a deadly weapon, to wit, a pitchfork. This court is of the opinion that a pitchfork is an agricultural implement, and therefore the judgment of the court is that the defendant is discharged."

WHEN GRAPES AND OYSTERS WENT HIGH.

By James H. Lawley,

Alderman of the Fourteenth Ward.

Whatever may be said about the Municipal courts of Chicago—which, anyhow, are only in their initial or experimental stage—it must be admitted that they have succeeded in immensely checking if not in practically abolishing the species of mean, petty, bickering litigation, the "clothesline cases" that used to be aired in the old justice shops, to the great profit of the justices, shysters and constables of the ancient system.

The new city court—at first enthusiastically and later ironically called "the poor man's court"—makes law too costly to be indulged in for the mere spiteful recreation of quarreling neighbors; it has made it a something to be approached only under considerable stress.

Yet even under the abolished system there was ample and inviting opportunity for impulsive and quarrelsome people to plunge into riotous and ruinous legal expenses from ridiculously small causes.

I recall a certain petty Saturday night dispute between two otherwise very worthy people over a very petty and insignificant matter, that made $52 the price of a basket of grapes and a quart of oysters.

Mrs. Schultz, who was going home with a basket of grapes, went into Mr. Schaefer's store to buy a quart of oysters. She set her basket on the counter and asked for what she wanted. When she opened the paper pail to look at the oysters before paying for them she did not like

JAMES H. LAWLEY
ALDERMAN

Active. intelligent, fearless servant of the public, young in years yet a veteran in politics. Especially strong, although a republican, in the democratic 14th ward, whose people, regardless of party, have recognized his sterling usefulness and integrity by returning him five times in succession to the City Council of Chicago. Shortly after graduating from the Illinois College of Law he was elected alderman, in which office he has made a creditable and unblemished record. Unassuming in his philanthropy quiet but effective worker for the public good, everybody knows "Jim" Lawley.

the looks of them. In fact, she became so indignant and excited at their appearance and flavor that, accidentally or otherwise, she upset the pail, spilling some of the contents on the counter and others in the sawdust on the floor.

Mr. Schaefer demanded payment for the spoiled oysters, but Mrs. Schultz wouldn't think of such a thing, whereupon he seized and confiscated her basket of grapes, saying he would keep it instead. She called him a fraud and a swindler, and he ejected her from the store.

Then Mrs. Schultz went to the nearest justice of the peace and had five warrants made out against Schaefer—assault and battery, malicious mischief, threats to kill, common assault and disturbance of the peace. He was arrested and had to give bonds for his release, costing him $5. Next morning, when his case was called, he took a continuance, costing him $5 more, $5 also going to his lawyer.

And now the merry war was on.

Schaefer, smarting at the bother and expense, swore out five warrants against Mrs. Schultz—malicious mischief, wilful destruction of property, assault and battery, threats to kill and disorderly conduct. When she was brought in her case was continued to the same day as his, and she also had to give bond for her appearance, costing her $5, with $5 more to her lawyer.

When the cases came up again both sides said they wanted time to bring up witnesses. So the cases were continued once more, costing the parties another $5 each, with $5 apiece more to their lawyers.

At length when the cases finally came up and were disposed of this determined and aggressive pair of litigants were put under peace bonds, costing them each $3.50.

So that is how a basket of grapes and a quart of oysters came to jointly cost $52.

But then, of course, there was thrown in the excitement of litigation, with the sustaining mutual hope, animated by a rankling spirit of revenge, of each side seeing the other punished.

The oysters, as I have told, were spilled; the grapes—I do not know what became of them; nothing was left for the price but hard feelings and annoying memories.

The Municipal courts have sounded the knell of the old "clothesline cases," and, while expensive music in one way, it has effected a great saving on another.

A PUNCTILIOUS BURGLAR.

By Hon. Marcus Kavanagh,

Judge of the Superior Court of Cook County.

The days of Robin Hood, Claude Duval, Brennan on the Moor and other historic and romantic characters who professed to combine honorable and humane principles with downright robbery have long since passed away, yet still, it appears, survive those who, professionally and otherwise, seek to maintain the ethics of the robber's critical profession.

When I was acting as state's attorney in Iowa it was my lot to prosecute a notorious burglar, who was convicted. From the first he did not seem to have much faith in his attorney, and of course he had much less in him when the trial was over. After sentence was pro-

HON. MARCUS KAVANAGH
JUDGE OF THE SUPERIOR COURT

Soldier, lawyer, jurist, worker for high ideals and the advance of man. Offspring of parents from rebel Wicklow and rebel Mayo, Irish counties proudly intolerant of alien rule and oppression, Judge Kavanagh was born in Des Moines, Ia,. 1859; graduated from Niagara University, 1876; LL. B. State University of Iowa, 1878, (L L. D., Universities of Notre Dame and Niagara University); major and lieut.-colonel Iowa National Guard; district judge in Iowa 1885-1887: came to Chicago and became member of the firm of Gibbons & Kavanagh, afterwards Kavanagh & O'Donnell; colonel 7th regiment Illinois Volunteers during Spanish-American war; in 1899 elected Judge of the Superior Court, to which he has been repeatedly returned by vast majorities. Married Mrs. Herminie Templeton, an authoress of note, daughter of Major George McGibney. native of Longford Ireland.

A Bayard of the bench, Judge Kavanagh's life work is devoted to the elimination of cowardice, corruption and crime.

nounced he sent word that he wished to speak to me. Having been instrumental in bringing about his conviction, I was rather surprised at his request, but I responded. When I went over to him, as he was awaiting transfer to prison, he handed me a ten-dollar bill and said impressively:

"Now, Mr. Kavanagh, that this painful business is over, I want you to do a little favor for me. There is a certain man in Davenport, Ia."—giving his name and address—"to whom I owe ten dollars. I candidly acknowledge that I am a burglar, a burglar by instinct and profession, and with many years of experience in the business. But I wish to assure you that I never owed any man an honest dollar in my life as long as I was able to pay him. Therefore please give the man this money with my thanks and compliments."

And having thus satisfied the demands of his peculiar code of honor, this modern "chevalier d'industrie" took dignified departure for the penitentiary.

AN APPROVED "LEGAL AUTHORITY."

By Hon. Joseph E. Paden,

Mayor of Evanston.

Once upon a time I was engaged in a case about a horse. It was tried away out in the country, in a temple of justice among the bushes, burdocks and jimson weeds, and, as I soon found, to my crucial perplexity, a similar

harmonious tone of greenery or greenishness pervaded court and jury; they afforded an interesting study and symphony in prevailing emerald hues.

In arguing the case for his client the local attorney, who was opposed to me and who of course knew the judge and all the jurors, made use of a kind of farrier's guide book and proceeded to quote from it voluminously, as if it were an accepted legal authority, in support of his argument. Seeing that this course of procedure, involving not rules of law but copious quotations on the treatment of horses, was making an impression on the rustic jury, I at length protested, telling them that the book my legal brother was quoting from was not a law book at all, and that the gentleman was trying to "shyster" them in a most outrageous, glaring and ridiculous manner.

The lawyer who was relying upon the farrier's guide to help him through listened patiently to my argument, meanwhile smiling in a sarcastic and know-it-all way at the jury. When I had finished he said:

"My learned brother protests that this book from which I am quoting in support of my case is not a law book at all. I ask you, gentlemen of the jury, to glance at this inscription and see if it does not make the work a sound legal authority," and he pointed to the usual copyright imprint on the back of the title page:

"Entered according to the act of Congress passed in 1863."

The jury received the book and it was passed from man to man of the sapient twelve, all of whom nodded their wise heads in approval of the idea conveyed; it was a regular law book, they agreed, and there was no going beyond that, and consequently they gave a verdict for the client of him whom I considered a green practitioner.

That resourceful legal light has now a very fine practice in Chicago, and of course he will smile when he reads this tribute to his ingenuity.

UNSATISFACTORY EVIDENCE.

By Hon. Adelor J. Petit.

In a murder trial that I was engaged in one of the witnesses was an Irishman who happened to be in the neighborhood at the time of the shooting of the victim.

"Did you see the shot fired that killed the man?" he was asked.

"No, but I heard it fired," he replied.

"Oh, that's unsatisfactory evidence," said the court, impatiently; "you may step down."

As the witness left the chair he laughed as if in disdain or sarcasm, upon which he was promptly called back by the judge.

"Come back here, sir. Do you mean to treat this court with contempt? How dare you laugh in that manner? I'll fine you for contempt of court."

"Did you see me laugh?" asked the witness.

"No, sir, but I heard you."

Whereupon the witness retorted:

"But, your honor, you have just ruled that that's unsatisfactory evidence, so you can't fine me."

AN INVULNERABLE ALIBI WITNESS.

By John E. W. Wayman,

State's Attorney of Cook County.

In a certain case tried a few years ago before Judge Horton, the defense was an alibi, the defendant claiming that at the time of the crime he was at home entertaining some friends at dinner.

The star witness was a cool, suave, self-possessed young man, a worker in a wholesale house. Upon his testimony, clear, succinct and deliberate, the defendant relied for a verdict. He testified that on the evening of the crime he went direct from his place of business to the home of the defendant, arriving there at six o'clock—the state claiming the crime was committed at a quarter to seven, a mile from where the defendant lived—and had dinner there, and after dinner they played cards until about ten o'clock, when he left and went home.

The witness was subjected by the state's attorney to a close and searching cross-examination, but he successfully weathered it, it proving impossible materially to shake his testimony, and on this, in his argument for acquittal, the lawyer for the defendant rested his entire case.

After the jury had been out a couple of hours and everybody was getting a little nervous, the young man sauntered over to the defendant's attorney and inquired:

"How do you think he will come out?"

The attorney replied that one could never guess what a jury would do.

Whereupon, with complacent consideration of the valu-

able testimony he had given in behalf of the defendant, this invulnerable star witness confidentially remarked:

"Well, if anything wrong happens you can't blame me. I guess I did pretty well by you, seeing that I wasn't there at all."

A SUDDEN RELEASE.

By William Friedman.

Frequent were the incidents in the court room of the late Judge Goggin which indicated that jurist's kindness of heart. One of these I witnessed and it left a lasting impression.

It is well known that the bar generally preferred to have him hear petitions for habeas corpus, and numerous such applications were presented to him. Unlike many other jurists, he obeyed the statute and gave them the right of way. During the progress of a lawsuit in his court one afternoon about three o'clock he told us who were engaged in the case to suspend for a few moments, as he had a habeas corpus matter set. Upon his instruction the clerk called the case, which was entitled: "The People of the State of Illinois, ex rel. William Smith v. Warden, etc."

A guard from the House of Correction stepped up to the bar, having in custody a boy of about seventeen years of age. The attorney for petitioner told the court that the young man was not his client, and the bridewell guard informed the court that there were four boys at the House of Correction bearing the name William Smith, and that he had selected one of them, but was not sure whether he

had the right petitioner. The court suggested that counsel had better go out to the bridewell and point out his client, and continuing the case until the next morning said he would hear it at that time. Thereupon this colloquy passed between the court and the boy prisoner:

"William Smith, how long have you been in the bridewell?"

"About three weeks."

"Well, do you like it out there?"

"No, sir," fumbling his cap, with downcast eyes.

"Well, why don't you like it?"

"A fellow can't keep clean."

"Well, why can't you keep clean?"

"You know, they bring in a lot of tramps and hoboes every day, and they are crummy, and we are mixed up with them, and it is impossible to keep clean."

"Yes, it is too bad that our system is such that these young boys—frequently first offenders—are locked up in company not only with old and hardened criminals but with tramps and drunkards of the worst type."

Judge Goggin then went on for a short time in this strain and deplored the fact that such conditions were permitted to exist in a civilized community, and finally after having delivered himself of this criticism of the system he said:

"Mr. Guard, you and the attorney go back to the bridewell and pick out the right Willie Smith, and in the meantime we will let this Willie Smith go home."

The guard in surprise inquired:

"Am I not going to take this boy back to the bridewell?"

"No," said the court, "he has been out there long enough. I suppose he was sent out there by some squire

for some petty offense. I do not know and I do not care what it was, but I am going to let him go home and get cleaned up."

LATIN ON SOUTH WATER STREET.

By Ossian Cameron.

It happened that a Cincinnati house sent me a claim for a carload of tomatoes they shipped about five years previously to a merchant on South Water street, but which remained unsettled, requesting me to endeavor to collect the amount at once, as in five days more the period of limitation would expire and the claim would be outlawed. In person I went down and demanded payment, but the South Water street man repudiated the claim, saying that he remembered the incident but had never ordered the goods from the Cincinnati people; they were simply consigned to him for sale, and, finding no market for them, he was compelled to dump them.

I notified my Cincinnati clients by telegraph of the result of my visit, telling them, if they wished me to bring suit, to wire me authority to do so and to send the costs, both of which they promptly did, also forwarding papers showing that the transaction was a regularly conducted purchase. Accordingly I started suit immediately and got out a notice to take depositions. It being the first notice of the kind I ever prepared, I took particular pains with it, making it a very elaborate and formidable document, and embodying in it the legal expression, "*dedimus potestum* (commission to take depositions). This I sent over with a young fellow I had in my office at the time,

instructing him to read it very carefully and impressively to the South Water street man.

My faithful envoy fulfilled his instructions to the letter. The notice lost nothing but gained much in the reading, while the man of fruits and vegetables listened with growing apprehension to the end and grew pale when he heard the portentous words, *dedimus potestum.*

"Read that again," he said, and my young man complied.

"Say, young fellow," said the perturbed merchant, after he had closely followed the second reading, "this is a very serious affair. I don't quite understand what that deady-muss thing means, but I want you and your boss and those Cincinnati people to understand that we don't want anything of that kind around here, as we've always conducted a straight, honest and respectable business. You send that lawyer over and we'll attend to that claim right away."

And he paid me the full amount of the claim that evening. The power of the ancient Romans still lives in their classic language.

A LEGAL-EXPERT POLICEMAN.

By David K. Tone.

About fourteen years ago, when I came to Chicago and started to practice law, I was equipped with a generous stock of self-confidence, and this on one occasion received a rude shock, disconcerting, yet amusing and instructive.

One morning, having gone out as usual to breakfast in a restaurant, I wandered rather far from my office. Being

then somewhat unfamiliar with the city and finding myself amid strange surroundings, I was puzzled how to find my way back. Therefore I approached a crossing policeman and presented him with my card, which bore my office address.

"Mr. Officer," I said, "will you please tell me how to get to the office of this lawyer?"

He examined the card rather superciliously, as I fancied, and then turning to me, said impressively and confidentially:

"Oh, this fellow is only a shyster—best have nothing to do with him; he'll skin you sure. I'll tell you where you can get a good, decent lawyer."

That policeman was "on to his job." His kindly and gratuitous offer revealed to me new vistas in the methods of legal advertising.

SAVED ON THE BRINK.

By Myer S. Emrich.

There came into my office a young man about twenty-four, and his father. They were both excited and worried, and well might they be; the young man had taken one hundred and fifty dollars from his employer and gambled it away, and neither father nor son could raise that amount to repay the defalcation. The young fellow had determined, as the theft could not be hidden for any length of time, to confess it to his employer and take his punishment, but before doing so he desired to consult an attorney, hence their visit.

The young man made many excuses for his act, and remarked:

"If I had been a thief, I could have stolen many thousands of dollars, as I had plenty of opportunities to do so."

I then made the most natural remark:

"It is just as much of a crime to steal one hundred and fifty dollars as that many thousands, and both are punishable by the same sentence in the penitentiary, and it is probably easier to defend a man charged with stealing a large sum than a small amount of money."

I then informed them that I did not practice criminal law and gave them the names of several good criminal lawyers, and they left, saying they would see one or the other of them, thanked me, and I dismissed the subject from my mind.

Imagine my surprise when two days later the young man came into the office and said he had thought very deeply over what I had said, and that in addition to what he had previously taken he had since seeing me taken an additional three thousand dollars, and that he had it with him!

My first impulse was to tell him to return the money, but a little thought changed my plans. Taking the money, I told him to leave my office and go to the house of a friend of his where I could reach him by phone, and await my orders. I then called on his employer and said:

"You have Mr. Dickson in your employ?"

"Yes."

"Well, he has stolen from you three thousand one hundred and fifty dollars."

The man nearly fainted; it meant a serious loss to him.

"Now," says I, "he can, provided you forgive him the offense, return to you three thousand dollars at once and

the balance of one hundred and fifty dollars in small weekly payments to be deducted from his salary."

Of course the employer was more than pleased to accede to my suggestions, as the future chances of the young man having any opportunity to help himself would be eliminated.

The bargain was lived up to. The young man went back to work.

This happened ten years ago. The individual who tottered on the ragged edge of crime and ruin is still with the same firm, a valued and trusted employee, soon to be given an interest in the concern. He has had one bitter lesson in the perils and penalties of dishonesty, and it has cured him, I hope and believe.

THE PERSONAL INJURY PLUGGER.

By Clyde A. Morrison,

Chief Assistant City Attorney, Chicago, and Editor-in-Chief of The Hamiltonian.

The personal injury combine consists of pluggers, doctors, professional witnesses and lawyers.

The plugger is the first man on the spot. He usually beats the ambulance to the place of accident. Once he gets a scent he sticks to the trail through thick and thin. When the victim regains consciousness the plugger shoves the card of some personal injury lawyer under his nose, asks him to sign a contract and above all things not to talk or have anything to do with those who it is claimed are responsible for the accident.

The plugger usually clears through one law firm, but often one plugger will do business with several firms, especially when he has a plaintiff who has sued several times for the same injury and wants to conceal that fact from his regular attorney.

The case is then turned over to the lawyer and then the lawyer sends out the medical expert, whose part consists in attributing every ailment under the sun to a bruised shin or broken leg.

If the case is not settled, it goes to trial. If a verdict is returned and judgment entered, the plugger, the lawyer, the medical expert, and sometimes the professional witness have to be cared for, and then, if anything is left, the victim "gets his."

There are about two hundred personal injury pluggers in Chicago, and they are a very industrious lot.

Their methods are usually reprehensible. Perjury is their principal stock in trade. It is their duty to "frame up" the case.

These pluggers are grafters of the most pestilential type. Some who read this will say it is an exaggerated statement. It is not. Their rascality costs the city of Chicago alone thousands of dollars a year, and formerly it ran up to hundreds of thousands of dollars a year.

The plugger is a blood-sucker. He creates nothing, but prevents many great improvements. The money spent by the city to defend itself against these sharpers ought to go towards paving streets, building sidewalks, and otherwise substantially improving the city.

There are several reputable attorneys in Chicago who specialize in personal injury cases, but none of them employ or have anything to do with the plugger.

There is no reason why it should not be just as honorable to handle personal injury cases as other lines of litigation, but the tactics of the plugger, of the medical expert and the lawyers who conspire with the plugger to "frame up" cases have discredited this branch of the profession to such an extent that many attorneys absolutely refuse to handle a personal injury case.

The personal injury fakers work a great injustice to the man with a meritorious case. They clog the calendars with a lot of fictitious cases, keeping the man with a meritorious case waiting a long time for a trial, and often the man with a meritorious case does not get full justice by reason of the prejudice that exists in a great many jurors' minds towards the nefarious ambulance chasers and their associates.

The space allotted for this article is not sufficient to cite illustrative cases, but suffice to say that the writer has a record of over eight hundred cases wherein the same persons sued the city more than once or else sued some other concerns; that whole families make a business of suing the city and others for personal injuries, one family alone having had twenty-seven suits; that professional witnesses are plentiful; that a certain clique of very ingenious medical experts are always ready and willing to testify to all kinds of medical impossibilities; and that very few personal injury cases are tried against the city wherein perjury is not committed, but we cannot prove it.

Few people appreciate the magnitude of this graft. Six years ago the city issued $5,000,000 in bonds to satisfy the then outstanding judgments. Conditions are improving, however, since several members of the personal injury combine have recently been indicted for conspiracy and perjury in connection with personal injury cases against the

city. In 1902 the personal injury judgments against the city for that year alone amounted to $816,700.75. In 1908 they amounted to $145,531.82, a reduction of $617,-168.93.

As I said in the first place, these personal injury pluggers are a lot of leeches, and ought to be sent over the road for the rest of their natural lives.

A CHINESE INTERPRETER.

By Benjamin C. Bachrach.

Previous to the establishment of the Municipal court I was engaged on one occasion in a case before Justice Prindiville, in which an Irishman was being tried for an assault upon a Chinaman. There were a number of Chinese witnesses present, none of whom could talk English, and it became necessary to have an interpreter. A Chinaman offered his services in this respect. He appeared, upon questioning, to be disinterested in the case, so I accepted him and he was sworn to interpret faithfully the testimony. The oath administered to the first Chinese witness was done through the interpreter, and then through the latter I put the question:

"Did you see the difficulty between Wan Lung and Mike Doherty?"

Of course I expected a monosyllabic answer—the Chinese yes or no—but the witness broke forth in a torrent of Celestial rhetoric or something else that lasted several minutes.

"What does he say?" I inquired.

"He says yes," said the interpreter.

I thought it was an extraordinarily long way of saying it, and that the language of Confucius had its deficiencies. So, apparently, did the justice.

"Ask him now to state what he saw," I said.

In reply to the interpreter's query, the witness jerked out just one syllable that sounded like the chirp of a sparrow—just that and nothing more.

"What does he say?" I inquired.

"He says," replied the faithful interpreter, "that he saw the complainant Wan Lung coming down Clark street between Twelfth street and Polk, and that he crossed over the car tracks to the west side of the street, and that then this man here came along and picked up a brick from the side of the street and came along to Wan Lung and hit him a blow on the head that nearly killed him."

That so much could be condensed within the scope of one explosive syllable was astounding and bewildering.

"I'm no Oriental scholar," said his honor severely to the interpreter, "but you can't fool this court that way. Get out!"

A RENCONTRE WITH JUDGE GOGGIN.

By Maclay Hoyne,

Former Assistant Corporation Counsel.

On the bench the late Judge Goggin was sometimes rugged and caustic, but this attitude was usually qualified by humor and good nature, especially in dealing with the younger lawyers.

In a case in which I was engaged, the lawyer on the other side, who was a newcomer in Chicago, had had but little experience in common law pleading, which would in part account for the extraordinary length of the declaration he filed, consisting of some forty pages. I filed general and special demurrers. When they were called up for argument before Judge Goggin I laid out on the table about twenty law books. The judge, after looking with apprehension at this imposing display, inquired the reason of it. I replied that I hoped to read from some of them in support of my demurrers, whereupon he exclaimed:

"Oh, Lord, give me time to prepare for the next world!"

When he had learned what the motion was about, he suggested that I should read the declaration to him. I proceeded to do so and after listening for a few moments he ejaculated softly to himself:

"Slop, slop, slop!"

Feeling rather encouraged by these remarks and wishing to clench my demurrers, I ventured upon an effort to read from some of the authorities I had with me. The court refused to listen to any decisions, but when I offered to read from Chitty on Pleading, he suddenly said: "Go ahead; I'll listen to that."

Another attempt of mine to read decisions bearing on the questions involved was rebuffed, the court remarking in conclusion that he would overrule the demurrers and if I did not like that I could "go over to the Ashland Block," meaning the Appellate court. Then as I gathered up my authorities and prepared to depart he fired a parting shot, saying:

"I take back the slop bucket."

FAITH IN THE BIGGEST BOOK.

By John T. Murray.

The intending client who drifted into my office was of the strictly illiterate order, yet shrewd, cautious and keenly observant. Before entering upon his business he glanced inquisitively around. His scrutinizing gaze wandered over my humble store of legal literature and at length rested with special approval on the city directory, lying on the top of my desk. Reluctantly impelled to have recourse to the law, his judgment in selecting a lawyer impelled him to gauge the ability of members of the craft by the books they owned, by the number of volumes, and especially by their size.

After viewing the ponderous directory of our fair city he developed such confidence that he sat down and unfolded to me his tale of woe. After hearing his story I decided that his case was not in my particular line, so I directed him to a certain brother lawyer as one who would be specially able and willing to look after his interests, and he departed.

After some time he returned to my office, looking rather doubtful and dissatisfied.

"That man you sent me to is not as good a lawyer as you are, Mr. Murray," he declared; "not at all! I think I know a good lawyer when I see him. Why, I looked all round that fellow's room, and although he has a great deal of books—whole cases of them—books to burn—in the whole lot he hasn't one so big as that."

And he pointed to the city directory.

His confidence in my legal ability as represented by the

ponderous volume in question was so pathetic and tenacious that I had to take up his case. The directory had hypnotized him!

A TALISMAN THAT FAILED.

By Rocco De Stefano.

How superstition amounting to voodooism apes religion and adopts and profanes some of its sacred emblems was curiously revealed to me in a case in which I was engaged in the Criminal court.

An Italian named Nicolo Milano was the defendant, and a stranger mixture of irreligion and superstition I never met in my life. His friends had sent for me to defend him, and as he hailed from the hamlet of Potenza, Italy, where my own folks belonged, I took a special interest and pride in his case. He was a man of about forty, of gloomy and ferocious disposition and ungovernable temper. He was about ten years in the country, going from place to place. Being of a quarrelsome disposition, he had lost his eye in a free-for-all fight, which physical defect was the leading cause of his trouble. Strange to say, Milano attributed the loss of his eye to the visitation of Divine Providence, a peculiar belief on the part of a paradoxical infidel who I believe had never been in church or chapel in his life. So keenly, however, did he feel the loss that he killed a man named Santino, who twitted him about it and further aggravated him by pushing his wife off the sidewalk, and this one evening in Jefferson near Polk street, in the presence of a number of people. It was for this killing he was now on trial.

A more stubborn and perplexing client I never had. When I tried to consult with him as to his defense he repudiated my services and refused to talk about the case, saying he did not depend upon lawyers, but on a higher power. Somehow or other he had obtained a medal of the Blessed Virgin Mary, which he displayed and exhibited on trial before Judge Tuthill and the jury.

"No law or lawyers for me," he said. "I fear nothing; my Madonna will defend me."

The witnesses I subpœnaed to testify in his behalf were treated with scorn, and he even contradicted their testimony as to self-defense. I was on the verge of entering a plea of insanity.

"I care not what they say," was his constant cry; "I am under the protection of the Madonna."

The jury found the religio-atheist guilty of murder and he was sent to Joliet for fourteen years. Probably he still retains the Christian emblem that he degraded into a pagan talisman.

BORROWING AN ALIBI WITNESS.

By Robert N. Holt,

Assistant Corporation Counsel.

On one occasion when I was engaged in presenting a case the monotony that usually prevails in the Criminal court was startlingly broken and the gravity temporarily dispelled by a son of the Emerald Isle whose wit has made him famous among the attorneys of the Cook county bar

Lawyer Simeon Armstrong entered the courtroom and

with a knowing nod informed the court that he would be grateful for a brief opportunity of speaking to the counsel who was opposed to me, a gentleman whose reputation as an advocate of alibi defense is firmly established. The court granted permission for the interruption, whereupon Mr. Armstrong, turning to my opponent, said:

"Say, old man, won't you lend me your alibi witness? I came away in a hurry this morning and forgot mine."

THE ORDEAL OF A HUMANITARIAN.

By Hon. John R. Newcomer,

Judge of the Municipal Court of Chicago.

Society dearly loves to be guarded; nevertheless, as a heritage from lawless ancestors of a time when might was right, it has a tendency to look upon its regular guardians as callous and cruel tyrants. Pharisaical evasion of responsibility!

Among the most devoted helpers of the unfortunate was, when I was assistant state's attorney, an esteemed personal friend of mine, the pastor of a West Side church, namely the Rev. Dr. Primrose—which I call him because he was a prototype of the amiable Vicar of Wakefield. He used to come to court every Monday to be present at the disposition of the cases of prisoners and if feasible to contribute his charitable intercession and aid.

It happened one afternoon, before Judge Baker, that a motion for a new trial was made in the case of a man convicted of highway robbery, who had exacted his rob-

ber's tariff with a loaded gun at the head of his victim. The defendant's lawyers made a strong argument for him. His mother and wife were in appealing tears. The judge asked for my opinion and I replied:

"The defendant ought to be sent to the penitentiary as soon as possible and kept there as long as possible."

Amid the heartrending wailing of his relatives the prisoner was led away to jail, to be transmitted thence to the penitentiary, while my ministerial friend, leaning over towards me, murmured in sorrow and disgust:

"I think you had better resign your job while you still retain some atom of humanity. You're getting to be as cold-blooded as a snake. If you stay here much longer you won't be fit for your wife to live with. I never knew of any proceeding so utterly heartless as the manner in which you started that man towards his doom."

But soon an opportunity came which enabled me to show Dr. Primrose the nature of my position. He happened to be in my office when there entered in timidity and tribulation two ladies of refined and prepossessing appearance—the unhappy wife and mother of the recently convicted highwayman, with a plea for mercy.

"There is my assistant, ladies," I said, pointing to my clerical friend. "Tell him your story in full, and I shall be pleased to act upon his recommendation."

The trio retired to a corner of the room and entered into earnest conversation. From my desk I covertly watched them as he listened to their appeal. His face grew by degrees graver and graver. At length the younger woman burst into tears, the elder laid an entreating hand on his arm. As both of them strenuously begged for his sympathy and compassion his lips twitched and big tears rolled down his cheeks. Yet still he remained doubtful,

reluctant, non-committal. At length, fearing that he would break down completely under his hard struggle between emotions of pity and justice, I thought it about time to interfere.

"Well, sir," I said, "what is your opinion? Do you consider that we ought to save the man from the penitentiary?"

The minister burst into sobs. The women became almost hysterical. When they had recovered I gently conducted them to the door and dismissed them with what words of sympathy I could muster. They knew not that it was a compassionate churchman, upon whom I had placed the crucial onus, who had been compelled by conscience to ratify the sentence of the law.

The fact was that the highwayman whose fate was under discussion had been repeatedly convicted of serious crime and was a notorious and desperate criminal.

In solemn and embarrassing silence Dr. Primrose and I put on our overcoats and took our way homewards. We had walked nearly a block when he suddenly spoke.

"Say," he said; "I would not have your job for twenty-five thousand dollars a year!"

AN AWAKENED MEMORY.

By Charles H. Mitchell.

Under the influence of the witness chair and the spell of court surroundings witnesses sometimes suddenly develop unexpected and startling testimony. Sympathies become excited by the progress of the case, sluggish or fail-

ing memories are spurred to action, perhaps circumstances of a vital character vividly recalled.

Peter Cassidy, one of the common people, poor, honest, industrious and sober, was returning home one dark and stormy night. When quite close to his home he was feeling his way along a defective sidewalk by means of a hand-rail fencing a vacant lot. Coming unexpectedly to a place where the rail was broken he missed his hold and fell a distance of twelve or fourteen feet, his head and shoulders striking on a great rock. For several hours he lay unconscious in the rain and darkness. When he regained his senses and called for help no one heard him. Then, though in great pain, he managed to drag himself to his home, only a few rods distant, and towards morning he was found unconscious on the back steps. He rallied sufficiently to tell how he had been hurt and then expired.

It was a sad blow to Widow Cassidy and her weak family, thus suddenly left unprotected. Learning that the owner of the vacant lot might be held responsible, on account of the broken fence rail, for damages for the death of her husband, she came to me to bring suit, and I did so. I could find no one who had seen anything of the accident. But I found one man who lived near the place, his window looking out on the vacant lot where the fatal accident occurred. He told me he heard a sound of groaning from this direction on the night in question, but nothing more could I get out of him.

When the trial came on I endeavored to put in evidence the dying statement of the victim, but this the court very properly refused to admit. This made the case look bad for the widow. As for the taciturn person who had heard the groans I hoped but little from his testimony. His actions, however, had excited my curiosity. He had haunted

the courtroom for three days and had seen my ineffectual attempts to introduce the dead man's statement, when at length he was called to the stand.

"On the night of the accident," he said, repeating his bald statement to me, "I heard groans outside my window." And then he struck a new line of talk that took me completely by surprise. "I peered out to see the cause and discerned a dark form crawling along the ground to the house of the deceased. I dressed myself and went out to render what help I could. But when I got to the place the creeping figure was gone. Next morning I traced in the soft wet earth a trail leading from the big rock beneath the broken railing to the rear of the premises of the dead man."

His evidence was clear and convincing and was not shaken in the cross-examination. It won the case. With the damages awarded her the widow bought a home, where she now lives, free from want.

Why did the witness change his testimony? Was it merely a case of suddenly awakened memory or an aroused conscience or a newly born desire to help the widow and fatherless children? The widow, however, remains a widow still.

A CHANGE OF VENUE.

By G. Fred Rush.

It was in the year after the World's Fair, when the judges of all the courts had got together and adopted rules to curb what they considered to be a general abuse as to change of venue, that the firm from which I rented

desk room saw fit to turn over to me a dog case. A teamster who worked for one of their clients had been arrested on the charge that his dog bit the child of a neighbor, who was a policeman, as the boy was sitting on the fence dividing the premises.

On inquiry I learned that the only witnesses to the affair were the bitee and the biter.

"What kind is your dog, Mr. Kennedy?" I asked my client.

"A nice, playful puppy, only seven months old, Mr. Rush," replied Kennedy, "an affectionate animal that would never harm man, woman or child."

"Bring him to court with you Monday morning without fail," I said, and he gladly assured me that he would do so.

On Monday morning I duly appeared in court. It was Justice Wallace's court, at the Stock Yards. The usual grist of Saturday night and Sunday drunks were arraigned for trial, and their wives, friends and lawyers thronged the grimy courtroom almost to suffocation. But my teamster and his dog were not in evidence. With much difficulty I pressed forward in order to be near enough to ask for a change of venue in the event my case was called before the arrival of my client and his puppy, which I feared would be trampled to death in the close, packed room. Every minute or so the justice's clerk, who was of the imperious, ward heeler type, would bang and shout for order and command the police to eject some lawyers who incurred his princely ire by asking him for information on some cases in which they were interested.

On perceiving me working my strenuous way through the crowd towards the seat of justice the clerk immediately made urgent appeal to have me removed, indignantly

assuring the justice that I had bothered and obstructed him in his duty no less than six times—though, sooth to say, I had not till then even opened my mouth! A big policeman made for me and things began to look black for my client and his puppy, still conspicuous by their absence. In the nick of time I saved myself by effusively shaking the hand of Alderman Arthur Dixon, who as effusively shook mine, in prompt, unquestioning, aldermanlike style, although we had never met before and he knew me not; the seeming display of friendship saved me from expulsion.

"Good morning, alderman," I said cheerfully and confidentially; "here, like myself, I suppose looking after some of your constituents in trouble."

"That's exactly what I am," cordially responded the alderman.

"Brown versus Kennedy," called the clerk. My case was at hand, but where was my client?

Just then there occurred a sort of cataclysm in the courtroom. There was a sudden tremendous scuffling of feet, an eager hustling and rib-fracturing rush for safety. People sprang upon chairs and benches. The clerk stood upon his desk. Instinct lifted me upon a table. Through the struggling, panic stricken lane of humanity that led to the door came the biggest, ugliest, most ferocious monster of a dog that ever I saw in my life, prancing at the end of ten feet of clothes line, the other end of which was held by a man.

My client, Kennedy, had arrived with his playful, young puppy!

At the awful sight I felt like swooning, but I managed to gasp, "Change of venue." The justice promptly granted it and passed the necessary papers to the clerk, who, still

perched on his desk, was demanding who was responsible for bringing the Congo rhinoceros into the court.

"Get your dog out of here quick," I whispered to my client as I passed him. He obeyed my instructions and on reaching the street he released his formidable pet and with a kick sent him scooting homeward, just as three policemen, sent for the purpose, came thundering downstairs to arrest the owner of the dog, whom, however, they were quite unable to identify.

I took my client and my change of venue into Justice Foster's court next door, and there the police plaintiff and his son followed us and appeared against us.

"All I ask is for your honor to have one look at the dog!" said the policeman.

"He's not here, your honor," said my client; "I brought him down to show him, but the poor, timid animal ran away home."

The boy's evidence was that the dog did not bite him but merely tore his pants. Both my client and myself were glad to get off on payment of the costs of court. It might have been different were the pup in evidence.

A JURY TRIAL IN THE FAR WEST.

By Hon. S. C. Herren,
Formerly of the Legislature of the State of Washington.

Modest, pious, enterprising, yet "broke," a young man fresh from the prohibition-sanctified atmosphere of the mountains of North Carolina, with the ink scarcely dried on my legal diploma, I arrived, in Bret Harte and stage

coach days, in the little mushroom community of Winlock, in western Washington. The arrival of a lawyer in camp created more uneasiness than interest, and for me there was nothing doing.

I found domicile in a hotel run by George Dueber, nephew of the noted watch case manufacturer. George loved to gamble, as also did Charlie Casher, a leading hardware merchant of the town, and likewise a man who was always ready to take a turn at any game of chance.

One night my host came knocking at my bedroom door. He was excited and vindictive.

"Get up," he said, "and help us out. We want to have that ruffian Patterson arrested right away. You see, Charlie and I were shaking dice at a dollar a throw when Patterson comes along and wants to get into the game. We had our dollar apiece down, but he only puts down six bits, and when we told him he couldn't play unless he made it a dollar he grabs the whole two dollars and seventy-five cents and puts it in his pocket, and laughs at us. Such conduct is a disgrace to the fair fame of Winlock and especially of this hotel."

I went out with him to hunt up the local justice of the peace, but this magnate was away on his ranch, so I returned and went to bed. But I had not fallen asleep before there were more raps at the door.

"Get up again," said Dueber, "and come along. Things are doing. This desperate scandal has to be wiped out once for all. Patterson is to be tried for stealing that two dollars, and the lumbermen's court is in session over at Pete Benson's saloon."

I delicately, then vigorously, protested. My parental training had especially warned me against saloons and I was suspicious of a plot to have fun with the tenderfoot

HON. SAMUEL C. HERREN

A sociable Sunny Southlander, cradled in North Carolina in the late '50s, of good revolutionary stock, with inherent exploring and adventurous turn that has led him from ocean to ocean, state to territory, mining camp to city, senate hall to court room. He served in the territorial and state Legislatures of Washington, 1888-91. Thence he went to Montana, where as friend and counsellor to F. A. Heinze, the "Copper King," he helped to make many millions of dollars for that magnate in his monumental fight with the Amalgamated Copper Company. In 1904 he came to Chicago, where, in the employ of the City, under the Dunne and Harrison administrations, his legal acumen was oft displayed victoriously in the eternal war between public interests and the corporations. His office in the City Hall Square Building is redolent of his wild west experiences — that is, when time and modesty allow it.

lawyer. However, when George handed me a $20 bill as a retainer I abated my prejudices and suspicions and responded to the stern call of professional duty.

At Benson's we found the court in session. On a whisky barrel in the center of the barroom sat Leslie L. Crim, and on beer kegs ranged along the wall were perched six stalwart lumbermen grave with the responsibility of their function as jurors.

The culprit, Patterson, a fine looking fellow, superintendent of a lumber mill down the river, was duly indicted for illegally annexing the $2.75. He possessed rare wit and conducted his own defense, and his scathing cross-examinations made it extremely unhappy for the witnesses who appeared against him, much to the enjoyment of court, jury and spectators. Every now and then came the command:

"Gin up the jury."

Confused by the peculiar environment and the primitive character of the proceedings, I made about the poorest speech of my life, yet it was greeted with generous and rapturous applause, while the drinks freely circulated and the assemblage was refreshed again and again. When the jury retired their deliberations were such as required frequent libations, and they were a much soaked crowd when they at length reeled forth and returned a verdict of grand larceny against Patterson.

The latter, when asked by Crim why judgment should not be passed upon him, pleaded that he had not had a fair trial because the jury were drunk and besides they were naturally prejudiced against him because the other side had given them twice as many drinks as he. He was ordered to pay $3 to the judge and $2 each to the jury for

their valuable services. This he cheerfully did, but when he was told to give back a dollar apiece to Dueber and Casher he vehemently refused, with the result that a battle royal ensued and the defendant was woefully mauled by one of the jurors, a tall Irishman named Tom Hennessy.

All those barroom jurymen have since achieved wealth and prominence. One of them, R. G. Sands, is now superintendent of the telephone company in Tacoma. Hennessy is a prosperous lumberman. Leslie L. Crim, who acted as judge, has made a big fortune in Alaska.

That was my first experience as a lawyer on the Pacific coast.

OBJECTED TO SHAKESPEARE.

By Henry N. Miller.

In a slander suit in the Circuit court I was acting for the plaintiff, a quiet, decent, worthy woman who had been reluctantly induced to come into court for the purpose of having a stop put to evil reports that were in wanton meanness being circulated about her by the defendant, who was a bad neighbor, a malignant gossip, a bitter back-yard virago. The latter took the keenest interest in the progress of the trial, paying alert attention to the testimony of the witnesses on both sides and even to the remarks of the attorneys.

After the evidence was all heard it happened in the course of my argument to the jury, wherein I dwelt on the cruel injury that my client's fair name and reputation had

sustained from the vile tongue of the defendant, that to strengthen my representations I quoted from Shakespeare (naming the immortal bard as my authority) his celebrated lines on the subject of slander:

"Who steals my purse, steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he, that filches from me my good name,
Robs me of that, which not enriches him,
And makes me poor indeed."

"Stop!" cried the defendant, springing from her seat, her hatchet face tense with excitement.

"Stop right there, young man," she shouted, "and stick to the facts. I have been watching this case all through, and among all the witnesses there was nobody of the name of Shakespeare!"

THE LAWYER AS A POET.

By Charles Alling, Jr.

In the University of Michigan the commencement exercises for 1888 were coming around. Upon the frat men of the senior class of the law department, of which I was a member, devolved the duty of electing officers for class day. Two men claimed the former offices and insisted that I should be the poet. I protested that I had not written any poetry since I was a boy, but the others declared they had never written any in their lives, so upon me devolved the olive wreath and the lyre, which I accepted with reluctance and uneasiness.

In doubt and difficulty I started to woo the muse and concoct my poem. The main requisites were ideas and

metre. For the first I drew serenely and copiously on the commencement address delivered the previous year by Professor Thomas M. Cooley, and for the metre I went to the famous poem, "The Present Crisis," by James Russell Lowell. I put the ideas into metric form and committed them to memory.

A large audience gathered on class day in University Hall. In delivering my poem I used all the fire that I could muster. The Cooley-Lowell combination went with gratifying *eclat* and I received considerable applause. But I was chagrined next day on reading the account of the class day exercises in the *Detroit Free Press.* The wise correspondent stated among other things:

"Next came the class poem, which was delivered by Charles Alling, Jr. Mr. Alling carried his audience more by the enthusiasm of his manner than by the merits of his poem."

I never courted the Muse any more.

MRS HAWKINS' RIVAL.

By William U. Riley.

When my friend, Mr. Hawkins—no need to give his right name—told me that his wife was suing him for divorce, I was a much surprised man. I had known the couple for years, their married life was model, and it was a pity there should be any strain or severing in their domestic relations.

Mr. Hawkins is a prosperous local merchant, with, however, an old and fondly cherished penchant for literary pursuits, which, no doubt fortunately for himself, never

came to much fruition. His business takes him often to New York. Once, after his return, Mrs. Hawkins, in her usual wifely overhauling of his clothing, came upon sundry letters in a lady's handwriting, signed, "Affectionately, GERTRUDE." Of course the letters carried terms of endearment and tender sentiment. Jealousy and rage at once seized on Mrs. Hawkins, but she resolved to conceal her suspicions until they should be confirmed by direct evidence. Later she discovered scraps of crude poetry in her husband's pockets, limping couplets and quatrains apparently addressed to the unknown inamorata.

The traitor, the perfidious wretch! She would first unmask him, then separate from him forever. Let him go to his affectionate Gertrude!

Detectives placed by her on his track on his next visit to New York informed her that he had called at a certain address and taken a lady to the theater. This was the last straw. Mrs. Hawkins filed her bill without notice or warning and on her husband's return he was staggered by being served with the usual papers. His wife scorned all explanation. The mysterious Gertrude was named as corespondent.

When the case was called to trial and the complainant has made out a prima facie case, the defense called as its first witness the mysterious "Gertrude." I expected to see a captivating vision of youth and beauty—for what else could eclipse in her husband's eyes the indignant Mrs. Hawkins herself, a stately and handsome young woman? To my great amazement a stout old lady came wheezing apoplectically to the witness chair, amid the comments of the motley gathering that finds satisfaction in frequenting courtrooms. "Gertrude," who was about 60, had her

gray hair hauled tightly back from a rugged forehead, and her square-cut features were encumbered with a pair of large bone-rimmed spectacles. The fair complainant stared at her in astonishment and chagrin. Mr. Hawkins glanced from "Gertrude" to his mortified wife in ill-concealed amusement.

"Gertrude," who was at once recognized as a well-known magazine writer, gave evidence that she had known the defendant from his boyhood and had helped to prepare him for college, that he always had and still retained what she feared was a misdirected taste for literature, and that of late he wanted her to collaborate with or assist him in a sentimental society novel, for which he had been bombarding her with abundance of love passages and love poems, addressing her, as he always had done, by her nom de plume, "Gertrude."

Then it became Mr. Hawkins' turn to wince and turn pale and red, as the witness hauled out a bundle of his excruciatingly mawkish love poems, which she proceeded to read with cruel emphasis for the delectation of the court and spectators. Mrs. Hawkins smiled sweetly and finally laughed aloud. "Gertrude," taking ample revenge for the position in which she found herself, began to comment most adversely on Mr. Hawkins' poetry and his common sense generally.

The court, himself of some literary reputation, allowed the evidence to proceed until it was clearly apparent that both complainant and defendant had had enough of it. An agreement was quickly reached to dismiss the case, and the parties left, to resume their life of harmony. "Gertrude," too, was reconciled with them, and she went home with them to dinner.

A MODERN MUNCHAUSEN.

By John J. McGillen.

Shortly after I began the practice of the law, making my *debut* in partnership with the late Mr. P. V. Tomney, we became professionally interested in the Geraldine divorce case, my partner being attorney for Mrs. Geraldine. The case attracted much public interest. Geraldine, affected by the potent American divorce microbe, was seeking to burst his irksome matrimonial fetters in order that he might be at liberty to wed an affinity he had found in a well known vaudeville actress. To gain his end he had recourse to the regular tactics of attempting to besmirch the character of his wife, and his star witness and chief tool in the dirty work was his English coachman, one William Atkinson. The testimony of the latter against his mistress was so severe and damaging that in the faint hope of combating it my partner suggested I should go out to the neighborhood of the Geraldine home and endeavor to find out what manner of man Atkinson was.

On exploring the locality I entered a saloon, where, while making overtures for the good will and confidence of the saloonkeeper, I incidentally made the acquaintance of two vivacious characters. One of these was a gardener of high repute named William Kelly and the other his assistant, Tony Farley. They were employed at the place adjoining the Geraldine home. Of course they had heard of the Geraldine divorce case. Their sympathies were strongly with the defendant. When they learned that I was one of the attorneys for Mrs. Geraldine they became promptly and practically interested.

"Geraldine is a scoundrel," declared Kelly, "and his

wife, that he is wrongfully trying to get rid of, is one of the best women in the world."

"And how about Atkinson, the coachman?" I ventured to inquire.

Both men laughed loud and long.

"The greatest liar from here to hades!" said the head gardener. "Ananias was only a low class amateur compared to him. The worst of Bill is that his memory is bad and his stories don't jibe, else he must be of a most wonderful age. You see, in self protection we've started to keep tab of his yarns, so we may get back at him some day. Tony, have you got that little book of yours?"

To my surprise and delight it appeared that the gardener and his assistant, in the course of their frequent meetings and conversations with their neighbor, the aforesaid Bill Atkinson, who was of a garrulous and boastful disposition, had actually been taking furtive note of the picturesque statements of the latter as to his vivid career and adventures, with a view to their own amusement and Mr. Atkinson's ultimate discomfiture.

"Bill was getting so gay in his talks about his fine doings in foreign lands that to protect ourselves and the cause of truth and veracity we thought it about time to start out to prove home to him that he was the most notorious, abandoned and awful liar that ever lived on the South Side," explained the keeper of the incriminating notebook.

By agreement both my informants appeared next morning in court and, with the notebook as an exhibit, bore testimony to the character of the coachman "for truth and veracity in this community." Atkinson, upon whose statements Geraldine and his counsel relied mainly for a divorce, was a dapper, rosy cheeked fellow of about thirty-

five. The interesting record of his life and experiences, as related by himself to our two witnesses and revealed by the telltale notebook, ran about as follows:

At twenty years of age sailed from England for the Orient.

Five years manager of a firm in Mandalay, trading in gum, spices and ivory, with occasional battles with the natives.

Six years attache of the royal court of Siam, engaged in training the King's sons in athletic sports and pastimes.

Ten years confidential European adviser to the Queen of Cochin China, with a salary amounting to about $50,000 a year, and a score of black slaves to carry him about in a red and gold palanquin.

Seven years agent for a wealthy trunk and satchel trust, killing alligators and buying their skins along the Irawaddy.

Eight years and a half chief huntsman to the Ahkoond of Swat, whose life he saved nine times while tiger hunting in the Himalaya mountains.

Ten years military organizer to the Rajah of Burrampootra, in whose service he had three horses killed under him at the dreadful battle of Punkagoola, while leading the royal forces to victory.

Nine and a half years in the jungles of Africa, on a famous hunting expedition with Lord Bareacres and Sir Tony Lumpkin, during which time he rid the country of over five hundred lions, all ferocious maneaters—has their skins to prove it, in cold storage in New York.

Fifteen years superintendent of the greatest diamond mine in the Transvaal, with ten thousand Indian coolies under him.

Ten years on perilous missionary work in Central Africa, during which time he incidentally introduced automobiles in Timbuctoo.

Twenty years perfecting an airship, the plans of which he sold in a moment of weakness to a now noted aeronaut—an impostor, who didn't know enough to fly a kite—who is now reaping a golden harvest from the product of his (Bill Atkinson's) brains.

Twenty-five years strenuously striving to reach the South Pole, which task successfully accomplished by him, he let others reap the celebrity.

Eleven years running a horse ranch out west, after which, financially ruined by an epizootic, he entered, five years previously, the employment of the plaintiff, Mr. Geraldine.

"So there, putting one thing with another, all carefully and correctly taken down at different times," said Gardener Kelly, "Bill Atkinson proves out of his own mouth that he is one hundred and thirty-seven years old!"

And so did Kelly and Farley "get even" with Coachman Bill. Their evidence as to the improvising talents of the modern Munchausen undermined his testimony with the jury. The trumped up case of Geraldine against his wife was shattered and his lot was public obloquy and scorn.

A QUOTIENT VERDICT.

By Munson T. Case.

Almost every lawyer who has tried cases on the law side of our courts will recognize from the above title a very ordinary method of the average jury in arriving at what is frequently designated a compromise verdict, where the only difference between them, under the evidence, is how much the prevailing party should receive as his or her damages.

Such verdicts are only condemned when they are arrived at as the result of a gamble or chance; that is, where the jury, in advance of adding the amounts fixed by the respective jurors and dividing the sum by the number of jurors to secure the quotient, or average, pledges or agrees that such quotient shall be the amount of the verdict; but while compromise or chance verdicts are set aside, the tendency of the courts is to sustain verdicts which appear to indicate a getting together of the jurors by compromising their differences of opinion, rather than to encourage obstinacy or tenacity of opinion on the part of individual jurors. So it is that a quotient verdict arrived at for the purpose of seeing how nearly the average of the views of

MUNSON T. CASE

Munson T. Case, born 1857, prepared for Princeton College, New Jersey; read law under Charles J. Roe in New Jersey and Judge A. K. Hadley, New York City; one of the reliable trial lawyers of the Chicago Bar. When his services are enlisted in any litigation, his clients count upon his thoroughness, his diligent research of authorities and his loyalty to their interests to get the best possible results. His name appears in many important cases reported in the Supreme and Appellate Court reports, and he has done much along the line of preserving the common law functions of jury trials, in securing reversals of directed verdicts.

all would suit the views of different jurors, if the jurors are not committed in advance to accept the quotient as their verdict, is not condemned by the courts.

In a case tried before Judge Haney, my opponent was Joseph B. Mann, now of Danville, Ill., a veritable war-horse in the trial of law-suits.

The jury had been examined, and their answers to questions being satisfactory to our side, had been accepted by the plaintiff. My good friend Joe, while examining the jury on behalf of the defendant, brought out from the twelfth juror examined by him the fact that he knew one of the persons to be called by the defendant as a witness, whereupon the shrewd lawyer quite promptly said, "The defendant is satisfied with the jury."

Considerably exercised over this last juror, whose surname, Sorensen, was the same as that of the witness, I asked leave to examine him further, which was given me. This examination brought out the fact that both witness and juror lived in South Chicago, both were contractors, their business relations were close, and their social relations were intimate, although not related by blood, and the juror would not admit that he would give any greater weight to the testimony of his friend than he would to that of a stranger.

My challenge for cause was promptly overruled, and having one peremptory challenge left I challenged the juror peremptorily. This challenge was allowed and the juror stepped down from the jury box, when the court bailiff whispered something to the judge, who thereupon ordered the juror not to leave the room, and said to the lawyers: "Gentlemen, the bailiff informs me that we have no other juror to take Mr. Sorensen's place. So, unless you consent to go ahead with eleven jurors, Mr. Case's

peremptory challenge, made after he had once accepted the jury, will be overruled." My adversary objected, and the juror retook his place in the box.

"I hate to make you go ahead with that juror, Case," remarked JJoe, "but if the law allowed fifteen jurors instead of twelve, I would be better satisfied; an amount divided by twelve is less than when divided by eleven."

The witnesses were on my motion excluded from the court room until called upon to testify. When the witness Sorensen was on the stand his statement contradicted not only that of our witnesses but also every witness who had previously testified. It was so inherently improbable that juror Sorensen received his namesake's testimony shamefacedly and before the cross-examination was over would not even look at him. My client, however, was awarded substantial damages. The court, on the hearing of a motion for new trial, reduced the verdict by requiring a remittitur.

On the following morning, happening to be in the room that was occupied by this jury while deliberating on their verdict, I saw on the table some legal cap with figures indicating that several amounts had been added together and then divided by some figure, but, as the quotient was substantially different from the verdict in my case, I gave this circumstance no special attention.

A couple of years afterwards, while walking north on Clark street, near the court house, a gentleman whose face seemed familiar spoke to me, saying: "Do you remember the case tried before Judge Hanecy several years ago? I was foreman of that jury." He further informed me that he did a good thing on that occasion for my client, because, he said, there were some jurors on the panel who were unreasonably disposed to give a small verdict, and it

looked like a hopeless disagreement until he himself proposed that each juror should put on a slip of paper the amount he thought the plaintiff was entitled to, when they would divide the sum by twelve and thus strike an average.

He candidly explained: "I fixed it so that your client would get a good verdict, for I placed the amount on my voting slip at a very large figure."

Which gave me a strong inkling of the sagacity of my friend Joe as a trial lawyer and the peculiar nature of the quotient verdict.

A BAG OF MONEY.

By Joseph B. David.

"The glorious uncertainty" or inglorious miscarriage of the law often results from a bogus alibi or a wrong identification. I was interested in a case where three young fellows were charged with robbing a saloon in Archer avenue. The saloon-keeper said that one night when he was placing the receipts of the day in a small bag the trio came in and with revolvers in their hands deprived him of the bag and its contents. They declared that it was a case of mistaken identity. Oh, no, they were not the robbers—they were virtuous young men and would not dream of committing such an atrocity. They were elsewhere, all of them, on that night—and they brought witnesses who swore for them a cast-iron alibi. The jury brought in a verdict of not guilty. When the defendants

were brought back to the jail for the usual formula before release, Charlie Smith, one of the bailiffs, who had his own ideas as to the justice of the verdict, remarked:

"Well, you fellows are pretty lucky."

"You bet!" coolly retorted one of them. "I thought we'd get ten years, anyhow. As it is—well, here, you may give that guy of a saloon-keeper his little old bag."

And he handed over the bag that had contained the stolen money.

A CHOICE OF INTERPRETERS.

By Joseph Mahon.

An interpreter had been necessarily arranged for in a case before Judge Goggin, in which nearly all the witnesses were Germans. I was engaged for the defendant. When the case was called I looked around and inquired for the interpreter. A young man sitting inside the lawyers' inclosure smiled and nodded. I motioned him to a place near the witness stand and commenced my examination of the first witness.

"What's your name?"

Instead of interpreting my question to the witness, my language expert only smiled at me in silence. I repeated my question and ordered him to translate it to the witness, but he only continued to smile in an imbecile, deprecatory way. By this time the judge was smiling, so were the jury and spectators, and the attorney on the other side was grinning. I could not see where the joke lay, and

began to think I was dealing with a deaf mute, till it transpired that the individual I had mistaken for the interpreter was an Italian who did not understand either English or German. Amid general amusement he was excused, and he retired not knowing what the laugh was about.

I was about to press one of the witnesses into service as an interpreter when a Hebrew friend of mine entered the court room, a young man with supreme confidence in his own ability and versatility. Interpret?—of course he could, not only the tongues of modern Europe but Sanskrit and Chaldaic and Hindoostanee. A polyglot and a paragon. With reassuring promptness and decision he took up the job of questioning and translating, with the result that in three minutes he had the attorney on the other side purple with wrath and excitement. It appeared that my voluntary interpreter, in his friendly zeal, was endeavoring to color the testimony to suit my interests in the case. At length, when my Hebrew friend made a specially flagrant translation, Judge Goggin lost patience and exclaimed:

"My, my this is the worst I ever heard. Here, Mr. Bailiff, take this fellow out of here and bring back that dago!"

CHOICE AS TO HIS VOCABULARY.

By Quin O'Brien.

In a will case in which I was engaged there was question raised as to the mental capacity of the testatrix. An

attempt was made to prove that she had been subject to hallucinations, and for four days copious medical testimony on this point was given, until it seemed as if everybody was more or less afflicted with hallucinations.

At length a big Irish policeman took the stand. In a brogue as thick as a club sandwich he testified that he had arrested the woman one night as she was running about the street in her nightgown, hysterically waving her hands and shouting.

In cross-examination, thinking to have some fun with him, I assumed a brogue like his own and asked him what he thought the woman's mental condition was when he found her.

"Well," he replied, profoundly assuming the air of an expert, "I believe she had hallucinations." And he said it in such a broad and juicy voice that everybody in court laughed.

"Hallucinations again!" I said, seeing a chance to prove that he had been coached by the opposite side. "Now, officer, please tell me where you got that word."

"Where did I get it, is it?" he said. "Why, then, I didn't invent it originally, but I make use of it whenever I have occasion."

"Come now, officer," I persisted, "isn't it true that you never made use of that expression until today and that the lawyer on the other side put it into your mouth?"

He surveyed me with contempt and indignation, then addressed the court in ponderous dignity:

"No, judge, your honor, I've been accused of many a mean thing in my life, but, thank heaven, I never got so low as to borrow my vocabulary from an attorney!"

SAMPLED THREE NATIONALITIES.

By Francis E. Croarkin, A. M., LL. D.

During my first year of attempting to practice law my grocer, who took a kindly business interest in my progress, sent me as a client a shrewd old Irishwoman named Schneider, who had got into trouble on account of the marrying habit. Her last husband had had her arrested on a charge of bigamy, and she was out on bond.

In the course of a long interview I got from her the dates of her last marriage and her previous one, and it appeared she was not much, if at all, to blame. Before marrying Mr. Schneider—indeed, many years before she had met that jealous and finical German gentleman—she had married a Yankee named Adams. The latter disappeared, and fully seven years afterwards, when she had read in the press the obituary notice of Adams, which was confirmed by a man who told her he was at the funeral, she married Schneider.

The latter had three grown sons, who became prejudiced against their stepmother. They conveyed to their father the startling information that the woman was not his legal wife at all, as her first husband, Adams, far from being laid away in Rosehill, was living in the neighborhood.

Then did happiness fly out the window of the Schneider home, to an accompaniment of smashing crockery, as Mrs. Schneider retorted with the kitchen artillery to her husband's indignant language. Mr. Schneider and his sons fled under the bombardment.

Mr. Schneider had met Mrs. Adams through the professional offices of a female matrimonial agent on Thirty-

first street. When his feelings had somewhat calmed, he thought it would be foolish to forfeit the benefit of the marriage agent's fee on account of an alleged living predecessor. So he made overtures for a return, but they met with inexorable rejection.

"Get out of here," was her stern command, "and never let me see your wienerwurst face again!"

Then, exasperated and vindictive, Schneider had her arrested for bigamy.

When the case came up for trial, which was in Justice Rhodes' court, Schneider had her previous husband, Hiram Adams of Boston, there to confront and try to convict her. And the two marriage certificates were in evidence.

But a very bad hour it was for the Yankee, who looked an embodiment of conscious guilt and shame.

"Do you know this man?" asked the opposing attorney, when my client was on the stand.

"Of course I know that worthless Hiram Adams," replied the defendant. "I married him and lived with him two years, and then I got tired of supporting him and having him come home drunk every other night. So I turned him out of the house. Years ago I heard that he was dead and buried, and that would be no great loss."

Everything was legally in my favor and I looked for certain acquittal for my client, when the other side launched an unsuspected bomb. The attorney on the other side asked:

"At the time you married Adams, madam, had you not another husband living and undivorced?"

"Yes, sir, I had; his name was O'Shea, but he was crazy in an asylum."

It was a great shock to me. As a lawyer newly starting

out, the amusement in court covered me with confusion. Judge Rhodes promptly held my much-married client to the Criminal court. He said she was guilty not only of bigamy but of trigamy.

"What on earth did you mean, madam," I demanded severely, after reaching the street, "by concealing from me, your attorney, all about your first matrimonial affair?"

To which she replied:

"Faith, I didn't think it was any of your business. And sure, anyway, O'Shea is dead."

In due course Mrs. O'Shea-Adams-Schneider was tried in the Criminal court for bigamy. I had found that her first husband was living when she married the second, which made the second marriage bigamous and a crime at the time, and as she had ceased to live with the second husband before the death of the first it made the second marriage invalid and not even a common-law one. But the third marriage was perfectly valid, because, before it was contracted, the first husband, O'Shea, had died. Therefore in the charge of bigamy for the third marriage, the jury, following my argument and the law in the case, brought in a verdict of "not guilty." But her secretiveness cost her an extra hundred dollars.

A HARD-LUCK STORY.

By John J. Coburn.

He was a big, strapping young man, yet his manner showed embarrassment and his words came haltingly to his lips as he ventured to accost me in the public street. He

looked ashamed and hungry, and he was. It was a dreary, snowy, winter night, with the street pretty well filled with people hurrying to their homes—a bad kind of night for anybody to be hungry, a specially crucial and dangerous night for the ravenous appetite that usually has abode in a stalwart frame. Accordingly I took the wanderer to a restaurant and invited him to name his gastronomic needs.

The more I looked at him, so strong and healthy looking, the more I wondered at his destitute condition, until at length I expressed my surprise. He did not warm up to the conversation point at once, but when he had eaten well and drunk a couple of cups of coffee he explained.

"I do not look the part now," he said, with a glance at his ragged clothing, "but it is only a few months since I was a contractor and prosperous. I owned wagons and teams and did a good business. Do you remember the Spectatorium, the great show building they started and did not finish? Well, the Spectatorium proved a specter of disaster to me. I took the contract to excavate for the foundations. The names of the men behind the scheme looked so good to me that I was certain it would be a big success. That was why I neglected to make sure of my money.

"The work lasted several months and I used up my bank account in paying my men and I got into debt for horse feed and other necessities. Then the whole Spectatorium scheme went out like a pricked bubble and not one of the creditors could find a dollar. The men I owed took my horses and wagons and everything I had, so that I found myself a tramp. I had no money, no home, no friends, and here I am. I'm adrift tonight."

I gave the lone wanderer the price of his bed and break-

fast and asked him to call on me next day, as I might be of some service to him. In the morning to my surprise he called. I found his story true. I began suit for him in the Superior court of Cook county against one of the general contractors for the Spectatorium, a man who has since become prominent in politics and has been frequently mentioned for mayor. The trial was before Judge Stein and a jury.

The jury returned a verdict giving my client the full amount of his claim. Judge Stein promptly overruled the motion for a new trial and the counsel for defendant immediately drew his check and paid the judgment in full. My client, whom I had met a wanderer in the storm, walked out of the court room with a large new start in life and more money, as he put it himself, than he ever had before. He is now a well-known contractor in Chicago and is worth about $50,000.

A CARNIVAL OF WHISKERS.

By Hon. Joseph A. O'Donnell.

It was when "close the barber shops" was the shibboleth of Sabbatarians in Chicago and bristles were in consequence much in evidence as facial decorations on Sunday morning. Through the efforts of the Sunday closing crusaders a law was passed closing up the barber shops tight on Sunday, and a number of zealous citizens started out to enforce it.

My friend Charlie compromised by closing the front

door of his barber shop and leaving the side door unbolted, like saloons on election day. He did not much care for Sunday trade save to oblige his regular patrons in urgent cases. However, he was a lover of pinochle, and other players of this harmless game used to come to his shop on Sundays, which made it easy for a rival barber to have him arrested for breach of the Sunday closing act. The constable who arrested him, to make sure of conviction, drove him away out to Austin—now the Thirty-fifth ward, but then outside the city limits—to a stern and stolid rural justice of the peace.

Charlie telephoned me to come out and defend him. A very woe begone figure I found him, sitting on a fireplug in Austin, gloomily awaiting his doom in that abode of prohibition and righteousness. After some time we got to the court, which was held in the police drillroom, in the town hall. Against us we had the late Hope Reed Cody, afterwards president of the Hamilton club, and another lawyer. The local atmosphere was distinctly and despondently hostile. But, deciding to stand our ground, we demanded a jury trial, which was granted. The chief of police, who also acted as court bailiff, went out with an exulting smile to round up twelve good men and true.

By and by he returned with them. Whiskers! A more marvelously hirsute assemblage I never saw in my life. Their united front was a forest of hair. My heart sunk in my shoes. Charlie's face grew white with apprehension.

"None of these fellows was ever in a barber shop in his life," he whispered; "none of them ever had a razor to his face. Their wives cut their hair. Heavens! they'll hang me."

On examination every one of them admitted that he had

never patronized a barber. One said he used to shave himself about twenty years before. We excused peremptorily three of the most patriarchal-whiskered—all we could do—but others as hirsute took their places: the climate of Austin was most favorable for whiskers. The trial went on. The witnesses for the prosecution swore they had seen men entering the defendant's shop on Sunday as if to get shaved. Charlie in defense testified that they came in to play pinochle. On cross-examination, however, he made a most damaging admission. He said that occasionally they played a game of poker! The scandalized sanctimonious jurors rose, frowning, in their seats, for a better look at the abandoned defendant.

In my argument to the jury I pleaded that the law closing barber shops on Sunday was unconstitutional, that for various reasons men might not be able to get shaved Saturday night, that a shaven man on a Sunday morning made a cleaner Christian and one in a better mood and condition to attend church. But my pleadings, I saw with dismay, fell on scornful or prejudiced ears. Only one juror, a big Irishman named McRory, with bushy red whiskers, seemed to pay me particular attention, and to him I specially addressed myself.

At 2 p. m. the trial began. At 6 o'clock the jury retired to the police squadroom. At 7 they were still debating. The justice sat and mopped his perspiring brow, for it was a very sultry night, and he kept looking at his watch, for it was beyond his dinner hour and he was tired and hungry. By degrees the murmur of conversation in the jury room rose to a roaring turmoil, a riotous clamor. Through the windows most of the jurors could be seen sitting around with stern and angry faces, while in the

center, fiercely gesticulating and haranguing, stood the red-haired Irishman.

At length, as 9 o'clock approached, the justice summoned forth the jury and asked if there was any chance of a verdict.

"No!" thundered the fiery-haired Celt, "and we'll never agree to a verdict, because we didn't have any proof that he was shavin' people on Sunday, but only that he was havin' a game of cards, and I wouldn't be for finin' him even if he wasn't playin' a little Dutch game of pay-knuckle but a good, rousin' Irish game of forty-five!"

The jury disagreed. The case was not brought to trial a second time, for the Supreme Court declared the law closing barber shops unconstitutional. But ever since that trial my friend Charlie the barber has had a fierce repugnance to whiskers, except red ones.

THE DUST IN THE JAR.

By Edward Maher.

It was during the prevalence of the grave and odious crime of cattle poisoning in a certain district of Cook county. Cattle were killed off nightly, sometimes many head of them. It was mysterious rural spite work. Everybody looked with suspicion on his neighbor. The chief killing agent used was arsenic; being almost without taste it is the easiest poison to give, as it is also the easiest to detect when given. The evil increased to an alarming

EDWARD MAHER

When, in the judicial elections of 1915, Mr. Maher and his four associate independent candidates entered the arena to challenge the right of political bosses to nominate candidates, they issued a declaration that they were not opposing the "sitting judges, now running." Later they were busy explaining that this was not a "bull" but a "bear;" but Mr. Maher gallantly assumed responsibility, Vigorous and vivacious, genial and versatile, he is one of the most brilliant and successful lawyers in the middle west. Possesses also the military and literary instincts; carried a sword in the 2nd regt. I. N. G. and is a graceful and forceful writer.

extent and detectives and police scoured the country in attempt to bring the guilty parties to justice.

Once after the destruction of a particularly fine herd of cattle I was called upon to defend the persons accused of the poisoning. There was a whole family placed on trial for the offense—father, mother, daughter and three sons. There were many critical and peculiar features of the case which tended to show that other parties besides those accused were vitally concerned in the matter and that the sleuths of the law were on an apparently erroneous track.

The chief evidence on which the state depended was a jar of paris green, the complete base of which is arsenic, which was found in the barn of my clients. The jar was produced in court and it certainly made an ugly and damning exhibit. It seemed as if my clients, taken as it were green-handed, were surely headed for the penitentiary.

On examining the jar something about it struck me as suggestive. I was aware that arsenic, administered, causes death in from two to four hours.

"Officer, has this jar been in your absolute and exclusive control since it was found?" I asked the policeman in charge of the exhibit.

"It certainly has."

"And have the contents, covered as they are with an air-tight screen, been disturbed or shaken up since the jar came into your possession?"

"No, sir."

"Officer, please measure the contents of the jar from the outside."

He measured them with a steel tape. The jar contained

six inches of paris green, distinguishable by the color and over this, in a gray layer, was three-eighths of an inch of ordinary dust.

"Was that dust there when you obtained the jar?"

"Yes, sir."

"Gentlemen of the jury," I said in my address, "as arsenic kills in two to four hours after being administered, and as this thick layer of dust proves that the contents of this jar were not disturbed for many a day before the cattle were poisoned, I confidently submit that the stuff that killed them never came out of this jar."

The dust saved the day and the verdict was not guilty.

SAVED BY A DATE.

By Kickham Scanlan.

Prospects looked rather black for Frank Klawas, a young man I was defending on a charge of arson. He was accused of having fired his saloon on Milwaukee avenue after having the goods in the place insured for three or four times their actual value.

It was proved that shortly before the fire he removed his family and household goods from the living rooms at the rear of the saloon to another residence, also that he had removed the goods without notifying the insurance people, as was required by the policies. The whole nature of the fire was very suspicious. When the policeman on the beat first noticed it there was only a small blaze, but this was suddenly followed by an explosion that blew out the rear of the building. When the blaze was put out, which was

quickly done, and the firemen and police entered, they found a strong smell of kerosene all over the place and they discovered traces of kerosene leading from the back door, where the fire broke out, to the basement stairs, where it was said a mass of newspapers was found saturated with the inflammable oil and evidently placed there to convey the flames quickly to the basement. It was further proved that Klawas left the premises only five minutes before the fire was discovered.

Our defense was rather weak. To offset the removal of the furniture it was proved that six months previously the defendant's wife had gone insane, that she was later pronounced cured and that it was to provide a new and more congenial home for her and the children that Klawas had moved the furniture, forgetting in his hurry to notify the insurance people.

After the noon recess I was vaguely looking over the oil-saturated newspapers which were offered in evidence by the prosecution. Suddenly I started in amazement. I looked and looked again. Could I believe my eyes? I handed one of the incriminating newspapers to Judge Tuley, before whom the case was being tried, and asked him to read the date. He did so, and was as much surprised as myself. The newspaper, produced as having been used for the burning, bore the date of the day after the fire at the defendant's saloon!

Then ensued bewilderment and trouble for the prosecution. The judge recalled one police witness after another and endeavored to ascertain who had found the saturated papers and in whose charge they had been since the fire, but in vain; the puzzled officers suspected something wrong and none of them would testify as to the custodianship

of the newspapers, which now became an engine for the defense.

"The state enters a nolle prosequi," at length said the state's attorney, and my client walked out a free man.

A POSITIVE VETERINARIAN.

By Myron H. Beach.

A gentleman most remarkably profound in the knowledge of his profession, versed in it to a most startling, illimitable, phenomenal degree, was a witness whom I encountered in the character of veterinary surgeon in a case that arose over a colt.

The colt, which was a valuable one about two-and-a-half years old, was the property of a man named King, who, after some unsatisfactory experience in farming, decided to move into town and resume his business as a wagon maker. On his journey to town he happened to pass by the home of Farmer Brown, who took special notice of the good-looking colt, conceived the idea of buying him, and persuaded King to leave him in his charge for a few days. Brown turned the colt loose with his own horses. In mixing with his new equine acquaintances the colt received a kick that broke his leg, and Brown, thinking the injury incurable, shot him. King came in due course and demanded payment for his colt, which Brown refused. Then came the lawsuit.

As counsel for King I contended that Brown was not justified in killing the colt, that the injury the latter had received was capable, with proper treatment, of healing.

But this rural veterinarian, put up by the defense, gave evidence that this was utterly impossible and out of the question; he said that the bone of a horse, even of the colt's age, was hard and flinty and if broken could not be made to knit. Then I proceeded to examine him as to his professional attainments.

"I presume, Mr. Veterinary Surgeon, you have studied the leading authorities on the diseases and ailments of the horse?"

"Yes, I am pretty familiar with them."

"Have you ever read Archimedes on glanders?"

"Well, I should think I have."

"Have you ever studied Locke and Carlyle on diseases of the pasterns?"

"Yes, sir, very closely."

"Have you read the works of Hypochondria and Hypothenuse on the subject of stringhalt?"

"Yes, from cover to cover."

"And perhaps you endorse what Emerson and Coriolanus and Esophagus say on the treatment of 'roarers'?

"Yes, and I quite agree with them."

"And also, I daresay, you endorse what Mezzo Soprano and Dipsomania and Parallelipipedon propose as the best remedy for 'crib chewers'?

"I have used it again and again with success."

That marvelously versed witness might not have been an impostor but merely possessed of an overweening and indomitable confidence in the multifarious authorship and character of the works he had studied, including even the profoundly mythical ones I had quoted. Whether he thereafter continued to practice in that part of the country I do not know, but the amusement that reigned in court

when I commented on his line of studies seemed to fill him with disgust and discouragement.

The jury disagreed and subsequently Brown settled the case.

A PUZZLING PENSIONER.

By John E. Kehoe.

"Is he Bill Nuby or is he Rickety Dan?"

This was the burning question involved in a case in which I was professionally interested some years ago. It was debated with special ardor in Wayne county, Illinois, dividing communities and even families, estranging old and tried friends, and spreading like a prairie fire over southern and central Illinois. Everybody, old timers and young timers, took strenuous sides, nobody sat on the fence, and whoever ventured an opinion had to be cautious as to the partisanship of his audience.

"Nuby or Benton—genuine or fraud?" In my judgment the simple unvarnished facts in the case are stranger than any tale of fiction that the human mind has yet conceived.

When the Civil War began in 1861 there were two young men in Wayne county, Ill., who were remarkably alike and remarkably different in general appearance from the average young man. One was known as Bill Nuby; the other's name was Benton, and he was known as "Rickety Dan." Both were big, broad shouldered, loose jointed, raw boned,

homely fellows, with monstrous big hands and big feet and a shuffling gait, and both were accustomed to getting into innumerable brawls and fights, as a result of which they had scars enough to arouse the envy of the most popular student duelist that ever came out of old Heidelberg.

Benton was known as Rickety Dan by reason of a nervous affliction that was supposed to have resulted from rickets in childhood, and Bill Nuby was apparently afflicted in about the same way.

When the war broke out Nuby joined a Union regiment that went to the front from his native county, but Rickety Dan stayed at home. During the first day's battle at Shiloh, while the Union troops were sustaining a temporary repulse, Bill Nuby was left apparently lifeless upon the field. His body was not recovered and it was supposed that the Confederate soldiers had laid it away with those of their own dead, and for thirty years his name appeared in the list of those who had gone to the front from Wayne county and had died upon the field of battle. Shortly after Nuby went in the army Rickety Dan Benton disappeared and was never heard of afterwards. Neither Nuby nor Benton had accomplished anything especially praiseworthy before leaving the county, and both were soon forgotten.

More than thirty years afterwards, a tall, angular, raw boned, odd looking specimen of humanity, apparently about sixty years of age, appeared in Wayne county, and announced that he was Bill Nuby. He said that he remembered having gone into the battle of Shiloh, and that from that time on until a few months before his reappearance his memory was an entire blank; that he then found himself in an insane asylum, in which he learned that he

had been confined only for a very short time, so that from the memorable morning when the Confederates took the Union soldiers by surprise at Shiloh until the date when he apparently recovered his senses in the asylum he had not the slightest knowledge of where he had been or what he had been doing.

People who had known Bill Nuby as a young man looked him over and took him at his word, especially when he showed an intimate knowledge of Bill's boyhood life. He applied to the government for a pension, had no difficulty in proving his identity and collected several thousand dollars of back pension.

Shortly thereafter the knowing ones commenced to whisper around the country that the pensioner was not Bill Nuby but that he was Rickety Dan Benton. All the power and resources of the government secret service was brought into play upon the matter. The most searching investigation failed to account for him at any time or place within the thirty years that had elapsed between his disappearance at Shiloh and his reappearance in an insane asylum shortly before his application for a pension, and nobody was able to throw any light upon the disappearance of Rickety Dan Benton. The government found a large number of witnesses who were prepared to swear positively that the queer looking old stranger was Rickety Dan, and on the strength of this evidence caused his arrest and indictment by a federal grand jury at Springfield. The prosecution aroused intense interest and much bitter controversy among the people who had known one or both of the queer characters.

When the case came to trial before Judge Allen in the criminal branch of the United States district court at

Springfield the partisans of the prosecution and those of the defense had to be brought on separate trains to prevent a small sized civil war. There were about one hundred and fifty witnesses called, including men and women of the highest standing and respectability.

"He is Bill Nuby," positively swore seventy-five of these.

"He is Rickety Dan Benton," as positively swore the other seventy-five.

On each side there was testimony as to many little things occurring in childhood days that it would seem impossible an impostor could have known anything about. The trial was a lengthy one and during it all the tall, gaunt figure with the big jointed and big boned hands and feet, giving evidence of great physical power that had passed, and apparently premature old age, sat listless and indifferent, unconscious apparently of the fact that he was the central figure of a story of unusual human interest. The case was prosecuted in court by Hon. William E. Shutt, at that time United States district attorney for the southern district of Illinois. He was a man of commanding presence and great force, and the jury after many hours of deliberation, during which they must have been hopelessly at sea on account of the marvelous conflict of testimony, must have found that the safest thing to do was to accept Senator Shutt's theory of the case. At any rate they brought in a verdict of guilty.

An appeal was prayed to a higher court. But before the matter was disposed of the highest Tribunal of all settled the case by calling Bill Nuby or Rickety Dan Benton, whichever he happened to be, away from the scenes of his earthly troubles and tribulations, and the people of Wayne county are still wondering which one of the two he was.

A WITNESS WITH A GRIEVANCE.

By Hon. Albert C. Barnes,
Judge of the Superior Court of Cook County.

It was in a case of assault with intent to kill, where one man fired a shot at another on the public street. A policeman who resided in the neighborhood where the affair occurred testified among other things that he was reading a newspaper on the front steps of his house when his attention was attracted by the shooting. Among the witnesses was an old Irishman, who, aggrieved at being kept from his business, waxed very impatient while waiting two or three days in court before he was called to give his testimony in the case. When at length he was called to the witness stand his demeanor showed him irritated and scornful at the whole proceedings.

In cross-examining the witness the lawyer for the defense somehow confused his testimony with that given by the policeman.

"So you were sitting out on your front steps that evening?"

"Yes, sorr, I was."

"And you saw the shooting?"

"Yes, sorr, I did."

"How could you see the shooting when you were reading a newspaper?"

"Who says I was radin' a newspaper?" demanded the witness in sudden anger.

"Come, now, will you swear that you weren't reading a newspaper when the shot was fired?"

"Indade, sorr, I'll swear that I wasn't radin' a newspaper—I'll swear it on a stack of bibles!"

"But it is in evidence that you were reading a newspaper on that occasion."

"Is it, begorra? Then, if it is, your evidence must be a fine lot of infernal lies."

"Why do you want the jury to believe you weren't reading a newspaper?" demanded the lawyer in irritation.

"For the simplest rayson, sorr, in the whole worrld."

"And what is the reason?"

"Because, sorr, the divil a bit of me can nayther read nor write."

As the witness left the stand amid the laughter of the spectators he gazed reproachfully at the lawyers and remarked sarcastically:

"Me radin' a newspaper, indade! And me to be kept three whole days from me worrk just to answer fool questions like that! I wish to hivin I never seen any of yez."

A THIRSTY JUROR.

By Hon. Frank Baker,
Judge of the Appellate Court, Cook County.

The afternoon was sultry, the courtroom close and the suit in progress a tedious condemnation one. Probably actuated by these conditions some of the lawyers engaged in it suggested, shortly after 4 o'clock, that the case be adjourned for the day. To this the lawyers on the other side objected, and after some arguments it was decided to go on with the case. Upon this one of the jurors, a stout, florid German, went despondently to the water cooler and helped himself to a long, deep draught of "Adam's ale."

Immediately afterwards something occurred which decided me to adjourn court for the day, whereupon the German juror, pathetically and unwontedly waterlogged, looked at me with a very pained and injured expression and said in a reproachful voice:

"Mine dear gracious, chudge! vy didn't you say dot before in time alretty? Von minute ago I had de very most elegant thirst of my life, and now it is spoiled by my drinking all dot water!"

STRIPPING A BABY.

By Hon. George A. Dupuy,
Judge of the Superior Court, Cook County.

It is not often one witnesses the undressing and dressing of a baby in open court. I saw that nursery process performed once in the judicial chamber, and the surrounding circumstances made it a very pathetic and impressive spectacle.

This particular baby was the innocent fruit of an improvident marriage contracted in hard times. Both parents were very poor, and poorer they became under the shadow of adversity. The wolf of poverty howled long and dismally at their door. At length the father drifted away in search of work. The mother, left alone and destitute, found herself unable to support herself and her infant and at length in desperation she decided to part with the latter as the only available means of saving its delicate life. A wealthy woman agreed to adopt the baby, which was a very pretty one. The little atom of humanity was accordingly transferred from the arms of want into the

lap of luxury, and the mother bade it a tearful farewell and sorrowfully went her way.

After some time it happened that fortune smiled on the forlorn couple. The husband secured a good position and they became reunited and comfortable. And there came to them an urgent natural desire to get back their child.

They earnestly craved its return from the woman who had adopted it, but she promptly and peremptorily declined to hear of such a thing. Finally they brought suit for the recovery of their offspring. At the trial, which attracted much interest, it was proved that the adoption had not been carried out in a legal manner, and the court, to general satisfaction, directed the restoration of the child to its real parents.

Then occurred a passage which revealed the respective characters of the real and deputy mothers in a way which recalled the parallel scriptural case that evoked the celebrated judgment of Solomon. The unconscious little object of contention was elegantly attired in velvet, silk and lace, as became the adopted daughter of riches.

"She may have back the child, as the court has so ordered it," exclaimed the wealthy mother by adoption, in anger and vindictiveness, "but the child's clothing is my property, and it shall remain with me."

Then, before the surprised and unsympathetic gaze of all in court, she divested the baby of its clothing of rich material—cloak, cap, dress, even underwear—leaving it as naked as when it was born, while the baby, unaware of the nature of its transition, passively underwent denudement, looking around with big innocent eyes on the array of staring faces. Next the woman hastily attired the child in the poor and shabby garments it had worn when she adopted it and which, evidently foreseeing defeat, she had

brought with her for this purpose, after which, bundling up and taking with her the costly baby clothing, she swept from the courtroom, the object of many contemptuous glances and whispered disparaging remarks.

But the feelings of the spectators were turned to pleasure and gratification as they beheld the radiant expression of joy that illumined the face of the real mother as with a cry of delight and thanksgiving she received her baby into her arms and pressed it to her heart.

THE PERKINSON TWINS.

By Hon. Oliver H. Horton,
Former Judge of the Circuit and Appellate Courts, Cook County.

Little children borne along to neglect and misery on the ill-flavored current of mismated humanity that flows through the divorce court presents about the saddest and most shocking spectacle in America.

It was a glimpse of twins that made me specially interested in the Perkinson divorce suit.

It was an old and monotonous story, sickening in its dreary sameness—a meeting of impulsive young hearts at a Saturday night dance, a case of alleged love at oblique and misty first sight, a trip to St. Joseph and breathless bargain-sale rush into the sanctity of marriage, a period of domestic felicity followed by the rift within the lute, bickering, disillusionment. Lillian developed a temper and Joshua developed a thirst. From the arrows of her tongue he took dubious refuge in sundry schooners that

cause many wrecks at the bar, and she now sought divorce from him on the only too common ground of his deserting Cupid for Bacchus.

Having heard the evidence I asked both the parties to meet me in my chambers at a certain time, not letting either know that the other would be there. I also arranged that the twins would be in evidence at the reception.

That was a frosty and unpromising meeting on the part of the Perkinsons—the twins, invincible in their infantile optimism or indifference, of course excepted. Joshua critically examined the frame of the picture of the presidents of the United States, and Lillian concentrated her attention on the movements of a Swedish window-washer on the other side of the street. Each seemed sublimely unconscious of the other's presence.

"My curious young people," I said, calling their attention to the twins, "here is something that ought to interest you much more than anything you can find over there or anywhere else on earth—two living rose wreaths of love and beauty, that have been sent fresh from the glorious garden of Paradise to bind you closer together in the sanctity of a Christian home. Are you going for the sake of petty passing quarrels, of wretched disputes caused by pride and passion, by temper and tippling, to be false to this grand trust that Providence has given you, to wickedly reject treasures greater than all the gold in the mint, than all the diamonds of the Rand?"

The pair looked at me and at each other, their faces changing and softening, and then at the twins.

"Are you going to break up your little home and let these poor innocents grow up fatherless or motherless or both, to drift like abandoned weeds on the slimy and sordid

stream that flows from the divorce mill? Look at them and make up your minds. Then say the word and I'll give you all the divorce you want!"

The Perkinsons never said it. Instead they fell on each other's necks and then they fell on the twins, each of them affectionately grabbing one. They thanked me cordially, effusively, incoherently. Then they hastened out the door and down the corridor, and one divorce suit had come to an auspicious close.

MULROONEY'S WOOING.

By Simeon Armstrong.

Into my office one fine morning came Mr. Michael Mulrooney, an elderly little man, stocky of figure and shrewd of face.

"It goes agin me grain, sir," he said, "to go to law at all, and it sorely grieves me to take the law on a neighbor, particularly when that neighbor is a lady and the widow of a particular ould friend of mine. But in justice to myself I can't help it, for nobody will stand havin' their feelin's thrifled with and lacerated.

"It's Mrs. Anne Finnegan, Johnny Finnegan's widow," he whispered impressively.

"Ever and always I was friendly with the Finnegans," he continued, "and when poor Johnny died last week I was one of the first and last at the wake, helpin' to console the widow, for seein' as I'm a widower myself, I know what it is to lose one's partner. To spake words of cheer and comfort to the widow, I got the sate next to her, and

on the opposite side was Tom Cassidy, mane enough to be listenin' to every word of our conversation.

"'Mrs. Finnegan,' says I, 'I do be hopin' that Johnny didn't go lavin' you unprovided for, without anything to take the sting out of your terrible lonesomeness.'

"'No, indeed, Mr. Mulrooney,' she said; 'me poor man left me well and comfortably provided for, with a great deal more money than I'll have need of all the days of me life. He had $4,000 insurance on himself in the Impayrial Laygue, and that much more in the Columbian, and a few other thousands here and there in different other societies.'

"Which information plazed me very much, sir, but she bein' a purty good-lookin' woman an' simple in her ways an' nature, as such cratures often are, it occurred to me at once that, with all the money to timpt them, she was liable to be an object of dangerous intherest to connivin', dishonorable, fortune-huntin' rascals, an' maybe fall a victim to one of them. So I bethought me to take her there and then undher me protection, so says I:

"'Mrs. Finnegan, sure there's no use in your throwin' away money. Carriages cost $8 apiece to hire, and, as I'll have one all to meself at the funeral, you'll do me a very great favor be lettin' me take you out to the cemethery an' back, seein' it'll save you worry and expense.'

"'Thank you kindly for your offer, Mike,' says she, 'an' with pleasure I accept it. You were always a good friend an' neighbor,' says she.

"At which I was very glad and satisfied, though from the look on Cassidy's face I don't think he liked the arrangement.

"Well, sir, the widow an' me rode out together next day at poor Johnny's funeral. In perfect silence we

dhrove, for I wanted to let her see I sympathized with her bereavement, an' I was musin' on something very important I had to say to her later on an' thinkin' how best I'd up an' say it.

"On the way back from the buryin' I told the dhriver to turn aside an' go slow through Lincoln park, an' then I feelin'ly opened my mind to her. I offered her an honest heart an' hand, showed her the advantage of our marryin', and that I'd make her the best husband in the world.

"With that she looks at me reproachfully an' sorrowfully an' scornfully, an' says she:

" 'You kept your tongue in your cheek, Mike, durin' our long dhrive out this mornin', an' now you've spoke late, as the man said when he swallied the live chicken when he was suckin' an egg. I may tell you that out in the cemetery Tom Cassidy proposed to me, an' I've agreed to take him for betther or worse.'

"Now, sir, wouldn't such shameless an' hasty conduct as that give you a shock of disgust? It did me. I was never in my life so pained an' mortified at the greed of men and the foolishness of females."

I agreed with Mr. Mulrooney that Widow Finnegan's action had been rather remarkably precipitate, but I failed to see how I could afford him any special remedy or consolation.

"Oh, in troth you can an' will; I want you to bring suit agin her an' bring her into coort."

I said I saw no ground for any suit.

"Oh, but there is sir, an' good grounds. You see, when she towld me she was engaged to Cassidy, I felt as if a lake of ice wather fell on me. Of course the schemin' rascal knew all about poor Johnny's big insurance, which was the reason of his covetous and indacent hurry. As

for the widow, all the warm love an' sympathy I felt for that woman turned of a sudden into ashes. In cowld an' chillin' silence we dhrove home, but as I handed her out at her door I said:

"'Mrs. Finnegan, it was as the widow of me late lamented friend, John Finnegan, that I invited you to take a free sate in this carriage with me out to the cemetery. If you thought so much of the man as to accept his offer of marriage before your poor husband was cowld in his clay, why didn't you dhrive out with Cassidy?'

"'He had no carriage,' says she; 'he rode out on the sthreet car; but he's a betther man than you, anyhow.'

"'Well, ma'am,' replies I, back at her, 'although I agreed to take you out to the cemetery as Finnegan's widow, I didn't undhertake to pay your way back as Cassidy's bride. An', therefore, in common fairness, you'll have to pay your share of the hire of this carriage.'

"'No, then, Mike Mulrooney,' says she, 'nor divil a cent ever!' An' with that she sails into the house an' slams the doore. But I'll let her see who she's dalin' with."

The Widow Finnegan was brought to court to account for her share of the carriage hire. It happened in the course of the proceedings that she and Mulrooney found themselves sitting beside each other. To my surprise I saw them actually engage in conversation. Suddenly I saw Mulrooney's face light up as with ecstasy. Very soon he came over to me and whispered:

"She's softenin', she's wakenin'—she's broke with Cassidy! Call off the thrial. This case is settled both in coort an' out of it."

My enterprising client lost no time in making good his advantage. He cooed his way back into the widow's affec-

tions, no time was lost in obtaining a marriage license, and Mulrooney triumphantly wedded the relict of the late John Finnegan, the rejected Cassidy generously sinking his chagrin so deep as to act as best man.

The bridegroom moved his belongings and took domicile with the bride. About a month afterwards the landlord of the flat where the couple lived paid a visit and tendered his congratulations. He incidentally made mention of his rent to Mulrooney, who, with sensation of leisurely opulence, was tranquilly smoking his pipe.

"I suppose I am to regard you as my new tenant, Mr. Mulrooney," he remarked, "and that in future you will be responsible to me for the rent, which is $25 a month. Last month's rent is still unpaid, but on account of my friendship with poor John and the trouble and expense of his funeral I am willing to wipe it out. But how about this month's rent?"

"Come round in a week or two, as soon as Johnny's ten or fifteen thousand dollars of insurance money comes in, an' begorra, sorr, we'll buy the whole house from you if you'll only put a fair price on it," replied Mulrooney. And the landlord went away satisfied.

But Mulrooney's wife's sister, who had been an interested listener, uttered a sarcastic laugh.

"Ten or fifteen thousand dollars indeed! Arrah, Mr. Mulrooney, dear, is that what you're countin' on, an' is that all yez know about it? Oh, but 'tis you is the simple man entirely!"

"What's that you're manin' to say, Mary Anne?" demanded Mulrooney, in sudden alarm. "Wasn't Johnny Finnegan insured in a whole lot of societies, and isn't

there a big pile of money comin' wan of these days to his widow, my wife?"

"Poor Johnny did, indeed, belong to some insurance societies," explained Mary Anne, "but he was out of work now an' then, and he was a careless kind of man anyhow, an' he failed or neglected to make his monthly payments, an' so he was suspended an' dhropped from one society after another, until in the end he didn't belong to any of them. Thousands of dollars of insurance, agra? Och, no, nor divil a red cent!"

Mulrooney's face got green and his pipe fell on the floor. Just then his wife floated in, arrayed in the glory of sundry costly adjuncts of attire that he had purchased for her as wedding presents.

"Is it thrue what I'm just afther hearin', ma'am?" he inquired in a voice hoarse with deep emotion. "Is it thrue that there's no insurance money comin' to you at all?"

"Indeed there is not, Mike, dear," Mrs. Mulrooney answered airily and, as her husband thought, rather callously. "Why, I thought you married me just for myself. Poor Johnny somehow didn't pay his dues to the societies, so there's no insurance comin' to me, my duck and darling, none at all, unless of course"—by a happy afterthought—"unless, of course, you have something on your own life, and I hope before I have the handling of it that we'll spend many happy days together."

"No, nor divil another hour together, nor a minute!" shouted the enraged Mulrooney. "You're a black desaver, an unprincipled, cunnin' woman, a snake in the grass. I'd no more think of livin' with you than with an alligator."

"Oh, come down off your high horse, Mike," replied Mrs. Mulrooney. "And now that our honeymoon is over,

don't you think it's about time you'd go out and go to work, you loafer?"

In high dudgeon and with lurid language Mulrooney packed his baggage and departed. He took up his abode in a boarding-house, where a few weeks later he was arrested at the instance of Mrs. Mulrooney on a charge of wife desertion. His old rival Cassidy went on his bond.

And Cassidy brought him home. For by and by a reconciliation was effected and the strangely married pair agreed not to disagree. Mr. Mulrooney is gradually adapting himself to his new condition and endeavoring to fill his predecessor's place to a qualified extent of will and work. But nobody with regard for the dictates of prudence dare mention in Mulrooney's presence the word insurance.

A BOY AND A BANK.

By Hon. Judson F. Going.
Judge of the Municipal Court of Chicago.

As an instance of the deadly facility, the alert and brutal severity, with which young people are sometimes started on the road to ruin, I may instance a case that came under my notice when I was assistant state's attorney.

Gabriel Gillen, aged fifteen, only son of a decent widow in humble circumstances, to whom his weekly salary of six dollars was very welcome, was a messenger boy in a bank. Among his duties was that of collecting small accounts and overdraughts. It happened one Saturday, after collecting twelve dollars from a customer, he returned

to the bank only to find it closed for the day. He had not received his week's salary, and this he found of inconvenience, for, with the consent of his mother, he had planned—a very rare treat for him—to accompany two other boys to the theater that very night, the play to be followed by a little supper and the cost to each to be a dollar and a-half. And now he found that, not being able to defray his part of the expenses, he would have to drop out of the party. Then the idea occurred to him that he might take the money he needed out of the twelve dollars he had received from the bank's customer and replace the amount when he was paid his salary Monday morning. This plan he decided to adopt, reasoning that the bank owed him the money anyhow.

That will always be a memorable night's entertainment for Gabriel Gillen.

Monday morning as he entered the bank he was pointed out by the customer heretofore referred to as the boy to whom he had given the twelve dollars.

"Gillen, you are a promising young thief, an embezzler," said the cashier, who liked Gabriel none too well; "we will have you arrested."

The explanations of the boy were scoffed at and choked off. He was haled to a grimy "justice shop" over a low saloon, whence a complacent justice, a friend and debtor of the banking firm, sent him to jail to await trial, the bond being made so high that poor, shocked, trembling Mrs. Gillen, who had no "pull" with politicians high or low, was unable to get a bondsman.

Six long weeks the boy lay in the Cook county jail, in daily contact with criminals and general offscourings of humanity. When the case was called for trial I was assigned to prosecute, and it was then, to my amazement

and disgust, I was made acquainted with the facts.

"Your honor, I wish to take a *nolle prosequi* in this case," I said, addressing the court. "I find with sorrow and indignation there has been a gross wrong perpetrated;" and I outlined the story heretofore given.

"Stand up, my boy," said the judge, with tears in his eyes and voice husky with emotion, and Gabriel obeyed. "You are a victim of malicious prosecution, of vicious perversion of the law. The State of Illinois has unintentionally done you a wrong and injury, for which it can never make adequate amends and reparation. Take my best wishes with you into the world to which I am happy, even at this late hour, to restore you. Good-bye, and God bless you."

I may add that what is called poetic vengeance overtook the vindictive cashier. He was soon afterwards detected stealing money from the bank, and he is now in the penitentiary.