

# THE PROVING OF THE LAW

## A CIRCUMSTANTIAL EVIDENCE STORY



**AUTHOR'S NOTE.**  
The material facts in this story of circumstantial evidence are drawn from an actual recorded case, only such change of names and local color being made as to remove them from the classification of legal reports to that of fiction. All the essential points of evidence, however, are retained.

**T**HE CITY SKIN club extended a goodly array from Judge Adams and when the time came upon the list, every member was the first to appear. The look upon his face, with further satisfaction from like man his pocket a making ripe that meant a careful preparation and that full justice would be done to the story.

The tale that I shall tell you this evening is one that occurred in my own experience. For reasons that will appear, it never became a cause celebre, yet I think it offers sufficient of the unusual to be entitled to a place among these records of the club. It is did many of our members mind my first acquaintance with the club in a small town. Almost every member of the company of young men with which I was raised was either a lawyer, the son of a lawyer or a student of the law. One leading place in the day time and our meeting place in the evening was always someone or the other of the many law offices. We grew up in fact amid a atmosphere of law, and our friends had not known before or since. This called it "The Gentlemen's Club," but it had been named the "The Joe's Club" the title would have been more fitting. Its members would to enumerate them by their names titles will give you the best idea of the varieties of our life here.

There was the Governor of the Cigar Islands in the person of Davies, a brilliant student who had already made his mark as a stump speaker. There was Garrity, otherwise the Duke of Vermillion, who could cite by section and chapter a parallel to any case you might mention in the Illinois reports up to the one hundred and thirty-fourth volume; he quit at the 134 and went back to Blackstone. There was little Tom Childress, dignified by the title of Lord Mayor of Conlogue, who used to amuse himself by imitating Cooley's Constitutional Law into Latin blank verse. And there was Diaz, a fractious Irishman with a Spanish name, who claimed to be the sole surviving member of the Patriotic Order of Sons of Shays' Rebellion, who loved a joke as well as the smoky distillations of his ancestors' native ale and who gloried in the title of Lord High Admiral of the Royle, which all history to the contrary he declared to be the scene of a great first victory.

There were lesser lights with lesser titles and lastly there was "The Pawn." "The Pawn" was too handsome to be popular. He was also too quiet. He certainly thought himself a deal, but he seldom said anything. He was admitted to the club only on surffrage and only in the capacity of a pawn. His two consuming ambitions were to try a case before a jury and to be a full fledged member of the "Gentlemen's Club," with a title. If England's queen had offered him the ribbon of the bath he would have accepted it for these. His name, which is unimportant, is as never known otherwise than as "The Pawn." The club was in session in the office of Diaz. "The Pawn" was not present. "I think," said Diaz, solemnly, "it is about time 'The Pawn' was satisfied,

We haven't done anything to him lately. If we don't stir him up, he will forget his living. "The Pawn" went into executive session and plotted the undoing of "The Pawn." "The Pawn" at this time was giving little thought to anything save the howl and caprices of black-pod. Mary Asthon, Mary was the soul of fickleness, and having broken every youthful heart in the town except that of "The Pawn," she thought herself of him and she found in him a willing, yet a determined subject. "The Pawn" loved deeply as he could hate deeply. He was not one who



would give up easily an object he had set out to win, especially if that object had flashing black eyes, shining jet hair and cheeks and lips that would set the blood coursing through their veins than his. To accomplish the plan which the "Gentlemen's Club" had fixed upon it was necessary that "The Pawn" should be entitled to one of the nightly meetings. This fit last was brought about by Diaz, arch diplomat of the crowd. The club was gathered in the paternal Diaz law office when "The Pawn" slipped in lock his seat and sat in discreet silence.

"I see," said Davies, addressing Tom Childress, "that you and Mary Asthon have made it up." "The Pawn" shifted uneasily in his chair and his cheeks flamed. His persecutor had no idea of the deep-seated jealousy of Childress that had long obsessed him. Before he could decide which course to pursue a diversion occurred. Garrity, leaning to his feet, strode over to Childress, and shaking his hat in his face shouted: "Tom Childress, you're an infernal liar. I'm going to talk dance with you, my son." "She promised me this afternoon."

"I'm a liar, am I?" said Childress, slowly rising to the full limit of his five feet six and squaring off for battle. "You've got to prove those words, Garrity."



"I'll prove them to you, you lying son of a bitch," shouted Garrity. "You say come up here and talk lightly of the girl I love. There, take that!" "The blow fell and instantly was returned. When somebody put out the light, in the effort light from the window the room got dark with the confusion of fighting. Garrity, the third of rapidly exchanged blows and the labored breathing of the combatants. Then the door opened letting in a flood of cool air. There was a rush of stumbling bodies and "The Pawn" still clasping an open knife, felt himself borne along with the crowd.

Childress was in the fore and under the rays of the electric light on the corner his face showed red and bloody. He seemed to be dripping with gore. He was. It took a whole bottle of red ink. "The Pawn" and started up the stairs shouting: "Here he is! He cut me! See, fellows; he cut a knife!" The conspirators slipped quickly away while Diaz went back to lock the office and, perchance, manure the additional evidence. When he entered "The Pawn" was still standing in the middle of the stairs with his knife gripped tightly. "Come, come, Chess," said Diaz, "you'd better quiet down. You've done enough for tonight. Childress is cut pretty bad, I guess. The boys are taking him home. What possessed you to butt in anyway?" "Look here, Diaz," said "The Pawn," "you're a friend of mine. Now I didn't cut Childress, but I wish I had. I like to kill him. I'm afraid that's all true that he said about Mary."

"Will the defendant have a jury?" "We elect to try the case before the court," said Linton. Davies opened for the state and in words of fire he painted the awful tragedy of "The Pawn" who, too cowardly to avenge his own wrong, had waited until his rival was engaged in a "friendly scuffle" with another and then had slipped in and delivered the patron's blow. He trusted that the real cause of the rivalry might not be made apparent. It was no wish of the state to drag in the mire the name of one of its most lovely daughters at the ends of justice. But the state would be able to show a motive, a powerful, compelling motive. While he was a friend of the accused he had still his duty to perform, and he felt that he must put frankly out of his heart and do that duty with all the power that lay within him.

And where was Tom Childress? Why was he not there to ask revenge of the law upon his assailant? The state would seek to show why. If the accused had any special knowledge of the whereabouts of his victim the state would be very likely to discover it. But he had no chance to make the present charge was serious enough, and he was willing to let what might come out in the evidence. Linton then outlined the defense and said he would work to show that Chester Easter had been Garritty had struck the blow.

But this hope for "The Pawn" was dashed when Garrity went on the stand and swore that he had on knife, and was fully corroborated by all the rest. They swore with equal positiveness that "The Pawn" did have a knife. All had seen it as he stood brandishing it at the top of the stairs. Diaz had seen it when he returned to the office. Diaz also heard the threat against the life of Childress. He did not know what had become of Childress. He lived near him, and his family knew nothing of his whereabouts. He believed that Easter could tell where he was, if he wanted to. This objected to by defendant's counsel, and objection sustained.

"Through it all "The Pawn" sat with bloodless face and with eyes far, far away. He seemed to take no interest in the proceedings until Linton said: "I will now put the defendant on the stand in his own behalf. By sworn, Mr. Easter." McCurdy stumbled the oath: "Do you swear to tell the truth, the whole truth, and nothing but the truth concerning the matters and facts pertaining to this case which shall be asked of you by counsel, so help you, and so forth." "The Pawn" took the stand like an automaton. "If the object of the conspiracy was to take him nothing could have succeeded better. The mystery is how they kept their heads so straight. Several of the less experienced at the noble art of practical joking had to leave the room to indulge in smothered shouts of laughter. "Now, Chester, tell your version of this affair," said Linton. "I will tell it all," began "The Pawn" in a voice choking with emotion. "I will tell everything. I can't keep it back any longer. Tom Childress' face lit with me day and night. I woke up and saw it in the dead of night. It glared it with its in my dreams. "It's great! It's only I could shut that terrible vision from my mind!" He rose and, throwing to his

hands, wildly clutched his hair and shouted: "You want to know where Tom Childress is. You'll never know where he is if I don't tell you. I'm going to tell. I'm not going to keep that vision with me any longer. Tom Childress is at the bottom of the water works well I killed him." The conspirators started back in amazement. It almost sounded like the truth, so well was it done. "Magnificent," returned Linton. "He's done us. I didn't think he had it in him. But let's carry it out. Go on, Chester, tell the whole story." "The Pawn" had sunk down in his chair and hid his face in his hands. "Yes, I'll feel better to tell it all," he continued. "I made up my mind to kill him when I left the office. I waited for him in the alley and when he passed on his way home I followed him. When we got to the dark place by the water works well I caught up with him. We had some words. I dared him to throw away the gun I had seen him flash and fight me fair. But the time I had the knife in my sleeve. Then he struck me and let him have it. He dropped. I bent over him and he was dead. Then I found a heavy rock and a rope and I tied the rock to him and dropped him over into the well. There wasn't much blood and what there was I washed away with the hose they sprinkle the flower beds with. I saw nothing of the man's face and I thought I was safe. I didn't know that I was a reckless accuser conscience in. I wish the court to bind me over without bail." Justice McCurdy looked up gravely from the docket. "The decision of this court," he said, "is that the prisoner at the bar has played his part nobly, and that he be elected to full membership in the 'Gentlemen's Club,' and his face broke into a broad smile.

There came a loud knocking at the door and excited voices demanding admission. It was opened and the chief of police, rushed in. "Tom Childress has been murdered," he shouted. "His body was just been found in the water works well. Do any of you know how he came there?" The smile died from McCurdy's lips. "There is your man," he said, pointing to "The Pawn." "He has just confessed it all to us." "The smile that had looked neither to the right or the left "The Pawn" placed his arm in that of the chief and walked out and to the jail. Already the news was on the streets, how it had been found necessary to drain the only body of Childress, dead from a knife wound and weighted down with a stone, had been found at the bottom. It was all too horribly true.

A scared and horror-stricken band of conspirators fled out of McCurdy's office and gathered the news from excited groups. While the first shock was still tingling in the nerves of the public a second one ran like electricity through the town. A terrible scene to the tragedy had been recorded. Chester Easter had committed suicide immediately on being placed in a cell. The provincial search had failed to discover his knife, the very knife that slew Tom Childress.

The last meeting of the "Gentlemen's Club" took place that afternoon in the back end of the "Gold Eagle Exchange," when the members with and without had taken to making each never to disclose the true facts of the proving of "The Pawn." (Copyright by W. G. Chapman.)

### SHE HAD HIM ON THE HOOK.

Maiden Well-Known Lover Could Not Resist Culinary Bait She Ate 80 Clevately Cast.

Janet had molded the domestic affairs of the family with whom she lived for so many years that the power of her intended marriage had much the effect of an earthquake. "Have you and David been engaged long?" ventured the mistress of the household. "One week when next Sabbath noon," stated Janet briefly. "And—and had you any thought of marrying before that?" asked her mistress. "Times I had and times I had not," said the importunate Janet. "As any person will. But a month ago when I gave David a wee bit of the cake I'd been making and he said to me: 'Janet, have you the recipe firm in your mind, lass, so you could make it if Mrs. Manx's book were far from your reach?' I knew well the time was drawing short. "And when," said Janet, closing her eyes at the recollection, "I said to him: 'David, had the recipe is copied in a little book of my own, and I saw the glint in his eye I reckoned 'twould be within the month he'd ask me."

### TOLD TO USE CUTICURA.

After Specialist Failed to Cure Her Intense Itching Eczema—Had Been Tortured and Disfigured But

Was Soon Cured of Dread Humor.

"I contracted eczema and suffered intensely for about ten months. At times I thought I would scratch myself to pieces. My face and arms were covered with large red patches, so that I was ashamed to go out. I was advised to go to a doctor who was a specialist in skin diseases, but I received very little relief. I tried every known remedy, with the same results. I thought I would never get better until a friend of mine told me to try the Cuticura Remedies. So I tried them and after four or five applications of Cuticura Ointment I was relieved of my unbearable itching. I had two sets of the Cuticura Remedies, and I am completely cured. Miss Barbara Kral, Highlandtown, Md., Jan. 8, '05. Peter Long & Chem. Corp., Sole Preps., Boston.

### A NEW "FEAT."



"Mummy! Mummy! look, here's baby walking on his hind legs."

No Need of Interference. The two neighbors who were passing the little cottage heard sounds of a terrific conflict inside and stopped to listen. Presently they heard a loud thump, as if somebody had fallen to the floor. "Grogan is beating his wife again!" they said. Bursting the door open, they rushed into the house. "What's the trouble here?" they demanded. "There ain't no trouble, gentlemen," calmly answered Mrs. Grogan, who had her husband down and was sitting on his head. "Gwan!"

### Laymen Combat White Plague.

According to recent figures published by the National Association for the Study and Prevention of Tuberculosis, nearly 50 per cent of those enlisted in the active campaign against consumption are laymen, and the percentage of laymen has tripled in the last four years.

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