THE SWAYNE CASE

Why the Rush to Impeach the Florida Judge?

PARTISAN WAR ON HIM IN 1890

Attacked Then Because He Punished Democratic Frauds.

Charges Made at That Time Against Him by the Democratic Senators From Florida Described by Senator Hawley as "a Left Handed Apology for Murder"—The Present Revival of the Feeling Against Judge Swayne Attributed to His Action in a Contempt Proceeding—Explanation of His Charge of $10 a Day for Expenses That Might Have Changed the Action of the House in Voting to Impeach Him.

WASHINGTON, Jan. 8.—Signs of dissatisfaction over the action of the House in voting to impeach Judge Charles Swayne of the United States Court for the Northern District of Florida are beginning to appear, and the belief is developing, even among Representatives who were in favor of the resolution of impeachment, that the House acted with undue haste. The changing sentiment is based partly on technical grounds, but there is a strong undercurrent of opinion that the prosecution of Judge Swayne has been of a character that is in some respects open to question, both with reference to its justice and its advisability.

Behind the efforts to impeach Judge Swayne is a story of great interest that has to do with politics and murder, and members of the House are asking if it would not be well to inquire closely into the motives that brought about the prosecution of Judge Swayne before adopting the articles of impeachment.

And right here it should be made clear that the House in deciding to impeach Judge Swayne did so without formulating the charges upon which the Senate in its capacity as a trial body must pass if the case ever comes to a hearing before it. One of those who believe that the House fell into a grievous error in its hasty adoption of the impeachment resolution described that action aptly when he said it was similar to a Grand Jury sending a prisoner to trial without indicting him specifically for any offence.

The present status of the Swayne case is briefly this: The House voted to impeach Judge Swayne, but no specific charges were contained in the resolution of impeachment. A committee of the House informed the Senate of this action and promised to furnish articles of impeachment later. Without these articles of impeachment the Senate could not proceed with the trial, or even make arrangements for holding it, so the House will be obliged to take up the Swayne case again for the purpose of voting the articles of impeachment when they are presented by the Committee on the Judiciary.

WHY THE RUSH TO INDICT SWAYNE?

Those members of Congress who are finding reason to regret that they voted for the resolution to impeach Judge Swayne on unformulated charges are asking one another why there was such a rush to indict him before the opportunity was given the House to consider and pass upon the charges upon which he must be tried by the Senate.

Members so disposed—some of whom are willing to admit that they were carried off their feet, so to speak, by new evidence of Judge Swayne's alleged overcharging of official expenses—are turning back the pages of history to inform themselves more fully on all aspects of the Swayne case from its very beginning. They have discovered enough to show that the action of the Democratic Florida Legislature, whose charges against Judge Swayne brought about the present prosecution, may not have been actuated entirely by non-partisan motives; and some Republican members regard it as significant that their Democratic colleagues in the House are to a man heartily in favor of the impeachment proceedings.

OLD FIGHT AGAINST HIM.

Those who have begun to study the Swayne case from its outset have found that the fight against the Judge dates back fifteen years, when in pursuance of his authority as a member of the Federal judiciary he vigorously prosecuted alleged Federal election frauds in his district. Immediately he became the storm centre of a bitter political battle in Florida, which was later transferred to the United States Senate.

Sensational accusations and threats marked this phase of the case. The object of those who were opposed to Judge Swayne was to defeat the confirmation of his nomination to the bench.

They were unsuccessful, however, and while the feeling of enmity against him in Florida was exceedingly bitter for several years thereafter, it gradually died out, and might possibly never have been revived if it had not been for the action of Judge Swayne in committing for contempt of court a man who had assaulted a bank receiver appointed by Swayne. To these contempt proceedings the present difficulties of Judge Swayne are attributed by those who believe that he is not receiving a square deal.

They maintain that while Judge Swayne may not have been perfect in the conduct of his judicial duties, the suspicion is irresistible from a calm study of his Florida career that politics has played a major part in the feeling of enmity toward him that has grown up in his adopted State, and that the House will be guilty of rank injustice if it should permit the impeachment of Judge Swayne to stand without the fullest inquiry into the original motive for the charges which will be presented to it for certification to the Senate.

THE HOUSE CARRIED OFF ITS FEET.

In the Swayne case the fact stands out that had it not been for evidence discovered since the investigating committee made its first report the House would not have passed the resolution of impeachment so quickly, or probably would not have passed it at all. This evidence was that Judge Swayne had invariably charged $10 for his daily expenses while outside his district, that being the limit permitted by law, whereas, as was shown by testimony which Judge Swayne has admitted to be correct, he did not actually spend that amount for "travel and attendance," to quote the words of the law providing for the allowance of $10 a day to members of the Federal judiciary.

It was this new evidence which carried the House off its feet. Judge Swayne did not explain to the investigating committee why he had charged for expense sums in excess of the amounts spent by him for travel and attendance, and by many it was supposed that he was afraid to take the stand to do so for fear of incriminating himself. But there is an explanation, not only of the alleged overcharging but also of his silence on the subject. If that explanation had been made by Judge Swayne before the House acted, the result might have been different.

JUDGE SWAYNE EXPLAINS THE $10 A DAY CHARGE.

After Judge Swayne finished his statement before the sub-committee of the House Committee on the Judiciary and left Washington he heard the criticisms made of him because he had given no explanation of his collection of $10 a day for expenses incurred while travelling outside his district when his actual expenses for the purposes stated in the law did not reach that amount. When these criticisms were brought to his attention Judge Swayne wrote an explanation to the effect that he distinctly understood Chairman Palmer of the sub-committee to rule out any reference to the practice of other judges in this particular, and therefore supposed he must refrain from saying anything on the subject.

This explanatory statement he sent to Washington, hoping it would be in season to be used in the debate in the House; but it came too late. Judge Swayne's communication was as follows:

"I notice that the lack of explanation of my expense account of $10 per day has resulted in an adverse report of the Judiciary Committee. Said explanation was not given by me before the sub-committee because Messrs. Palmer and Clayton of the sub-committee had ruled out all evidence concerning the custom of Federal Judges in that behalf.

"My explanation is that I acted in absolute good faith and with no idea or intent to defraud the Government, and honestly believed that I had a right to draw that per diem allowance when sent from my own district to hold court elsewhere. My belief in the correctness of said construction of the law was supported by information which I had to the effect that such had been the construction and custom of Federal Judges when sent out of their districts, and, further, prior to this investigation I never heard of any other United States Judge who drew a less amount."

OTHER JUDGES MAY BE WITNESSES.

If other Federal Judges have been availing themselves of the full amount of the $10 daily allowance for travel and attendance while outside their districts, that fact will be of material assistance in Judge Swayne's defence, and it may be assumed with confidence that should the case go to trial before the Senate he will call his colleagues on the Federal bench to the witness stand to give their understanding of the law with reference to the use of the stated allowance. There is a pretty general opinion that some, perhaps many, Federal Judges have interpreted the law to mean that they were entitled, when assigned to official duty outside their districts, to the full amount of $10 a day, whether they actually expended that sum or not. Evidence on this point has been prepared by the Treasury Department, to which returns of expenses of all Federal Judges are made by the United States marshals in their respective districts; but Secretary Shaw declines to make it public until it has been examined by the House Committee on the Judiciary, which has the Swayne case in charge.

OPPOSITION TO SWAYNE DATES BACK TO 1889.

Some of those Senators and Representatives who have gone down deep into the history of Judge Swayne's judicial career have found enough to convince them that, whether he is guilty or not of the charges of which his prosecutors hope to convict him, the present unhappy position of this member of the Federal judiciary had its beginning in partisan motives.

Judge Swayne was born in Delaware, went to Philadelphia in 1865, and practised law there until 1885, when he settled in Florida for the purpose of continuing his legal work. In 1889 President Harrison appointed him United States District Judge for the Northern district of Florida, and the next year, after the confirmation of his nomination, he took up his residence in St. Augustine.

While serving under a recess commission, the Senate not being in session when he was appointed, Judge Swayne was active in securing the prosecution of election frauds. He was warned not to do this by his friends, who maintained that it might help defeat him when his name came before the Senate for confirmation. But Judge Swayne persisted, and as a result a bitter fight was made against him in the Senate.

SENATOR CALL STARTED THE FIGHT AGAINST HIM.

Wilkinson Call, then a Democratic Senator from Florida, started the ball rolling when, on Dec. 16, 1889, he introduced a resolution declaring that Judge Swayne could not act as Judge prior to confirmation by the Senate. On March 13, 1890, when Judge Swayne's nomination was reported favorably from the Committee on the Judiciary by Senator Hoar, Senator Call attempted to introduce a resolution concerning the nominations of Swayne for Judge and Joseph N. Stripling for District Attorney in Swayne's district, but was prevented from doing so because it related to a matter of executive or secret business.

The preamble to the resolution was printed in the public record, however. It set forth that newspapers contained charges that Judge Swayne had been guilty of being responsible for the selection of a Grand Jury and a petit jury of persons chosen because of their political and party affiliations, for the purpose of indicting and trying citizens of the United States "by and before a jury organized and selected for their indictment and conviction;" that Stripling acted in concert with Swayne to this end; that Swayne had been a resident of Florida for only two years, or about that time, and was a bitter and vindictive partisan, and that he had never had any considerable practice or experience as a lawyer, and that his only recommendation for this high office was that "he is a bitter and vindictive partisan, with a feeling of hatred to the people of the Southern States."

On the following day Senator Call introduced a resolution for considering the nominations of Swayne and Stripling in open session; but this was objected to as out of order and went over. After considerable discussion of these nominations in executive session, Judge Swayne and District Attorney Stripling were finally confirmed on April 1, 1890.

SENATOR CHANDLER IN REPLY ASKED ABOUT A MURDER.

Pending the confirmation of Swayne several occasions were afforded for acrimonious debate in the Senate on events in Florida growing out of Federal elections, and Judge Swayne's name was frequently mentioned. These debates were held in open session.

William E. Chandler of New Hampshire submitted a resolution calling on the Attorney-General to transmit to the Senate any information in his possession with reference to the assassination at Quincy, Fla., of W. B. Saunders, a United States deputy marshal.

Senator Pascoe of Florida, Mr. Call's colleague, made a statement in reference to Judge Swayne, in which he charged that "the Judge was a comparatively briefless lawyer, but recently from Philadelphia, having lived but a few years in the State; not even a member of the bar of the court over which he had been called to preside; ignorant of the social and political history of Florida, and unacquainted with the people."

"Besides," said the Florida Senator, "he came fresh from the disappointments of a political defeat to hold a court in which some of those who opposed him were to be tried. It is proper to mention also that he was the only one of the six candidates for judicial positions who made stump speeches in his own behalf during the canvass of 1888."

Senator Pascoe charged further that there had been a great expenditure of money for court fees in Judge Swayne's district; that the officers of a court summoned juries of their own selection, made up almost entirely of their partisan friends, who were selected on account of their politics; that the diligence of the court officers was probably exercised in getting indictments rather than in trying them, because there was perhaps more money in this course, and that there were four trials of persons charged with political offences, but no convictions.

On the following day Senator Pascoe corrected his statement that there had been no convictions, and stated that he had since ascertained that there had been one.

"A PREMATURE APOLOGY FOR MURDER," SENATOR HAWLEY CALLED PASCOE'S AMENDMENT.

Mr. Pascoe's remarks drew forth a speech from Senator Hawley of Connecticut, who said that what had been stated by Mr. Pascoe and an amendment which Mr. Pascoe had offered to the resolution of Mr. Chandler, both seemed to him to be a sort of premature apology for murder.

"It is evident," said Mr. Hawley, "that the amendment itself is intended to mitigate in the judgment of the public mind that offence which a newspaper of Florida has stigmatized as a most brutal, infamous and cowardly murder, which it was in the judgment of all human beings. * * * Now, let the gentleman understand distinctly that I for one regard his speech and his resolution as an attempt to make a sort of left-handed apology for murder and to avoid investigation."

The high feeling that was running in the Senate at the time is shown further by some remarks of Senator Call accusing Senator Chandler of being personally responsible for inciting desperate men to lawless acts.

"The blood of these people rests upon him," said Mr. Call. "The destruction of the happiness of these households is his, and not that of the miserable men who are the emissaries."

PART OF FLORIDA IN REBELLION—CHANDLER.

Then Mr. Chandler had his say. He explained that indictments for election frauds in Florida in 1888 had been found, that some arrests had been made and that some of the accused had pleaded guilty, but that "the Democrats of Florida as a body, in that part of the State where these election frauds were committed and where these arrests have been made or attempted, are engaged in the defence of the criminals by killing the witnesses and United States deputy marshals, and there is in that section of the State of Florida an absolute rebellion against and defiance of United States laws."

In the course of the debate, Mr. Call twitted Mr. Chandler with his part in the count of the vote of Florida in the Presidential election of 1876, and one word led to another until Mr. Chandler made this accusation against the two Florida Senators:

FLORIDA SENATORS ACCUSED IN TURN.

"They are engaged in very different business from hunting down the murderers of John Bird and W. B. Saunders. What are they doing, Mr. President? They are hunting down the District Judge [Swayne] and the United States Marshal, and the District Attorney; and the Senator from Florida [Call] comes here and defames the dead man on the floor of the Senate. That is what they are engaged in.

"It is easily understood why they know nothing about the details of this business. It is because they have not studied it. It is because they have not sought the means of information which were at hand, and because they are here going in before the Judiciary Committee and trying to prevent the confirmation of the Judge and District Attorney, and the Marshal, whose business it is to punish election frauds in the State of Florida, if they can do so by lawful means."

"I want that language taken down," cried Senator Pascoe.

"Yes," retorted Senator Chandler, "I hope the reporters will take it down, if the Senator from Florida would like it. Let it be taken down twice if they choose. And I hope the Senator from Florida will remember it, for I say that that is what the Democrats of Florida are about to-day, individually and collectively, and through their representatives on this floor. From the time this Judge, and this District Attorney, and this Marshal were appointed they have been hunting them down, and assailing them, and defaming them in every possible way, and under all possible circumstances, and in every possible place.

"MURDER TO HIDE ELECTION FRAUDS."

"That is the condition, Mr. President, in which the State of Florida stands to-day. It has a Judge and a District Attorney, and a Marshal appointed by the President, not confirmed by the Senate, who are doing the best they can to punish election frauds and to protect themselves while they are about it.

"The Democrats of Florida have rallied to assail these men, the witnesses are killed, the United States Deputy Marshal is killed, and if there are not more of them killed before this business is over it will not be the fault of the Democrats of these half dozen counties where, by frauds innumerable, crimes beyond measure, a Republican candidate for Congress was counted out and a Democratic candidate for Congress was counted in.

"Now, this is the whole case, and the whole situation. I do not wonder that the Senators from Florida wish to change the issue. I do not wonder that they wish to draw attention away from the murder of John Bird, and the murder of W. B. Saunders, and get up all the stories they can concerning the drawing of jurors, and the imperfect administration of justice in the State of Florida."

HAS THE OLD FEELING BEEN REVIVED?

All this business centred around Charles Swayne, the man whom it is now sought to bring before the Senate on charges of high crimes and misdemeanors initiated by the Legislature of Florida. The debate in the Senate fifteen years ago attracted attention throughout the country, but was of particular interest in the State of Florida, where it served to make more intense the feeling against Judge Swayne.

Many additional columns might be written in regard to the attempt to displace this member of the Federal Judiciary, but enough has been given to set some people to wondering whether, after all, the present attempt to force Judge Swayne into a disgraceful retirement did not have its origin in his prosecution of election frauds back in the last century.

THE BARBER TALKS

About the Profitableness of Politeness, Especially in This Day of Tips.

"In these days," said the barber, "it pays more than ever to be polite, on account of the tips, for more than ever do men give tips, and you can't always tell who may or may not give.

"Now, all my regular customers—I know just what they will do. I have plenty of regular customers who will let nobody but me shave them or cut their hair—they will wait for me if I am busy and I try to make it worth their while. I know just how they want their work done and I do it that way. If I think I can suggest anything that would help, I suggest it after I get well enough acquainted with them; but if they don't approve of it, why, I let them have their way. I try to give them exactly what they want.

"I never slight my work, and they know they can rely on my doing the best I can for them every time. And they all like it.

"One customer sends another to me, and they all stay; and so I have a long list of regular customers, and that is good for me for they all pay.

"The barber may get for his work from the boss a regular price a day, or he may work, as he does in some shops, for half the amount that his chair takes in, the boss taking the other half, the barber in either case keeping for himself the tips his customers give him. Now, you see, if I have a large number of regular customers I get a larger share of trade to begin with, for I get my regular customers, and then I get what share of the transient trade I can handle, and so my chair takes in more money and my share of first earnings is bigger than it would be from a dull chair; and then, as a larger proportion of my customers give tips, there's more money in it for me that way, too.

"Politeness pays in these days, and it pays even with the transient. The transient is less likely to give. He may say to himself: 'I'll never be in this shop again and here's where I save a dime,' and walk off without giving me anything; but if I give him good work and my desire to give him a good job is manifest, I am, of course, more likely to please him, and it may be that his pride is tickled—that I should take such pains with a stranger—and, of course, with such treatment he's more likely to give.

"More than once I've seen a stranger get out of my chair and walk with the check to the cashier's desk, never giving a cent to me, and then seen him coming back, after he'd got his change, to do the square thing. I never give a man up completely until he's actually got out of the shop.

"What it all amounts to," the barber concluded, as he looked the customer in his chair over critically to see that he had got everything done with the most perfect exactness, "is this: Good work and politeness pay in the barber trade, just as they do in any other, and they pay especially well in our business now, in this day of tips."

Whereupon the customer, a regular, who had listened with interest to this discourse, rose from his chair and paid his customary tip, cheerfully, though in his heart he deplored the custom.

PERSIAN CATS.

Information About a $1,000 Prize Winner and Her Relations.

Bitterne Chiffon lay in her cage at the cat show and dozed gracefully. James Conlisk of Gowanda, whose wife owns the thousand dollar cat, stood in the aisle near by, to see that nobody pulled Chiffon's tail, which stuck out through the bars.

"All I know about cats," said Mr. Conlisk, a rosy cheeked old gentleman, "is what I've learned from my wife. Ever since she got the cat fad I've been a busy man, with hardly time to hunt as many rabbits as I'd like.

"Yes, it's true that one of the fanciers at the show, a physician, offered Mrs. Conlisk $1,000 for Bitterne Chiffon, but she didn't care to part with her. We imported Chiffon a year ago last June from the catteries of Miss B. White Atkins in England. She's by Tintagel out of Silverine, both of celebrated Persian stock, and she's a grand cat, probably the best in America and perhaps the best in the world.

"There are various kinds of Persian cats—you hear them spoken of usually as Angoras—and this one is a silver. To be more definite in the description, Chiffon is a chinchilla, very light in color. Her eyes are the really handsome thing about her. Wake up, there, Chiffon, and show your eyes!"

Chiffon wouldn't do that, but she yawned and stretched, sticking her paws out between the bars.

Mr. Conlisk, first making sure that Mrs. Conlisk was not about, took a pencil from his pocket and gave Chiffon a sly poke in the ribs. This had the effect desired.

The cat glared out at her annoyer with eyes that were a wonderful bottle green and a mile deep. The pupils swelled in the glare of the lights.

"She won at Crystal Palace, London, where they have some great cats," said Mr. Conlisk, "and she won in New York and Washington last year. Then she's won all kinds of firsts at Rochester and other places, and, of course, she's been first at this show.

"We have only four cats in the show, one younger than Chiffon winning in the juvenile class, but we have a lot of them at home. There's imported Bitterne Silver Chieftain, who's just about the same among cats as Hamburg among horses.

"He's too old for show purposes. He's the grandsire of Jack Frost, one of the winners here now. He has emerald eyes. One of his kittens will bring $75 or so."

"Are Persians hard to keep well?"

"Not at all," said Mr. Conlisk. "They are comparatively hardy—at least, mine are, for I let them have the run of the barn and they scamper about the fields. They are very good hunters."

The thought of a thousand dollar cat being chased around the barnyard by a two dollar ki-yi was interesting, but Mr. Conlisk said that his dogs made friends with the cats.

"And we don't have to wash them, although their long hair is likely to get soiled. They are very cleanly, and all they require is brushing."

Don't Mix Rum With Fruit.

From the Des Moines Register and Leader.

James L. Loring of Dallas Centre has written to the State Board of Health to call attention to the fact that a warning to the Iowa people who go to the Isthmus of Panama not to mix the native drink with fruit would be a wise and humane thing for the board to promulgate.

Mr. Loring knows something of the equatorial regions, though his knowledge of the native liquors in that section has been gained wholly by observation and not by participating in the riots which they are guaranteed to engender.

"I went into a port down there one time in a ship with twenty-six men in the crew," he says to the Board of Health in his letter. "As soon as the anchor was down we were surrounded with boats from which fruits of all kinds were sold, and, of course, this sugar cane rum. Mosquitos had nothing to do with us, but within a week sixteen of our crew had gone ashore feet foremost and others were down sick with yellow fever. Several ships lost every soul on board.

"One day I asked the city physician what caused such a great loss of life. He sliced a pineapple, put a slice in a saucer and poured from a bottle a lot of that sugar cane distillation on the pineapple. In a short time the delicate yellow fruit was as black as my hat. 'There's your yellow fever,' said the doctor, 'and that is what kills your men.'

"The liquor and fruit do not agree. Those of us who never drank the stuff had no trouble.

"So I say that just so as men eat fruit and drink the sugar cane distillation, just so long you may be sure that killing mosquitos is not going to create sanitation."

IN A BUTTE POOLROOM WHERE THEY WON

A Horse's Name Ringed With Bullets—Nerve as Much as Dope Needed by Touts.

"I don't believe I'd care to play 'em right along in a Butte poolroom," said a New York travelling man just back from his winter tour of the Northwest. "The boys in the Butte rooms are too gay, kind o', and enthusiastic when the thing to which they have went comes home on the mouthiron.

"When I blew into one of the Butte rooms on the Saturday before New Year's Day, I found that the way the whole bunch had it foreridged there was going to be nothing to the mile and three-sixteenths race at New Orleans but that ancient Angora named Lee King.

"Not perceiving how they could figure it, I made some inquiry of the barkeep.

"'Where'd they all get this Lee King such a poke for a guaranteed special?' I asked the mixer. 'I saw that one down at New Orleans a couple of months ago, and he looks like a camel in the emeritus class. He's got knobs on all four of his props as big as Vermont fur caps, and he runs like a pup sea lion bunching over lava rocks. Where'd the gang get the string on that one?'

"'Hunch thing,' said the mixer. 'There's a faro bank dealer up the street named Lee King, who went on a Christmas drunk last week and walloped his boss's bank for $12,000. On that line of dope, this Lee King at New Orleans won't know how to lose. That's the way the boys have got it smoked, anyhow, and what's the use?'

"I quit fooling with hunch plays myself a long time ago, after a series of them had reduced me to cob pipes and fertilizer tobacco, but I watched the development of this Butte hunch with a lot of interest. A few beans on little Lady Fonse, the favorite in the race, was good enough for mine, and the Butte hunch on the ram namesake of the faro bank dealer didn't pick me up and run off with me even when Lee King's price was displayed on the board at 40, 15 and 6.

"But I suppose, at that, that I was the only man in the room that didn't fall for the hunch, which caused me to sit back in a rear rocker and wait for the explosion of the good thing with a superior smile.

"The whole outfit grapevined and leg-locked each other in struggling up to the counters to push in their Lee King change, so that after it had been going on for about ten minutes the proprietor of the room had to close the betting on the Lee King thing, although there had been no flashes from the track.

"When he rubbed Lee King off his board altogether he already stood to get the dent-that-won't-fill-out. The gang loudly denounced his refusal to take any more Lee King coin, but he stood pat on that and allowed their bucking to go for the end book.

"Well, the operator got them off, and it looked bad for the hunch and tidy for my little piece of backsheesh right into the stretch, where Lady Fonse was leading by a length, with Gravina, the second choice, the next, and another one of the close priced ones ready to grab the show end of the purse.

"'Lee King wins!' yelped the operator at the finish, and then I saw the funniest manifestation of gloatfulness that ever happened to nudge before my vision in a poolroom.

"In poolrooms where they run a big blackboard, as they do at all of the Butte rooms, the boardmarker runs a heavy chalk ring around the name of the winning horse when the race is confirmed.

"Well, those Butte hunchists figured that they were good enough to confirm the Lee King race themselves, and they were.

"One of them, with an Ogallalla yow-ee of joy, pulled his gun and planted a ball right over the top of the 'L' in Lee King's name as it was chalk-printed on the blackboard.

"About a dozen and a half of the other delirious Lee King players took the tip, and one by one and in quick succession they blazed away at the board, so that when they were through there was as neat and well drawn a ring of bullet holes around the name of Lee King on the board as the board marker could have drawn with his piece of chalk.

"The proprietor of the room didn't make any mutter over the messing up of his blackboard, either, but took the boys' gun confirmation of the race as a matter of course, although he waited for the official confirmation from New Orleans before paying off on the race.

"The big poolroom smelt like an unventilated shooting gallery for the remainder of the afternoon.

"On the following Monday I saw something at another Butte room into which I floated to pass an hour or so that caused me to reflect that a tout in a Butte room needed to have more nerve than dope if he expected to get by.

"It was along toward the close of the day's play, and the tout, apparently a new man in the room and a stranger to the men he was endeavoring to string along with, persuaded about half a dozen of them to fall for the chance of a horse named Rector in a race at the Oakland track.

"The tout was a woebegone looking poor devil, minus an overcoat and with a red bandanna where his collar and necktie ought to 've been, but he was there with an armful of dope charts that couldn't have weighed less than nineteen pounds and a quarter, and he had a line of it-can't-lose gas that would have burned in an airtight, covered over cistern.

"'This Rector thing, fellers,' he said, with pathetic cagerness, to the men whose ears he had been feverishly attempting to gain for hours, 'will tin can. He can run off and hide from them hosses he's in with. It's his first time out in California, and there'll be all kinds of a price. It's a six furlong sprint, and he'll only hit the ground four times in making it. Fellers, it's in.'

"The half dozen hard looking men to whom the tout was so eloquently addressing himself were a sceptical crowd, but the hard-lucker with the stack of hayy dope was so doggedly in earnest about his Rector size-up that a couple of them finally grunted that they'd look it over, if there was the right price.

"Rector came in the rank outsider in the field of really crack sprinters. He was chalked up at 15, 6, and 3, and one by one the craggy-looking clients of the new tout edged up to the counter and took the Rector end, all of them slapping twenty each way on it.

"This poolroom was on the second floor over a big saloon, and the tout was standing at one of the front windows in order to get enough light to run over his dope charts.

"When the operator announced post time for the race in which Rector was to go at San Francisco, the six men who had gone to Rector on the new tout's say-so silently formed a cordon around him. They had exchanged glances, and their glances didn't portend any good for the tout in case the Rector horse failed to connect with some part of the change.

"Then they were off at Oakland, and the operator started in to drone the race. As he called it, Rowena, the favorite, led all the way to the stretch, with Ishtar second, and Judge third.

"When the operator got the field into the stretch that way, one of the tout's clients suddenly reached out and hoisted the second story window overlooking a sidewalk covered with about feet of snow.

"Another of the tout's clients suddenly grabbed the unfortunate chap by the scruff of his coat and another loose portion of his apparel, and stood waiting for the operator's final call of the race, with Rector presumably left out, before incontinently chucking the tout out of the window.

"The tout looked so much like a street dog rounded up by the canine catchers that I felt sorry for him.

"'Rector wins, easy, by three lengths!' sung the telegrapher.

"The huge chap who had hold of the tout suddenly let go of the man, while his face wreathed into a broad grin. All of the rest were grinning, too.

"Then, each and all of them consigning themselves to eternal damnation for built headed luckers, they escorted the tout up to the bar and tossed a quart of the fussy juice of Franco into him. Each man collected his $480 winnings. Then they went out and bought the tout a complete outfit of togs from underwear out to ulster, and each man skinned $100 from his wad and pushed it over to the packer of the dope sheets.

"The tout had run his $600 into $3,000 by the evening of the following day, and as I looked him over, clean and nobby, pink and shaved, and with the gee-gees running just where he put them, I couldn't help but contrast the way the game would have been going for him if Rector had neglected to fetch home at least a piece of the kale."

CRIMINAL'S STRANGE CAREER.

Capt. Bullock's Story of His Search for "Little Reddy."

From the Washington Post.

Capt. Seth Bullock, who was Sheriff of Deadwood in the days of the big mining stampede to the Black Hills, is now supervisor of the great forest reserve in that same country. Before migrating to South Dakota, in 1876, he had been noted as an officer of the law in Helena, Mon., and it was the reputation gained there that caused his appointment as Sheriff in the new mining camp. Capt. Bullock is tall and of wiry physique and has about him the alert air of a man who has spent much time in chasing evildoers.

"The first crime in Deadwood," said he, "that shocked the whole community was the robbery of the Cheyenne stage coach and the murder of its driver, Johnnie Slaughter, a popular young fellow, which was perpetrated within three miles of the camp. Though every effort was made to discover the criminals, not a clew turned up for several months after the deed was committed. Afterward we learned who all the principals were, but this story has only to do with one of them—'Little Reddy from Texas'—the thief and desperado who was the actual slayer of Slaughter. He had been in Texas, but his real home was in Ohio.

"By accident I found out that 'Reddy' had a hand in the job, but it was a long while before I got on the trail. Then I ascertained that he had gone back to his old home in Highland county, Ohio. Armed with a requisition, I went East to try to get him, for we had never given up the hope of punishing the villains for their dastardly work. I found him keeping a store in the same neighborhood in which he was born and reared; he had married a lovely girl, and had the respect of the entire community.

"It was uphill work for me trying to get the sheriff and other officials to believe that this young fellow had been a highwayman and murderer in the West. But at length I secured his arrest, and was congratulating myself on the thought of taking him back, when his attorney, Judge Hough, now living in Washington, got a hearing in the local courts, there being a law in Ohio that probable cause must be shown before a defendant could be taken out of the State to answer a criminal charge. This was decided in my favor, and again I was blocked by Judge Hough, who appealed to the Supreme Court. Disgusted, I returned to the West, and ere long got a wire that Reddy had broken jail, an event I had all along anticipated.

"Months elapsed, and I had almost given up hope of capturing my man, when I heard of his return to the Ohio home and the curious deeds done by him after getting back there. It seems that he was afraid to reveal himself to his former friends, so what does he do but get about him a gang of thieves and proceed to the work of robbing his old time neighbors. In a little while the entire country was terrorized at the operations of a bold and desperate band of freebooters who plundered even defenceless women that were suspected of having any valuables. Finally the whole county turned out to hunt down the bandits.

"They were traced to their hiding place, and in a fight Little Reddy was shot and disabled. Then it was that I was telegraphed for, and, making haste to the scene, once more I got handcuffs on the murderer of Johnnie Slaughter. But again I was doomed to disappointment. With native cunning, and fearing his life would be forfeited if he went back to Dakota, the villain pleaded guilty to enough burglaries and robberies in Highland county to secure him an aggregate of seventeen years' imprisonment in the Columbus penitentiary. All the rest of his old gang of stagecoach and railway robbers, including Joel Collins, Jim Berry and Sam Bass, were killed in course of time, as they richly deserved."

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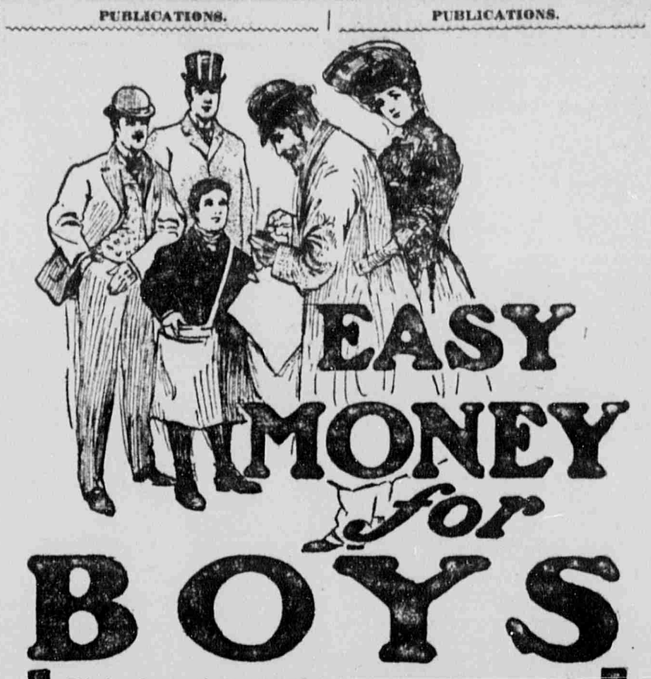

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THE SAILOR'S TRUNK.

A Round Canvas Bag Four Feet Long, and the Same the World Over.

"The sailor's trunk," said an old salt, "is a canvas bag cylindrical in form and about four feet long and eighteen inches in diameter, and when he's got that bag packed with his stuff the whole outfit, bag and all, constitutes his kit. He couldn't carry a regular trunk even if he wanted to, for there would be no place for it in a ship's forecastle. But a dunnage bag takes up only so much room as the stuff inside of it takes up—that is to say, if it's only half full you can fold it down to half its space, and then if the bag is full you can press it, and you can bend and twist it, you can make good stowage with it in the place where it has to go, and so you can get it, with as much stuff in it as a trunk would hold, into a space where you couldn't get a trunk at all.

"And then this bag is a mighty sight handier to carry than a trunk would be when the sailor man goes ashore, or when he goes from his boarding house to a vessel when he ships for a new voyage. He can just pick that bag up and sling it over his shoulder, and it's flexible enough to fit there easily, and sag down a little forward and aft, making it easy to carry.

"In the days when deep sea sailing ships were commonly used, before the day of steam kettles, in the old days when the jibbooms of ships along the waterfront used to stick out across the street in long rows for block after block, you could see a ship captain walking down South street with a dozen men trailing after him, his new crew, each man with his canvas trunk, or dunnage bag, his kit, on his shoulder, making for a vessel lying at a wharf, or for a tug to take the men to some vessel lying out in the stream ready to sail.

"You can't see such processions much nowadays, for the day of the square rigger is more and more waning, but still you can even now occasionally meet a man walking along South street with his dunnage bag over his shoulder. There are still some ships, and the sailor man hasn't quite gone out yet.

"You can buy dunnage bags in any of the sailors' outfitting stores, and you can also buy them second hand, just as you can anything else in the world that I know of. And then some sailors make their own dunnage bags, many sailors being mighty handy with the needle, and every sailor carrying in his bag a housewife, with needles and thread and buttons and such things, just as every soldier everywhere carries one in his knapsack.

"If the sailor man makes this bag at sea he gets the material for it of new canvas from the ship's canvas supplies in charge of the sailmaker, or maybe the captain gives him for it a piece out of an old wornout skysail—one that perhaps the sailor has more than once furled himself—the canvas from the bigger lower sails being too heavy for it.

"The bag is made with a shirring string at the open end, by which it can be closed there. Sometimes if his bag is packed so plumb full that he can't close the end the sailor puts over his stuff, on top, a canvas disk for a stopper, and then draws the shirring string on that.

"Sometimes the sailor carries his dunnage bag always just as it was made, in the plain canvas, and then sometimes he paints it to make it waterproof. And sometimes they ornament 'em.

"A common way of doing this is to paint on the butt or closed end of the bag a star, maybe a double star, one inside of the other and in different colors, the inner star in a ring, and outside the ring the rays of another star, running round like the points of a compass. Sometimes they paint pictures on them, maybe pictures of ships.

"A sailor might paint on his dunnage bag a picture of his favorite ship, just as he might have such a picture tattooed on himself. Or if he couldn't do it himself, and he wanted such a picture, he might find somebody in the forecastle who could do it for him, and paint a very pretty ship, too; how he came by his art nobody knows.

"But whatever they may do about such details as these, the sailors of whatever country use a dunnage bag in which to carry their personal belongings. The world over, in the ships of every nation, a dunnage bag serves as the sailor's trunk."

Wildcat Jumps on Engine.

Winnemucca correspondence Sacramento Bee.

While Engineer Ed White and Fireman Harry Ahern were speeding through the Palisade Cañon with a freight train at night they were startled by a large wildcat landing suddenly on their engine from a nearby cliff.

The animal emitted a blood curdling cry as it landed, and when the dust cleared away they saw the angry beast only a few feet away glaring at them. The two men seized weapons with which to beat off the animal, but it made no show of fight, leaping from the flying train to the ground. It rolled a dozen feet before it stopped, but apparently it was unhurt as it scampered away immediately.