

DAMAGING EVIDENCE.

UNRELIABILITY OF CIRCUMSTANTIAL TESTIMONY AT TIMES.

A Man Is Hanged Who Could Have Sent His Hired Man to the Gallows Had He Suspected the Latter Knew His Secret. He Had the Confidence of Many Friends.

A party of men who had been discussing the abolition of the death penalty, and one of the number had just told of an execution by hanging of which he had been a witness, when John T. McDonough remarked:

"I have seen just one hanging in my life, and I issued the warrant for the arrest of the man I saw hanged. It was rather a remarkable case, and it taught me always to look upon purely circumstantial evidence as not very good.

"How is that? Let us hear the case," said one of the party. "Well, it was like this. It was in 1872; I was quite young then, and had just been elected police justice in Dunkirk. One morning a German whom I knew came to me, bringing with him a Pole, and said:

"This man tells a very strange story, either he is crazy or else a murder has been committed in Jamestown."

"Naturally I was interested at once, and questioned the German. The Pole could not speak English, but he spoke a dialect of German, and had made his story intelligible to the German. The Pole's story, as interpreted to me, was about like this:

"He had been working for a man named Marlow, a well known brewer in Jamestown, who stood well in the community. Some days previous an acquaintance of his named Bachman had been stopping with him at Marlow's house. Marlow and Bachman had gone about town together considerably and had become quite well acquainted, apparently, in so short a time. One evening Marlow asked the Pole if Bachman had any money about him. The Pole replied that he thought he had. He thought Marlow's question a queer one at the time, but soon forgot about it until subsequent events recalled it to his mind.

"The next day the Pole was working about Marlow's place as usual when Marlow and Bachman came up from the village together. Bachman carried a parcel. When they reached the house they went into the cellar together, and remained there a long time. Then the Pole heard what sounded to him like a shot. Soon afterward Marlow came out of the cellar alone. About that time someone drove up with a wagon to get a barrel of beer. Instead of sending the Pole into the cellar for it, as he usually did, Marlow went himself to fetch it. When he reappeared with it the Pole noticed a spot of blood upon it and another on Marlow's clothing. Then he began to think that something awful had been done. After the customer had driven away with his beer Marlow ordered the Pole to hitch up a team and drive to the woods after a load of wood. This order added to the Pole's suspicions, for there was no particular need of going for wood at that time. However, he went.

"When he returned, one of the first things he noticed was that there had been a fire in the furnace under the brewing kettle. The embers were still smoldering. There was another strange circumstance. No brewing had been done. There was a quantity of water in the kettle, which had become heated, but that was all. The Pole, who, though he could not speak in English, could think and reason quite fluently in Polish, began to put together all that he had heard and seen that seemed to him unaccountable or strange, at least, and drew his own conclusion that was as yet vague, but suggested something horrible.

"THE HIRING MAN TELLS. "The next morning the Pole asked Marlow to allow him to take a day off. He said it was a holiday among his people and he wanted to visit some of his acquaintances. Marlow gave his consent, and the Pole started off. Instead of visiting his friends he took the first train for Dunkirk and sought for someone to tell his story to. For a long time he was unsuccessful, as no one could understand him. Finally he found the German, who brought him to me.

"Well, you may believe that the story impressed me. It was told in a straightforward manner, and there was nothing about the man to indicate mental derangement. Still I wanted to issue a warrant, as I was a citizen of good standing, and it seemed impossible that he could have committed such a crime. I went to an old judge, to whom I frequently applied for advice, and laid the matter before him. He listened with great interest. 'Issue the warrant,' he said. 'I took the necessary affidavits, filled out the warrant and gave it to an officer, with instructions to go to Jamestown with it. When we reached the depot where the train was ready and about to start we learned that Marlow's brother-in-law, who lived in Dunkirk, was already aboard. Evidently he had got wind of what was going on, and was going to warn Marlow. We had him taken from the train and detained while the officer went on. Do make sure, we telegraphed to the Jamestown police to arrest Marlow for murder. In a short time we received an answer in the form of a question. 'Do you mean Marlow, the brewer?' said the dispatch. 'Yes, Marlow, the brewer,' we replied.

"PERFECT FAITH IN THE MURDERER. "When our officer reached Jamestown Marlow was under arrest nominally. The whole affair was regarded as a joke, however. Marlow's friends chaffed him and he laughed loudest at their raillery. Our officer presented his papers. The deputy who had arrested Marlow looked them over. 'Your papers are all right, but you're all wrong; Marlow wouldn't hurt a fly,' he said. Then our officer told his story. A party started to examine the ashes in Marlow's furnace. In a few moments several men had found a kneecap. Bones of fingers and other portions of a human skeleton were discovered. Then there was no more chaffing, and Marlow was under arrest in earnest.

"On the trial the defence admitted the killing, but said that it was done by Marlow's wife, who struck Bachman on the head with a hammer because he insulted her mother while Marlow was away from home. But after the killing had once been admitted the jury took no stock in that story, especially in view of the testimony given by the Pole. Marlow was convicted and hanged.

"I thought then, and I still think, that if Marlow had had any suspicion that the Pole suspected him and intended to inform the authorities he could have turned the charge against the Pole without any difficulty. If a man of Marlow's standing had accused the Pole of murdering Bachman—he would have had his wife corroborate whatever story he might have prepared—nothing in the world could have saved the Pole from the gallows. Since then I have thought little of circumstantial evidence."—Albany Express.

"Lost by the Jump. When a Chicago and Eastern Illinois suburban train was driving along through Eggleston, a suburb eight miles from the court house, at a rate of nearly a mile a minute, a man was seen to spring from the rear platform. The engineer of a passing train saw the act and signaled a stop. Out tumbled the conductor, brakemen, engineer, fireman and a hundred or two passengers, all fully expecting to see the ground sent

tered for yards around with bones and mangled human flesh. Instead they saw a tall German, who stood ruefully rubbing the back of his head with his left hand, while in the other hand he held a new hat which he was brushing against his trousers to rid it of dust.

"Why did you jump off?" indignantly asked the conductor. "Ter hat, mine new hat, him blow off unt I yoomp after him."

"You flabbergasted idiot, don't you know that it might have killed you?" the conductor said as he pushed the German forward toward the train.

"Mine hat, him cost ein tollar; him blow off unt I yoomp. Him was a new hat."

This last sentence was said for the enlightenment of the indignant passengers, who were applying anything but complimentary remarks to the man with the broken head. The following morning the fellow was again a passenger on the same train, and when he saw the conductor he at once apologized for having jumped from a "cannon ball" train.

"Glad to know you've learned some sense, you'll not try that game any more," said the conductor.

"Yaw, I was so sorry. Him knocks a holes in mine hat, unt der doctor sharges ein tollar unt a haluf. Dot was pad. Der new hat him cost ein tollar, unt der doctor him sharges ein tollar unt a haluf. I will not yoomp no more, so hollup ma. I lose yoomst one haluf tollar. I was sorry." And the German shook his head lugubriously.—Chicago Herald.

Senator Palmer's Contribution.

There is a good story told about Senator Palmer when he was living in Washington. It was his custom to go to church every Sunday morning, and also his custom to put a single dollar on the plate. As he passed one church one Sunday morning, accompanied by his private secretary, he began to search through his pockets with a dismayed look on his face. Turning to his companion he asked for the loan of a dollar, explaining that he had nothing but a \$2 bill. The secretary could not accommodate the senator, but a bright thought suddenly seemed to strike the latter, and he exclaimed:

"Oh, well, I can fix it." "You wouldn't make change of the plate, would you?" asked the secretary, horrified at the thought.

"Never mind how I will do it," replied the senator; "you will see it done." When the plate came around the senator gracefully took out his \$2 bill, tore it in two pieces in the middle, and laid one piece on the plate. After the services were over he passed forward to where the stewards were counting the collection money, and asked the one who had come down his aisle if a mutilated \$2 bill had been found on the plate.

"Yes, and we don't know what to do with it," was the man's reply. "Well," said the senator, "here's the other half, and you can have it for \$1. That will make your half worth \$1 to you, and \$1 is all I ever give." He got the dollar.—New York Press.

Patent for Seven League Boots.

Who ever heard of a man lifting himself by his boot straps? Only small children believe in the performance of "The Seven League Boots." Well, the patent office has granted papers to a Russian upon a device which is a combination of the hitherto deemed impossible boot strap act, with a little of the seven league business added. The Russian lives in St. Petersburg. He calls his invention an "apparatus for walking, running and jumping." The apparatus consists of bows and springs fastened to the feet, the legs, the waist and shoulders. As the knees are bent either to walk or to jump the tension of the bows and springs is increased, and the man shoots upward and forward. At least that is what the drawings and specifications of the invention say will happen. The Russian did not send over any actual samples of his contrivance, and the patent office people have to act upon the theory only.—Cor. St. Louis Globe-Democrat.

Poets Are Not Like Birds.

The late George H. Baker wrote to his friend, R. H. Stoddard: "Read used to tell a story of some Yankee poet who resolved to wait for an impulse from the Muse. He waited thirty years, and at the end of that time concluded himself no poet, although his youthful poems gave promise of great things. That man perhaps wanted but industry to make him immortal. I hold that there is a labor connected with all great literary achievements sufficient to drive any but a man of genius stark mad. This is the world will never believe. It has an idea that poets write as birds sing, and it is this very false idea which robs us of half our honors. Were poetry forged upon the anvil, and cut out with the ax, or spun in the mill, or heaven how men would wonder at the process! What power, what toil, what ingenuity!"

The Value of Experience.

A good story is told of a candidate for the assembly nomination in this county. He is also an oil producer. About a year ago a man applied to him for a contract to drill a well. "Have you ever drilled any wells?" asked the oil man. "No," said the applicant. "Well," said the oil man, "I must have a man of experience." The two again met, and our oil producer, who had never held an office, asked the driller to vote for him. "Have you ever had a seat in the legislature?" was the driller's query. "No," said the candidate. "Well," said the driller, "I'm going to vote for some man who has had experience."—Venango Spectator.

Canary Rearing Industry.

Germany carries on a large trade in the export of canaries. Every year she sends no fewer than 180,000 of these birds to America, 8,000 to England and about 2,000 to Russia. The great nursery for the breeding of canaries is the Hartz mountains. Many of the peasants are engaged in the work of rearing the birds, and receive wages of from \$10 to \$25 a year for their trouble, an important addition to their earnings. Many canaries come also from the Black Forest, but they do not fetch such high prices as the Hartz birds, not being considered such good songsters.—New York Telegram.

Flowers and Perfumes.

Flowers and the perfumes distilled from them have a salutary influence on the constitution, and constitute a therapeutic agent of high value. Residence in perfumed atmosphere forms a protection from pulmonary affections and arrests the development of phthisis. In the town of La Grasse, France, where the making of perfumes is largely carried on, phthisis is almost unknown owing to the odorous vapors inhaled from the numerous distilleries.—Hall's Journal of Health.

She Wanted a Barometer.

Mamma (ready to go shopping)—Good-by, dearie; what shall I buy for my little girl? Helen (aged 4, whose nurse is an old fashioned weather prophet)—Oh, mamma, buy me some bunions, please, so I can tell when the weather is goin' to change.—Harper's Young People.

One of the highest observatories in the world is about to be erected in Tananarivo, Madagascar. It will be in every way complete, and the site chosen for it is about 4,400 feet above the sea level.

Olive Thorne Miller's Pet Monkey.

Unlike the common marmoset, which destroys everything it touches, he is naturally gentle. A white moth which was once given him to eat he took in his dainty fingers, examined it closely on all sides and then let it go without hurting it in the least.

Sleepy time comes as early as 5 o'clock, and he requires no coaxing to go to bed. Off he starts on a gallop, but on reaching his box he pauses, stands upright, raises the blanket cover with one little hand, leans over and peers in, with a comical air of looking under the bed for a burglar. Finding things all right he glances around the room to see that all is safe there, then dives under the blanket, resting his feet (or hinder hands) on the edge of the box a moment, while his long tail curls itself up from the tip like a watch spring and passes in under the cover. Often as we have seen this performance it never ceases to be extremely funny.

Once inside his bed with his cherished tail he sits down with this member standing up before him on edge, like a wheel, thrusts his head down between his knees beside it, and thus arranged in a compact bundle, almost as round as a ball, he sleeps, the top of his head on the floor and his nose buried in his fur. How he can breathe is a problem. Soon after he is in bed we hear him utter a tender, sweet and birdlike call and cry, which are really touching, for they seem like lamentations for his mates or dreams of home.—Olive Thorne Miller in Home Maker.

Some Odd Books.

At Warsenstein, in Germany, there is perhaps one of the most curiously original collections of books in the world. It is really a botanical collection. Outwardly each volume presents the appearance of a block of wood, and that is what it actually is; but a minute examination reveals the fact that it is also a complete history of the particular tree which it represents.

At the back of the book the bark has been removed from a space which allows the scientific and the common name of the tree to be placed as a title for the book. One side is formed from the split wood of the tree, showing its grain and natural fracture; the other side shows the wood when worked smooth and varnished. One end shows the grain as left by the saw and the other the finely polished wood.

On opening the book it is found to contain the fruit, seeds, leaves and other products of the tree, the moss which usually grows upon its trunk and the insects which feed upon the different parts of the tree. These are supplemented by a well printed description of the habits, usual location and manner of growth of the tree. In fact, everything which has a bearing upon that particular tree secures a place in this wonderful, useful and valuable collection.—Youth's Companion.

A Voracious Pike.

A female pike weighing twenty-nine pounds has been found in the lake at Ewhurst park, Basingstoke, the seat of Lord Alexander Russell. It had apparently met its death in the vain attempt to swallow one of its own species weighing nine pounds. The two fish, in the position in which they were found, are being stuffed at Winchester. Pike have died in this manner before, but it is doubtful whether or not these should be regarded as instances of voracity or pique accidents. Pike, like many other fish, frequently do battle, and it has been suggested that when two savage fish rush headlong at one another the smaller one might easily enter the jaws of the larger. Once in there would be no getting out again, for the pike's mouth is lined with hundreds of sharp teeth, which, like those of the shark, point throatward. As an undoubted instance of pique voracity there is an unusually well authenticated record of a pike of two pounds first swallowing a trout of one pound, and shortly afterward, while the tail of the trout was still in its throat, seizing an artificial bait three and a half inches in length.—Pall Mall Gazette.

A Big Phantom Ship.

The largest phantom of the deeper ever heard of was that of the old Frisians. This was the Mannigfalk, which was so large that the captain had to gallop about on horseback to give his orders, and whose masts were so high that boys going aloft to attend to the sails came down gray headed men. It was in trying to penetrate the Strait of Dover that this huge vessel scraped the rocks, and so made the white cliffs of Albion. And yet, perhaps, she was not so large after all as the French phantom Chasse-Foudre. This vessel was so long that she took seven years to tack and her cables were the circumference of St. Peter's dome. Twenty thousand men could manœuvre on her decks, and in order to provision the crew when at anchor each block was fitted up as a tavern. But this phantom ship was manned by good and deserving mariners, who found little to do and plenty of meat and drink on board of her.—Chambers' Journal.

Photographing a Bullet.

Nothing is too difficult for the experimenter to attempt—witness the photographs of rifle bullets in motion, obtained recently by two Austrian officers. Scientific journals of high standing considered this feat so difficult that at least one of them (La Nature, of Paris) refused to believe that it had been done, even after the publication of the pictures, and discredited the conclusions drawn from them by the officers. Yet on examining the original photographs (which were not as large as one's little finger nail, and so had to be photographed on a larger scale when published) the editors had to confess that they were not only genuine, but the results of wonderful knowledge of photography and skill in manipulation. The condensed wave of air in front of the bullet could plainly be seen, and from its shape interesting deductions can be made as to the proper shape of rifle bullets.—New York Saturday Review.

Needed an Expert.

"I can't get my bag open, the train's stopping and I've lost the key." "He (ocularly)—You'll have to hire some robber to pick the lock for you." The car porter is passing through. "Oh, I say, come here and see whether you can open this lock, won't you?"

Cancer of the Nose.

In 1875 a sore appeared on my nose, and grew rapidly. As my father had cancer, and my husband died of it, I became alarmed, and consulted my physician. His treatment did no good, and the sore grew larger and worse every day, until I had concluded that I was to die from it. I was persuaded to take S. S. S., and a few bottles of this wonderful medicine cured me, and other medicines had failed. I have had no return of the cancer.—H. M. T. MAREN, Woodbury, Hall County, Texas. Treatise on Cancer mailed free. SWIFT SPECIFIC CO., Atlanta, Ga.

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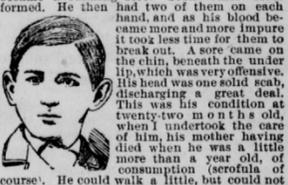
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