

THE ACQUITTAL OF JIM BURLEY

In a little town situated in the heart of the Rock Mountains there dwelt a community of individuals who delved for gold and other valuables in the daytime, and at night sat around in the various places of resort, exchanging lies, or devising schemes to get rid of their hard-earned gold without receiving a quid pro quo. In plain language Kokomo was a mining town.

A murder was committed one day, and the murderer was caught red-handed, or, rather, he caught himself, for he did not try to escape, actually sending a messenger for the sheriff, while he guarded the corpus delicti himself. It was well toward evening, and the thermometer had taken a sudden fancy to drop twenty degrees below zero.

There was absolutely no way of escape for a criminal, and when the sheriff escorted his prisoner to the jail he did not worry about the insecurity of that structure.

"Jim," quoth he to his prisoner, "I hain't got no key, an' can't lock you up, but it's my duty to put you in jail, for if I don't somebody will accuse me of bein' bribed, besides it's thunderin' cold, Jim. Tell you what you do, Jim, if you git too cold, come over to Sample's, where I'll be, an' warm up."

Saying which he shut the door on the prisoner, who did not appear to be much worried over the situation, but apparently he became cold—or lonesome—for later on that evening he left the narrow precincts of his prison, quite unconcernedly, and started out to find his friend the sheriff and get warmed up.

The sheriff at that particular time was enjoying a game of billiards at Sample's saloon, with the judge of the court, the clerk and about twenty prominent citizens, standing, or sitting around a red-hot, big-bellied stove, watching the game. The sheriff had massed the balls in a corner of the table, and was about to make a shot when he felt his arm touched. Turning instantly, he saw his prisoner with an anxious look on his face.

"Well, Jim," said he, putting down his cue, "what is it?"

"Nothing much," replied Jim, "thought I'd come over and warm up. But say, Bill, if you'd made that shot, you'd missed. Give me the cue and I'll run the string out."

The others consenting, Jim took the cue and not only run the game

street, not thinking of him at all, he just up an' fought me an' I allus got the worst of it.

"Well, this evenin', along late in the afternoon, he run into me as I was turnin' a corner, an' he swore I did it a-purpose, but how could I? Then Bill says: 'Damn you, I've got you now where thar ain't nobody looking an' I'll just kill you an' feel easier.' With that he draws his gun and says: 'Say your prayers, if you've got any, afore you git sent over the range whar you'll never come back to bother me.' I didn't keer much about whether I was dead or alive, but just at that moment I felt as if I wanted to live, so I stooped down without thinkin' an' picked up a rock that happened to be layin' thar, an' dashed it at him. I didn't have no gun nor anything else about me, an' I had no thought to kill Bill. I just threw the rock for luck, an' it happened to slam him in the face. That's all thar is to it, judge."

"Jim, was Bill dead when you left him?" asked the judge.

"I don't know, judge," answered Jim. "He fell down when the rock struck him; that's all I know about it. I ain't no doctor, but I opine he was unconscious or he'd a shot."

"I suggest that we visit the res gestae," said the clerk of the court. "Second the motion," said a town councilman. "Let's take suthin' hot first; it's on me. What you goin' to have, Jim?"

In a few minutes the party returned to their former position around the hot stove, and after quiet was restored, the judge spoke:

"Mr. Sheriff, open court."

This having been done in the usual fashion, with the preliminary command, "Hats off, gentlemen; court's in session," the clerk called the case of "the people gainst James Burley, charged with the murder of William Jackson."

A jury of twelve was then impaneled and the defendant interposing no objection the prosecuting attorney examined witnesses, who testified to the finding of the corpus delicti and the defendant's admissions.

Jim repeated his story, and volunteered on his behalf testified that a careful examination of the res gestae disclosed the fact that a big rock lay beside the dead man, and that in his hand was a gun, on the trigger of which was still pressed a frozen finger, one cartridge of said gun being empty—that is to say, the one upon which the hammer had fallen when the trigger was pulled.

Joe Bowers, a policeman and a former cow puncher from Arizona, after qualifying as an expert, testified that Bill Jackson must have been ready with his gun before the rock was thrown, for the reason that the gun

A PARADISE ON EARTH

Monte Carlo the Beauty Spot of Europe—Famous Gambling Rooms Furnished by Nature With Most Magnificent Setting.

(Special Correspondence.)



HE Riviera is in full swing.

Nice, Monte Carlo, and Mentone are crowded with guests. But most people will find that beautiful, subtle, sinister place called Monte Carlo the most attractive spot in the whole little paradise of towns that stretch along the Mediterranean in these regions. The love of gambling remains one of the primordial instincts of mankind, and also one of the strongest.

Lately a distinguished man of science has been investigating Monte

it, the total amount probably did not exceed \$5,000,000, of which the bank, instead of winning, as shown in the guide book, about 1 1/2 per cent, actually won rather more than 90 per cent; therefore, the advantages in favor of the bank, instead of being 61 to 60, were approximately 10 to 1."

Before I give a delightful and characteristic little picture of Monte Carlo life from Sir Hiram Maxim's pen, I ought to premise to those who don't understand the laws of the tables that there are thirty-six numbers and zero on the roulette table. When zero turns up the putter gets nothing; the bank takes half his stake, and this is supposed to represent the advantage



The Casino.

Carlo from the scientific point of view. This remarkable man, Sir Hiram Maxim, discusses all subjects in the cold light of reason. He has made a vast fortune by a death-dealing machine which has sent more men to dust than possibly any plague of modern times.

You may talk of great statesmen, of wonderful generals, of magnificent tactics, but in the last resort it was Sir Hiram Maxim that decided the battles and the fates of nations.

Behold Sir Maxim, then, at the tables of Monte Carlo, and indifferent, like nature, to the poor human passions of hope and despair surging round him, examining the whole thing, as he might a new shell.

Out of a very long article, I choose this passage as summing up in very clear terms, his judgment of the chances for and against the player when he fights against M. Blanc with the tables as the battle ground.

He describes how a little guide book to Monte Carlo laid down that the chances between the player and the bank were as 60 to 61 and that the winnings of the bank were \$5,000,000 a year.

He says: "This appeared to indicate to me that the players of Europe and America took \$305,000,000 to Monte Carlo every year, staked it, won back \$300,000,000, and left \$5,000,000 with the bank. The magnitude of these figures staggered me. I could not understand it. Surely it could not be true. Still,

the bank has over the player. Now bearing this in mind, read the following little episode of Monte Carlo life; it will show the absolute and incurable fatuity with which so many people play there:

"While at Monte Carlo I became acquainted with a married couple who went there every day to the bank, drew out £40, divided equally between them, and then went to the Casino, and played until they had lost their money. They generally commenced by staking a 20 franc piece at a time. If they won, they added a 20 franc piece to their little pile on the table. If they lost, they replenished their pile with another 20 franc piece from their pocket. On one occasion, I noticed that the wife was patiently backing red, while the husband quite as patiently backed black.

"When one lost, the other won, and at each put down 20 francs at each coup, they kept even so long as zero did not come up, but when zero did come up they lost half their stake—that is, the bank took from the two players 20 francs, and as about one coup was played in a minute, it followed that the zero came up on an average once in every thirty-seven minutes. Their average losses would therefore, be 20 francs every thirty-seven minutes, and this sum when only 20 francs was staked; but at the play dragged on they usually staked three or four times that amount, their money lasting them from about 1



Entrance to Gambling Room.

If the bank actually won \$5,000,000 a year, and its chances were only 1 in 60 better than the players, it was quite evident that \$305,000,000 must have been staked. However, upon visiting Monte Carlo and carefully studying the play, I found that, instead of the players taking \$305,000,000 to Monte Carlo, and losing \$5,000,000 of

it, the total amount probably did not exceed \$5,000,000, of which the bank, instead of winning, as shown in the guide book, about 1 1/2 per cent, actually won rather more than 90 per cent; therefore, the advantages in favor of the bank, instead of being 61 to 60, were approximately 10 to 1."

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HAPPY AND HEALTHY.

A BEAUTIFUL CANADIAN GIRL SAVED FROM CATARRH OF THE LUNGS BY PE-RU-NA.



MISS FLORENCE KENAH.

Miss Florence E. Kenah, 434 Maria street, Ottawa, Ont., writes:

"A few months ago I caught a severe cold, which settled on my lungs and remained there so persistently that I became alarmed. I took medicine without benefit, until my digestive organs became upset, and my head and back began to ache severely and frequently.

"I was advised to try Peruna, and although I had little faith I felt so sick that I was ready to try anything. It brought me blessed relief at once, and I felt that I had the right medicine at last. Within three weeks I was completely restored and have enjoyed perfect health since.

"I now have the greatest faith in Peruna." F. E. KENAH.

WOMEN should beware of contracting catarrh. The cold wind and rain, sleet and mud of winter are especially conducive to catarrhal derangements. Few women escape.

Upon the first symptoms of catching cold, Peruna should be taken. It fortifies the system against colds and catarrh. The following letter gives one young woman's experience with Peruna:

Miss Rose Gerbing is a popular society woman of Crown Point, Ind., and she writes the following: "Recently I took a long drive in the country, and being too thinly clad I caught a bad cold which settled on my lungs, and which I could not seem to shake off. I had heard a great deal of Peruna for colds and

catarrh and I bought a bottle to try. I am pleased that I did, for it brought speedy relief. It only took about two bottles, and I considered this money well spent.

"You have a firm friend in me, and I not only advise its use to my friends, but have purchased several bottles to give to those without the means to buy, and have noticed without exception that it has brought about a speedy cure wherever it has been used."—Miss Rose Gerbing.

If you do not derive prompt and satisfactory results from the use of Peruna, write at once to Dr. Hartman, giving a full statement of your case and he will be pleased to give you his valuable advice gratis. Address Dr. Hartman, President of The Hartman Sanitarium, Columbus, Ohio.

Proving Truth of Old Adage.

Secretary Shaw was noticed to join heartily in singing the hymns while at church on a recent Sunday. A friend whom he met outside commented on the fact and Mr. Shaw said in his slow drawing way: "Well, they say money talks. If that's true the secretary of the treasury ought to sing."

Gen. Sausser Resigns Post.

Gen. Sausser, ex-military governor of Paris, has resigned his position as a member of the higher council of war on account of ill health. The General is in his seventy-fifth year. He took part in twenty-four campaigns and has the grand cross of the Legion of Honor.

The Gambler and His Victims.

The New York gambler who left the shortest will on record was just so much better off than those who went up against his game. Most of them could leave a last testament like this: "Please bury me in the clothes I had on when I cashed in. Uncle George will pay the funeral expenses."

The Cost of Monarchy.

It is roughly estimated that since the accession of King Edward no less than £60,000 has been spent by the office of works in the renovation of royal residences. Of these Buckingham Palace and Marlborough House have required by far the greatest attention.

A Tame Sea Gull.

An entertaining incident occurred on the roof of a London coach one morning recently. As the vehicle was proceeding over Blackfriars bridge a sea gull took his stand on the roof and took little or no notice of his fellow-passengers. He rode several blocks and a young working-girl opened a parcel containing her day's food and gave the gull some bread, which he ate with avidity.

Cautioned Bret Harte.

Ex-Minister Straus tells a new one on Bret Harte. He says that when Harte was sent to Glasgow as United States consul he asked the secretary of state for instructions. The secretary told him that he was going abroad with laurels on his brow, and that he should be careful not to browse on his laurels.

Uncle Reuben Says:

"I'm realizin' dat I hasn't created no pertickler commoshun in dis world, but as an offset I am consol'n' myself wid de reflection dat de world has bin none de worse for my livin' in it. If I haven't helped, I haven't hurt."—Detroit Free Press.

Queer Name for Street.

A remarkable specimen of street naming in Toledo, the ancient capital of Spain, is cited by a correspondent of the Pall Mall Gazette. It is "Calle Del Diablo Perenne at Ayuntamiento," or, in English, "The Devil belongs-to-the-Municipal-Council Street."

Crops of Manitoba.

The Manitoba potato crop amounted to 4,469,325 bushels and the root crop to 3,230,995 bushels. There are 1,824 thrashing outfits in the province.

Has Led Adventurous Life.

Dr. Arthur Evans, who lectured recently at the Royal Institution, London, upon the most remarkable archaeological discovery of modern times, has been a traveler and digger of the soil all his days, and has, on at least one occasion, spent a term in an Austrian prison for supposed complicity in an insurrection.

Justice in France.

The presiding judge at the Seine (France) Assizes the other day performed the somewhat remarkable feat of inflicting 160 years' penal servitude and 70 years' imprisonment in just five minutes by the clock. The sentences passed were on defaulters, of whom there were fourteen, with the average of fifteen years a minute.

Protect home industry.

There is very little doubt now that a bill will shortly be introduced to prevent the influx of undesirable aliens into England. Such a measure has become absolutely necessary, as it is declared that our own criminal classes are now finding it difficult to earn a living.—London Punch.

Sons and Fathers.

Prof. Sparks complains that boys today meet their fathers as equals instead of looking up to them as they did in the days of John Quincy Adams. If the professor will just go around a little more he will discover that the father is lucky whose boys do not look down on him.

Woman Sanitary Inspector.

Miss Genevieve Wilson has been appointed sanitary inspector at Orange, N. J. Miss Wilson is the niece of Bishop Abel Leonard, Protestant Episcopal bishop of Utah and Nevada, who has been a leader in the philanthropic and reform movements not only in Salt Lake City, but throughout the West. She is a trained nurse and is expected to make a record.

Spanish Blood in America.

Of the 12,000,000 inhabitants of Mexico 10,000,000 are of pure Indian type. In the Spanish American republic, in the southern Pacific, the soldiers of Pizarro made a much deeper racial impression, the majority of persons in all the cities being half breeds—choles, as they are called.

Where Hats Are Unknown.

Although hats were first manufactured in England by Spaniards as far back as 1519, there are parts of Spain where the hat is unknown, except in pictures. The men, when they need a covering, tie up their heads, and the women use flowers.

Legislature Honors Pioneer.

The North Dakota legislature has just passed suitable resolutions on the death of Capt. Alexander Griggs, the pioneer steamboat captain of the Red River, who founded the town of Grand Forks.

A Perfume Spring.

What is stated to be a spring giving forth a liquid resembling essence of violet both in perfume and chemical composition, has been discovered in a valley near Millau, Aveyron, France.



"So I stooped down without thinking."

out, but made a string of about a hundred over. Everybody at that quit the game and gathered about the hot stove to discuss the man who had handled a cue in that fashion, all agreeing that he ought to possess some redeeming trait, although he had just killed Bill Jackson. The judge, after ordering hot whiskies for the crowd, set the pace for Jim to tell about it.

"Thar ain't much to tell, judge," said Jim, "but I don't allow it war my fault. Bill Jackson has allus had it in fur me. I allus seemed to be gittin' in his way, an' the more I tried to keep away from him, the more I ran agin him. I never seemed to git along nohow. I was allus the under dog. Bill declared I was his hoodoo. He said I was a nightmare, an' it made him shiver only to see me around. He swore he would kill me if I didn't keep out of his way, an' every time he come across me on the

could have been drawn quicker than stooping to pick up a rock from the ground. That it was impossible to tell whether Bill Jackson was killed by the rock thrown by the prisoner or whether he had frozen to death while lying unconscious after he fell. Further, that, in his opinion, it was a special dispensation of Providence that Bill Jackson was to die before Jim Burley, and that it was a mere accident, if not a clear case of self-defense.

The testimony having all been adduced, the judge charged the jury, who returned a verdict of "not guilty" without leaving their seats.

After shaking hands with the prisoner and congratulating him upon his acquittal, arrangements were made to bury Bill Jackson, and the judge and sheriff resumed their interrupted game of billiards, with Jim Burley as referee.—Dupont Vicars in Chicago Record-Herald.