

Colonel TODHUNTER of Missouri

By RIPLEY D. SAUNDERS

Copyright, 1911, by the Bobbs-Merrill Company.

CHAPTER XIII.

Capture and Trial.

FIVE miles back, on the road along which the fugitives had come, two men on horseback were galloping swiftly in pursuit. One was tall, with cool gray blue eyes under shaggy brows, gray hair, white mustache and an old fashioned imperial. His seat in the saddle was that of a seasoned cavalryman. The other was small, wiry, with a smooth shaven, hardset face, a mouth like a steel trap, cold hazel eyes that kept themselves fixed on the road ahead.

"We oughtn't to be very far behind 'em now, Jim," spoke the first man. "Th' ain't no way they could ha' dodged from the main road, is there?"

"No, colonel, they ain't," returned the other. "Not till they come to the old dirt road that leads to the cabin I told you about. That's where they're headin' for, Colonel Todhunter, and it's where we're goin' to run upon 'em. We'll be there pretty soon too."

Colonel Todhunter's face was grim. "I hate to think of Lottie-May Doggett!" he spoke. "It's mighty bad, mighty bad, suh. I feel that sorry for poor old Luff Doggett. Lord, Lord, the shame of it all is a-goin' to kill that good old man!"

The wiry little man to whom he spoke snapped his jaws together in angry scorn.

"That can't be helped now, colonel," he made answer. "I got to do my duty, woman or no woman!"

"I ain't askin' you to do anything less'n your duty, Jim," replied Colonel Todhunter. "And I'm just as responsible as you are. But I'm sorry, and I'm afraid too. If there's any serious trouble I hope there'll be some way o' seein' that the girl don't get hurt."

"She won't if she behaves herself," said the other. "But she's got to do that, for there ain't goin' to be no time for foolishness. You've got to forget the girl part of this business if you want to come out on top, Colonel Todhunter."

Colonel Todhunter sighed. "I reckon that's straight, Jim," he agreed.

The two rode on abreast without further words until they reached the cross-road.

"Here we are, colonel," spoke the little man, his voice low. "It's a safe bet they're layin' up till dark in that old shanty."

The two riders checked their horses to a walk.

Suddenly a woman's shriek broke the stillness. "For God's sake, Jesse!" the cry sounded. "You ain't a-goin' to kill me like a dog, are you?"

Instantly, hearing the cry, Colonel Todhunter pressed his horse to a full gallop. His companion did the same. They threw themselves from the saddle in front of the cabin. Colonel Todhunter hurled his weight against the door. It yielded, and he plunged inside.

A girl knelt in the center of the dark little hut. Her hands were uplifted in entreaty. Over her stood a man with a knife raised to strike. His face was black with rage.

Colonel Todhunter covered him with a swiftly drawn pistol. "Hands up, Chickasaw! We'll tend to Lottie-May ourselves—and to you. This is the sheriff o' Ralls county I got with me."

The man turned. He looked into the muzzles of two revolvers, the sheriff being well nigh as quick to draw as Colonel Todhunter. Their menace did not invite resistance. The man saw this truth instantly. Colonel Todhunter's steady eyes held his. The colonel spoke to the girl without looking at her.

"Git off there to one side, Lottie-May," he said. "Quick!"

The girl sprang from under the knife.

"Thank God, you come, Colonel Todhunter!" she cried. "Thank God—oh, thank God!"

And at the girl's cry the man laughed aloud. He threw his knife to the floor.

men, empty handed, he stood confronting his captors.

The trial of Tom Strickland had been relentlessly hurried to the day of its closing by a political prosecution working through a complaisant judge servile to machine influence.

From that early moment of the selection of a jury the truth of a merciless haste was in evidence. It was explained by the court that there was imperative need for as little delay as might be possible, the docket being crowded and many cases remaining to be disposed of during the present term. The grim fact was that Colonel Strickland's enemies felt sure of a conviction and were determined that the verdict should be rendered in time to remove whatever peril of his nomination might still remain.

The evidence scored heavily against Tom from the start.

There was plainly sounded a note of somewhat insolent confidence, almost like jubilation, in the swift announcement of the state's evidence.

Colonel Bill Strickland, gray and pinched of face, recognized its instant menace. His closely shut lips broke their rigid lines pitifully, precisely as they had done when Tom was brought into court and took his seat confronting the jury.

At the same moment a swift flash of anticipated triumph leaped into the eyes of old Ephraim Tucker, sitting with the state's counsel. Tom's father saw this, and his jaws set hard at the sight.

"They're feeling pretty sure of a conviction," he whispered to Major Gentry Dryden. "It's likely they've obtained evidence against Tom that we don't know anything about?"

The lawyer shook his head. "I hard-ly think so," he replied. "We've got a line on all their witnesses, I believe. I can't figure out how they'll be able to spring a surprise on us."

But one sinister sentence in the prosecuting attorney's opening statement to the jury made him ely him.

"We shall prove, gentlemen, beyond a reasonable doubt," the state's counsel said, "the motive which we claim, led Thomas W. Strickland to slay Stamford Tucker, and then—moving a step nearer to the jury and lifting one hand impressively—'having proved this, we shall establish by the testimony of an eyewitness the fact of Thomas W. Strickland's presence at the scene of the murder at the time of its commission.'"

Major Gentry Dryden, in spite of himself, started at hearing this crushing announcement. Something of fierce resentment, pathetic in its impotency, showed in Colonel Strickland's grizzled countenance. Tom's face, a helpless perplexity in his eyes, went deadly white.

The atmosphere became tense with the sudden dramatic grip of the situation thus created.

And the hearing of testimony for the state began.

It went forward with merciless precision and dispatch, a certainty and rapidity so well ordered as to be overwhelming in moral effect.

The evidence was cruelly against Tom Strickland. Two witnesses, a farmer and his son, testified to finding the dead body of Stamford Tucker by the roadside, at a point midway between the Tucker home and the town of Nineveh, at daybreak on the morning of the 27th day of July just past. They were on their way into town to sell garden produce. The dead man lay on his back just at the edge of the road. There was a bullet hole in his forehead. A pistol, with one chamber empty lay an inch or two distant from his right hand. The witnesses had hurried into Nineveh and notified the authorities.

Simson Birdsong testified that bad feeling had existed between Thomas W. Strickland and Stamford Tucker since the night of the clash between the Strickland and Yancey factions at the opening rally of the Strickland campaign. The witness stated that the accused at that time made threats to "get even" with Tucker for attempting to break up the Strickland meeting. On the following day the accused had openly insulted Tucker in the barroom of the Nineveh hotel and had knocked him down a short time later when they again met in the same place. It was generally believed that there would be a bloody encounter between them before the campaign closed. Other associates of the dead man and the accused testified to the same facts.

Mrs. Todhunter, whose appearance as a witness for the state was a dramatic surprise and who was pitifully agitated, testified to the fact of the accusation made against Thomas W. Strickland by Lottie-May Doggett at the reception and hop given by the Nineveh Light Infantry, and her testimony was supported by that of several other ladies who heard the accusation.

Nicholas Bledsoe, the bartender in the saloon frequented by the Yancey-Tucker faction, testified to the facts of the two visits to his place made by the accused on the forenoon and evening of the 26th day of July just past. On the occasion of the latter visit the accused had told him that Stamford Tucker was the man whom Lottie-May Doggett should rightfully have charged with her ruin; that the girl had told him, the accused, of Tucker's meeting her secretly, and that he meant to make Tucker acknowledge the truth publicly or else kill him. This witness' testimony established the hour of 8:30 on that night as the exact time at which Tom Strickland had left the barroom to go out to the Tucker home for the purpose of compelling Stamford Tucker to agree to make such an acknowledgment or of forcing a hostile meeting in the event of his refusal.

White haired Mrs. Tucker, the dead man's mother; Katherine Tucker, his sister, and Ellen Barry, domestic in the Tucker home, testified that Stamford Tucker had left the house at or about 8:30 o'clock on the night of the 26th of July past, saying that he might be late in returning. He had not told them where he was going. They had believed he was going into the town of Nineveh.

Dr. Longford, the county coroner, testified to the established facts of the inquest that had resulted in a verdict holding Thomas W. Strickland for the killing of Stamford Tucker.

Luther Bradfield, proprietor of a hardware store in Nineveh, testified that Thomas W. Strickland had purchased a revolver from him on the morning after the opening of the Strickland campaign in the Nineveh town hall. He identified the weapon taken from the accused at the time of his arrest as the one thus purchased, and stated that the bullet found in Stamford Tucker's brain was fired from a pistol of the same caliber.

Colonel Thurston T. Todhunter and Miss Lottie-May Doggett had not an-

swered to their names when called as witnesses for the prosecution. The deputy sheriff sent to bring them into court had returned later and announced that he had been unable to find them. This had occasioned much surprise; but, as both the state and the defense felt assured of their appearance at almost any moment, the examination of other witnesses proceeded.

The case against Tom Strickland began to assume its most ominous aspect immediately following the testimony of Bradfield, the hardware dealer.

The prosecuting attorney turned, smiling, from a whispered consultation with old Ephraim Tucker.

"Call Abraham L. Tolliver," he said.

A negro man about forty years of age took the stand in answer to the sheriff's cry. He seemed frightened and reluctant to testify.

"What is your name?"

"My name is Abram Lincoln Tolliver, suh—dass my name."

"What is your occupation, Abram—what do you do to make a living?"

"Mostly I ketches fish, suh. I hunts some, too, and I sets traps for coon and mink down yander in de Black Bottom swamps, suh."

"Where were you, Abe, on the night of July 26 just past?"

"Part de time I was right hyar in dis heah town o' Nineveh, and after dat I went on my way to whar I done got my camp in de bottom lands, suh."

"What time did you leave the town of Nineveh to go to your camp in the Black Bottoms?"

"I lef' dess a h' while after half at-ter 8, suh."

"How do you know this?"

"'Case I done ax Ben Dalton, de cul-lud man whar I been visitin', what was de time dess as I was a-tellin' him goodby, suh."

"What road did you take to go to your camp in the Black Bottoms?"

"Why, suh, 'cose I took'n de Black Bottoms road, suh—less'n ways 'twell I comes to a h' hog path what leads down into de big swamps off'n dat-ar road, suh."

"How far is it from town before you come to that hog path, Abe?"

"Dess 'bout'n a mile, suh, ter de best o' my knowledge and speakin' sorter offhand lak, suh."

"Do you know where the Tucker place is on the Black Bottoms road?"

"Yass, suh."

"Is that path of which you speak more or less than halfway to the Tucker place as you go out from town?"

"'Hit dess a h' m' on halfways, suh."

"Now, Abram, and the prosecuting attorney straightened to his full height and spoke with especial earnestness. "I want you to tell the jury exactly what happened to you on your way to your camp in the Black Bottoms that night. Tell it in your own way just as it happened."

The witness looked at his questioner with apprehension in his child-like eyes.

"Mistah Cromwell, you—you done gimme yo' w'd dey ain't no harm a-comin' to me ef I tells dat?" he cried appealingly. "And you done tole me I hatter tell it, whur I wants to er no. Ain't dat so?"

"That is the truth, Abe. The law compels you to testify to the facts of your knowledge bearing upon this case. And it is the law's intent that no harm shall come to you for so doing."

The witness began in a low voice. "Dey wa'n't nothin' happened to me 'twell I come high to dat ar hog path what cuts off inter de bottoms," he said. "Dess fo' I got dar, suh, I heern shootin'—one shot and den annurr, hit seem lak ter me, suh. I was skeered when I hear dat ar shootin' and seem lak I better not go on ter whar I sho' ter run smack into it. Mistah Cromwell—yass, suh, I's a-tellin' it ter de jury, suh. So hucome I done hid in de brush side o' de road, suh, layin' flat on de groun'. And dar I stayed, suh."

The witness hesitated.

"Go on," said the prosecuting attorney. "Tell the jury precisely what happened next."

"I lay dar, lak I say," resumed the witness, "when all of a sudden lak a man come down de road 'um whar I heern de shootin'. He pass straight by me on de road, and he seem to be staggerin' lak. He was talkin' to hisself as he pass whar I was hidin' in de brush. He had his pistol swingin' in his hand, suh, lak a man what was too excited to put it back after he use it, suh."

The prosecuting attorney moved a step nearer the witness. "You saw that man plainly, Abe?" he asked. "You got a good look at his face?"

"Yass, suh. 'Hit was a bright moon-light night. I seen dat ar man dess as plain as I done see you dis hyar minnit, suh."

"Did you recognize him?"

"Yass, suh. I knowed him soon's I set eyes on his face, suh."

"Do you see him in this courtroom now?"

"Yass, suh."

"Point him out to the jury, Abe."

The negro, now feeling reassured, leveled his black finger at Tom Strickland dramatically. The eyes of the two, the white man and the black, met, each holding the other's as if fascinated. In those of the witness there was a sort of histrionic relish of the value of the situation tempered by a latent apprehension. In those of the accused there was a strange and pitiful perplexity.

"Dass him, suh," spoke the witness. "Hit was Mistah Tom Strickland what I seen passin' me on dat ar road, suh. Lawdy massy! I done know him since he wa'n't mo'n knee high to a duck, suh!"

There was a sudden stir throughout the courtroom, a movement of tense excitement, followed by a sinister hush. "After you saw and recognized this

man," said the prosecuting attorney, "what happened then?"

"I had right dar 'twell he done gone out o' sight, suh. He was a-goin' in to 'ards town, and I done keep my eyes on him 'twell he turn a ben' in de road and I ain't see him no mo'. Den I wait 'twell I sho' he ain't a-comin' back. After dat, I got up and started on my way, keepin' in de shadow side o' de road."

Again the witness paused.

"Well?" asked the prosecuting attorney. "Tell the jury what happened then, Abe."

The witness shuffled uneasily in his chair, something of awe in his black face.

"I—I had come purty nigh to de hog path whar I was to strike off inter de bottom lands," he resumed, "when I stumbled ovah sump'n a-layin' on de groun', part in de road and part in de grass side o' de road."

He wiped his face with his open palm. "Hit was a man," he said—and then, his voice solemn—"and de man was dead. He been shot. I seen de place whar he shot—right in de head, 'twix' de eyes, on'y des a h' bit higher up. When I stumble ovah him and nigh fall I stretch out my hand, down lak, and hit tech de place whar he been shot at; got all bloody."

The negro shuddered.

"Did you see the face of this man?" asked the prosecuting attorney.

"Yass, suh."

"Did you recognize it?"

"Yass, suh."

"Abram," said the prosecuting attorney, "tell the jury who the dead man was whose body you thus found and whose face you saw and recognized."

"Hit was young Mistah Stamford Tucker," the witness made answer. "I knowed him, suh, dess as well as I know Mistah Tom Strickland settin' right hyar fo' my eyes, suh."

The prosecuting attorney waited a moment, his shrewd eyes studying the faces of the jurors.

"Abe," he asked, "why didn't you at once report the finding of Stamford Tucker's dead body and the seeing of Thomas W. Strickland, pistol in hand, as he came away from the spot where that body lay?"

The witness shook his head stubbornly. "I wa'n't none o' my business, suh," he replied. "Hit's a mighty fool ulger what goes mixin' hisself up in a shootin' scrape 'twix' two white gent'l-men, suh. I was skeered ter do it, suh—dass why—and I dess pick up my feet and make tracks fas' as I could to whar my camp in de bottom lands was, suh. And you ain't heern no w'd 'bout'n what I seen, and you ain't had me fotched to yo' office, 'cept'n I was fool enuff ter tell dat ar ole Isr'el Fant what I run across down in de bottom lands, suh."

The state's attorney turned to the counsel for the defense. "You may take the witness," he said.

A searching cross examination failed to weaken in any respect the testimony just given. At its conclusion Major Gentry Dryden whispered earnestly with Colonel Bill Strickland.

It was plainly a dispirited and hopeless conference. Colonel Strickland leaned back wearily at the end.

"It can't make any difference," he muttered sadly. "They've got the rope around Tom's neck now."

And, although the words were not audible, this certainty of conviction seemed to be in the thought of all. Into the jurors' faces there came a look of pity as their eyes met those of the accused man, the latter perplexed, bewildered, helpless.

[TO BE CONTINUED.]

PLANTING AN ORCHARD.

(Campbell's Scientific Farmer.)

The writer noticed one orchard of 400 acres planted the past spring and in travelling through the entire orchard saw but one tree that failed to grow. The contractor who planted this orchard used a large pail of water about the roots of each tree at planting time. This slacks the soil, settles it compactly to the root and lessens the drain by evaporation which sometimes is excessive during the spring winds from which the newly planted tree must suffer at planting time.

Our method has been to tamp the earth firmly to the roots of the tree until the roots were covered with moist soil leaving a basin, then use one or two large pails of water about each tree, pass on to other trees and in the course of an hour return and fill the hole. Should soil be thrown into the water and the hole filled at the same moment after the application of the pail of water a considerable portion of the water would be absorbed by the soil thrown in, therefore we allow the water to remain in the hole until it has had time to soak up the soil about the roots and then fill in with earth.

We believe the use of water at planting time a marked benefit. While the soil may look moist it does not settle as compactly as might be desired to the roots of the tree. Water should either be applied with a pail or from a ditch through a furrow.

The two-story frame structure at Main and First streets, once one of the notorious resorts of the Sound when it was known as the Harem, was burned to the ground about 2:30 Tuesday morning by a fire of mysterious origin. The blaze caused considerable excitement in the neighborhood before it was extinguished by the department.

HOW THE PAPERS VIEW THE TARIFF LOBBY

Probe a Solemn Farce.
(Pascu Progress.)

Candidly, we expect the lobbyist investigation by the senate will be a solemn farce. It is well known that certain senators, for instance Penrose and Smoot, have entangling if not corrupt alliances with great corporations. But they will not admit this to their fellow solons, who in turn will make no attempt to prove such relations. There is entirely too much "senatorial courtesy" to make an investigation of this sort of real value. Yet President Wilson was undoubtedly correct when he charged that "an insidious lobby is working to defeat the Underwood tariff bill and using money lavishly in the attempt."

The People's Lobbyist.
(Puyallup Valley Tribune.)

The people may have no lobby at Washington working for the Underwood tariff bill, but they have a first-class legalized lobbyist in the president, and one who knows how to do his work effectively. He has a way of turning on the light that makes folks who are engaged in pushing selfish schemes in the dark feel very uncomfortable. Keep the searchlight on them, Mr. President, and report progress to the people frequently. The country likes these little heart-to-heart talks. And evidently your proclamation regarding the presence of lobbyists has had its effect. They are scurrying in every direction as the worms and bugs that flourish only in the dark do when the stone that covers them is lifted up and the light of day falls upon them.

Tariff Lobby Should Be Exposed.
(New York World.)

Every member of the United States senate should know that an investigation of the lobby is always in order. In truth, the attitude of a legislative body properly actuated toward those who would swerve it from its most conspicuous pledges ought at all times to be one of inquiry, if not of suspicion and hostility.

The lobby now active at Washington represents interests which for many years have exerted an undue influence upon government. These interests have grown rich, powerful and insolent upon their ability to tax the people. They have shackled our industry. They have corrupted our politics. They have filled the land with class prejudices. They have given to monopoly and graft the dignity of an economic theory.

It was these conscienceless interests that were voted down last November. If they appear now by agent and attorney in the national senate it is not because they have any misgivings as to the nature of the verdict that was rendered against them, but because in that body the force of their popular condemnation is expressed in the feeblest terms. The majority against them is small. On that weak spot in the people's defenses they naturally concentrate their efforts.

The lobby which today assails the senate is looking first of all for weak men, but it will be content, no doubt, if it can find corrupt men. All that it asks is that by unscrupulous and narrow bargaining and cozening, three or four Democratic senators shall nullify the will of the American people. Its purpose is treacherous and treasonable. Can there be any doubt that, given an opportunity, its method of persuasion will be equally desperate?

A great conspiracy against representative government is under way at the capital. It contemplates the betrayal of a nation. It is not politics. It is not business. It is crime. Every senator whose vote is depended upon to consummate this perfidy knows it is a crime. It is crime that never again should go unpunished.

Why not investigate?

A Republican View of It.

(Fairfield Standard.)

The president is worried about the powerful lobby surrounding the senate "working for the special interests to prevent the passage of the new tariff bill." He says it is regrettable that the

common people are not also represented by a lobby in their interests. That sound plausible. But what does he mean by the term "common people" in this case? Surely not the sheep raisers. They would lobby against the Underwood bill, don't you think, Mr. President? Surely not the wheat, barley, rye, cattle, butter, eggs and vegetable raisers. There are hundreds of thousands of people in that business. Which way would they lobby, Mr. President? Then there are the people working in the factories whose wages are about to be cut to the bare bone. Would they lobby for the free trade bill, Mr. President? We wonder if the president is very earnest in his desire to have the "common people" represented by a lobby at Washington.

Will Recite Some Congressmen.

(Kent Journal.)

One of the most important political events at the present session of Congress was the appointment by Congress of a committee of house and senate to investigate the Washington lobby. President Wilson last week made the statement which was widely published in newspapers that Washington was so full of lobbyists that the work of Congress was badly retarded. He intimated that many members of Congress were not taking the interest in the new tariff fight they would if they were not personally interested in some of the schedules. This frank statement on his part created great consternation among the congressmen and the leading statesmen had a committee of investigation appointed, and they have already signified their intention of going to the bottom of the charges. Nothing that Congress has done for years will be watched closer than the work of this committee. It is the general belief of the average citizen that many congressmen are interested in measures before Congress to such an extent that their personal interest overrides their patriotism. We think that if this committee does its work properly there will be some developments that will put numerous congressmen on the retired list.

Says Lobby Will Go with Tariff.

(Raymond Herald.)

President Wilson last week scored certain lobbyists whom he said were in Washington at the behest of protected interests which were desirous of defeating any change in the tariff on the commodities in which they were interested. Congress has immediately appointed a committee to investigate these lobbyists, and ascertain the correctness of President Wilson's charges. The best way to get rid of the lobbyists is to get rid of the tariff question. Business is at a standstill throughout the country today waiting for the tariff bill to be settled one way or another, and until it is, business will not improve.

Wilson, Lister and the Lobby.

(Colfax Commoner.)

Lobbyists who are drawing \$150 a day to influence legislation in favor of some uncan interests are hardly in keeping with the boast that this is "the land of the free" and that in this country the government derives its power from the consent of the governed. President Wilson has taken the initiative in getting from the capital halls a power that has long been insidious and obnoxious to the advocates of clean government. It will be remembered that Governor Ernest Lister took a similar step in driving the heads of state institutions, who were clamoring for large appropriations, from the state capitol back to the institutions they were supposed to serve.

Evidently these two men, the president of the nation and the governor of the state, work well together and the time-honored term "theoretical executive" cannot be applied to one without its application to the other. It has not taken the people long to see that these executives are serving the people; that they are not theorists, but that they are making possible a clean government, wherein the power shall be exercised by the entire people of the country.

F. H. SCOTT

C. A. MARSHALL

Scott's Grocery

323 Fourth St.

Telephone Main 171

Staple and Fancy Groceries, Vegetables, Flour, Feed, Hay and Grain

BRING IN YOUR PRODUCE