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THE DISTRICT ATTORNEY

HOW THE BANK CLERK HE HELPED CONVICT RETURNED

By STACEY HUTCHINGS.

THE district attorney was making his closing speech to the jury. The counsel for the defense had finished his plea a minute or two before, and now sat at the long, paper-littered table, shuffling nervously some folded memoranda that he had used in recalling important bits of testimony. The attorney for the defense felt that he had argued well, that he had made out a good case—as good a case as was possible—but he also felt that the weight of the evidence had been against him. And the spectators upon the worn court house benches felt this, too.

The attorney for the defense was a very young man. To tell the truth, this was the first case of importance he had ever undertaken; and he was not getting paid for it, either. He had worked for three weeks preparing for to-day, however, as industriously as if he had been counsel for some big railroad, with a $10,000 fee in sight if he were successful. This is a way only very young and struggling attorneys have.

Near by sat the prisoner, so close to the jury box that the foreman could have touched him, if he had cared to lean over the railing. He was a pale, slight man, this prisoner, with a thin, yellow mustache and eyes that had very little light in them. He wrinkled his forehead once or twice during the district attorney's speech, seeming to stare furtively across the room to where a woman was sitting near the wall. The woman wore black, with a veil, and every little while her shoulders shook slightly, and the people in the adjoining seats, keenly alive to the dramatic, whispered to one another that she was crying.

"May it please the court," said the district attorney, "the evidence on both sides of this case has been pretty thoroughly sifted. My young friend for the defense has made out as strong a presentation in behalf of his client as the crushing weight of adverse testimony would admit. I congratulate him upon his effort. It is creditable to the bar of this county and of this State. But now let me trespass upon your time, gentlemen of the jury, in briefly summing up the facts from the standpoint of the people.

"This prisoner was a clerk in the Commonwealth National Bank. He is a trifle more than thirty years of age, and has borne an excellent reputation for honesty. His good character has been described by a half dozen reputable citizens. We shall grant his good character. We do this cheerfully. We shall admit that he has been a model citizen of this community—up to June the 15th, last.

"This man has been used to the office methods of the financial institution in which he held a position of trust. The bank closes at 3 o'clock. All the other employes leave. The prisoner at the bar stays. Why does he stay? Hear his answer. He stayed 'to balance a troublesome ledger.' This was on a Saturday. On the next Monday morning, when the safe is opened, it is discovered that $1600 in $10 notes is missing. The combination lock has not been tampered with. There is no indication of a forcible entry. It turns out that this man was the only person entrusted with the figures of the combination lock, save the cashier and his assistant, who was absent upon his vacation. Finally, four $10 bills of a new Treasury issue, like the new bills which were missing, are found upon the person of the defendant. Does he account for them? No, he merely assures us that he came by them honestly.

"We must not let the element of sympathy enter into this case at all. Justice is at stake; justice which concerns you, concerns me, concerns the county. That this man has lived among you for years, bearing an honest reputation—we shall allow, a deservedly honest reputation—should not have the slightest weight in your determinations, gentlemen of the jury. If you have any faith in circumstantial evidence, we ask that the prisoner be convicted in manner and form as he stands indicted."

The district attorney said this and a great deal more. He sat down, touching his face with a silk handkerchief. He was a large, impressive looking man, and the afternoon was warm. The woman in black over in the corner was sobbing audibly now, and the prisoner's brows furrowed again as he glanced in her direction. His counsel leaned across the littered papers and whispered. The prisoner nodded wearily.

The court charged the jury as the district attorney had said it would. The talesmen clattered out of the room and clumped back again almost as soon as they had gone. They had not stayed a quarter-hour, and their verdict was "guilty." The foreman announced it in a lack lustre fashion. He, too, was affected by the warmth of the day. The attorney for the defense asked that the jury be polled. This was done, and then he asked for clemency.

From outside there floated in through the open window the jingle of street cars and the rattle of trucks over the cobbles, mingled with the broken tune from a street hurdy gurdy stationed in front of the saloon on the corner. The district attorney was chatting, even laughing softly now and then, with another lawyer. He was being told that he had made a brilliant summing up, and this pleased him, for he was a candidate for re-election. He raised his head abruptly as he heard the closing request of the young attorney. The prisoner was to be allowed to speak before sentence was pronounced.

"I have not much to say, Your Honor," the man began. "I have lived in this town for a long time. I came here fifteen years ago, without a cent, and I have become what I am. I have never owed a man a bill that I did not pay. I have done my work faithfully and as well as I knew how. And now I stand here a convicted criminal.

"I ask you how I can help it if the evidence has gone against me? I was in the bank, the last one in the bank, that Saturday afternoon. Those four new bills were found in my pockets when the officer arrested me. But I did not steal them. If I had wanted to steal I should have needed to feel that I should be made happier than I was by taking what was not my own. I did not have to steal to be happy. I was happy until the 15th of June."

The Italian with the hurdy gurdy had left the corner saloon and trundled his instrument nearer, near enough for the tune to be heard quite plainly. In through the windows, on the sluggish afternoon air it came:

'There's just one girl in the world for me,
There's just one girl has my sympathy.
She's not so very pretty, nor yet of high degree,
But there's just one girl in this world for me."

The notes filtered distinctly into the room, causing an aroused tipstave to hurry out into the hall at a frown from the court officer by the witness box.

"There isn't any use in saying anything," the prisoner went on. "And yet, it's got to be said. It's only fair to them. I've got a wife and a boy and girl. We've been together for seven years, all save the boy; he came last year. We have been happy." He stared about him as if he fancied some one from the hushed benches were going to contradict him.

"Does any one here suppose that I would have risked the certainty of our little home for all the bills in the Commonwealth Bank? The district attorney has said that you should not take sympathy into consideration in dealing with this case. And yet, Your Honor, it is not an unmanly thing to ask for sympathy—for the sake of my boy and my girl and—her."

He looked toward the woman in the corner seat. The eyes of the young lawyer for the defense were a trifle cloudy as he heard sentence.

The district attorney did the handsome thing. He dropped a $20 bill into a silk hat, starting it among the other lawyers after court had adjourned. The contents were to be sent to the little woman. He felt quite pleased with himself as he contemplated his generosity. When the money came back the next day he was annoyed as he pocketed his banknote. "That's all nonsense," he said.

The district attorney had served another four years, and had been in private practice for two more. He had also moved into a more expensive home, for he had gone into corporation law and was flourishing. He had also got married.

He was quite alone in his private room one afternoon in February. It was a wholly comfortable office. Very few save his close friends and corporation clients ever saw the inside of it. There were some brightly polished andirons, relieving by their glitter some heavy rugs, foreign and very expensive. The desk fittings were silver.

The district attorney was at ease in his leathern chair when the door of the private room swung inward and a stranger entered. Johnson—who lost a good position afterward — should not have let him in without sending in a card. For the man was not a railroad president, nor was he a close friend either. He was a gaunt creature with an extraordinarily white face. There were heavy lines about the corners of his mouth, besides a drawn expression above the eyes. He wore a rough suit. Had the district attorney's memory been keen he might have recognized the clothing as the sort given to its unwilling wards by a grateful State when it turns them out after term is over.

It was just about time to think of going home for dinner, and the occupant of the leathern chair looked up in a displeased fashion. "Well, what can I do for you?" he asked.

His visitor coughed before he spoke. "This," he said with an effort. Then he went to the door, snapped the inner latch, and turned toward the cannel coal and the polished andirons.

"What the devil do you mean!" cried the district attorney, starting to his feet.

"Sit down," said the man.

His request was complied with, for, plainly, he was holding a revolver. It was a new firearm, a very cheap one, but the district attorney felt that it was loaded.

"You sent me to State's prison six years ago," said the stranger, slowly. "I stole a thousand dollars from the Commonwealth National Bank. You said I did it, and the jury believed you."

The district attorney's mind was working reluctantly. "If you have come to rob?" he muttered, "here is—"

"I don't need any of that," said the man, watching the other's hand stray toward a breast pocket. "I haven't needed money for six years, not since I stole that thousand dollars. That thousand, you see, has lasted me a long while.

"I had a wife once and a girl and a boy. I was also happy. That was before I stole the thousand dollars. Then I left it all. The little home was there; they were there, but I was sewing on shoe soles in a prison workshop and sleeping in a four by ten cell at night. Did you ever sleep in a four by ten bedroom?"

"No," replied the district attorney, dully. He looked at the bronze clock on the mantel shelf, and realized that the desk push button was too far off to touch without danger from the wavering pistol barrel.

"Well, you don't want to," said the man. "It went on that way for six years. The judge had said that I might get out then if I used all my good conduct time. I remembered that. I worked with a ball of fire right through my brain, and something cold in my heart. They said I worked well, and my keeper told me that he turned me out a good shoemaker—an A 1 shoemaker." He tried to smile. It was not pretty to look upon, and the other man shuddered.

"I wasn't a good bookkeeper, you see," the stranger chuckled. "And it is something to be a good shoemaker. You remember when you were a child how they used to promise you a piece of gingerbread or an apple if you would be good. I had a calendar that a Salvation Army woman gave me in my cell one Sunday. I did what I used to read that all prisoners did—marked off every day with a cross. It seemed very new to me, quite original, as if no one had ever thought of making the time pass quickly that way before. It was just like the girls in a boarding school before the Christmas holidays."

This idea seemed to please the stranger. He mumbled the words over again: "Just like girls in a boarding school."

"I knew one man who used to mark off the half days," he went on. "He was in for arson. But he died of consumption a year too soon, and he's there now, four feet below, inside of whitewashed walls. Once I had the same cell with him and I used to whisper to him at night when the guards were at the other end of the tier and he couldn't sleep. He said he wasn't guilty and I believed him.

"I got out a month ago. They gave me this suit of clothes and a few dollars, not my thousand dollars. They said I was free. They lied. I'm not free. I'm a shoemaker, a good enough shoemaker, but I'm a prison shoemaker. They haven't wiped the telltale white from my face and the prison slink from my feet and shoulders. A bad bookkeeper in a bank and a good shoemaker in State's prison. It's a funny combination."

He leaned forward quickly. "You remember my wife? She sat in the corner seat when they said I was guilty."

"I didn't know she was in the courtroom until afterward," said the district attorney. He felt surprised that he could recall things; he had tried so many cases like it. But his mind was weirdly active now, and he remembered very well.

"We sent her money, but she wouldn't take it," he added.

"You sent her money?" The man in the rough clothing snarled. "Did you think she would take any of your money. I found her two weeks ago. I found her, but I tell you I didn't know her. It was in a hospital and she wasn't the pretty woman she was when I saw her last. Her throat was all shrunken and her hands—her hands, I tell you, were hard and knotted. She had taken in washing! I tell you she had taken in washing. She had forgotten how to smile.

"I asked her where the boy and the girl were. And what do you suppose she said? They were dead. She said they were dead and that she was glad of it. So, you see, when you told that jury I stole a thousand dollars you committed murder."

"Don't shoot—for God's sake!" cried the district attorney. "I'll give you five thousand—anything. The jury said you were guilty—not I." Never had he pleaded so earnestly before.

His visitor smiled and the hand with the pistol rose slowly.

After those in the outer office heard the one shot they found the stranger lying with feet almost touching the polished brass andirons. Something warm from his forehead was soiling the most expensive of the Royal Bokharas.

The district attorney lay back in his leathern chair, his eyes open, but breathing very oddly.

When he became himself again, quite some time afterward, his wife was bending over him.

"You have been saying such funny things, dear," she whispered. "You've been imagining you were trying a case, but you seemed to be judge and jury and prisoner all rolled into one." From which it may be deduced that the district attorney's wife had not been told just how her husband had been stricken with brain fever.

"Do you know, Eleanor?" whispered the district attorney, very feebly.

"Yes?" said his wife, waiting for the weak lips to frame the rest.

"I think I shall give up the law. I'm getting too old. We'll go abroad for a year in the spring."—New York Post.

SCIENCE & MECHANICS

As a hailstone melts in water, it gives off a large bubble of air, evidently enclosed under great pressure.

In Japan, according to Professor Milne, the highest authority on the subject, there is at least one earthquake daily.

Chemical fire engines are used in Sydney, Australia, and they are likely to be used largely hereafter to check bush fires during the summer months.

The manioc root of Madagascar yields as much as ninety-five per cent. of sugar. It has been used extensively for the manufacture of starch and glucose, and several Paris distillers are now making alcohol of it; 220 pounds have yielded from ten to thirteen gallons of crude alcohol.

For all its beauty, the lily of the valley is denounced by scientists on the ground that both the stalks and the flowers contain poisons. It is risky to put the stalks into one's mouth, as if the sap happens to get into even the tiniest crack in the lips it may produce swelling, often accompanied by pain.

The Academy of Science, in Munich, has made a grant of 500 marks to Professor Oscar Schultze, of Wurzburg, for an investigation of the minute anatomy of the electrical organs of fishes, and a grant of 2500 marks to Dr. Rosz, curator of the Botanical Museum, at Munich, for zoological and botanical studies in Central America.

It has been estimated that women use only about one-fourth of their lung capacity in breathing. This means that only one-fourth of the oxygen needed by the blood is obtained and that there is a consequent lack of energy; headaches and indigestion prevail and food is tasteless unless highly seasoned. Such breathing is a matter of habit, and is at the base of a host of ills.

All of the hatcheries of British Columbia have secured a full supply of salmon spawn, and by the erection of fish ladders a very large district has been opened that had been cut off from the salmon for a number of years. The number of young salmon that will go to the ocean this year will be far greater than in any previous year, and an exceedingly large run may be expected in 1907.

Your Voice by Postcard.

The time is near at hand when the obliging postman will leave with other mail matter at your door the verbal message from some distant loved one instead of the formally written letter. A Frenchman has invented a phonograph record of sufficient hardness to go through the mails. It is the voice which, on arriving at its destination, speaks the message, and, as will be observed, saves the sender a heap of trouble, whatever it may do in the end. A material called sonorine, which has the advantages of wax and is indestructible, is spread upon cards which conform to postoffice regulations and requirements. The record is made by a spiral which fills the card, except for a small spot in the middle. A card will hold about eighty words, which is more than ordinary calligraphy can manage on the post card.—Technical World.

Manitoba's Crops in 1905.

In 1905 the wheat crop of Manitoba was 55,761,000 bushels, or 21.07 bushels to the acre. The oats averaged 32.5 bushels per acre, and the total cereal crop of the province was 115,864,361 bushels. The root crop averaged from 233 to 289 bushels to the acre. The value of the farm buildings erected during the year in Manitoba was $4,000,000. The value of butter products for the year are estimated at $[illegible] and cheese at $127,350.

Just about the time when the Galapagos Islands were discovered by the Spanish, not quite 400 years ago, a tortoise was born there. The same tortoise died recently in the London Zoological Gardens.

For the Younger Children....

GRANDMA'S PARTY.

Once my grandma gave a party;
My! but there was lots to eat!
Sandwiches and chicken salad,
Cakes, and every kind of sweet.

Must have been a million waiters—
Anyhow, I'm sure of eight;
'Cause each time I saw a new one
I would have him fill my plate.

When they woke me up next morning
Tummick didn't feel just right;
And I didn't want any breakfast,
Guess I ate that, too, last night.
—E. S. R., in Harper's Weekly.

CATCHING KITES IN INDIA.

In India, where those large birds, the kites, are common and fearless, boys amuse themselves by catching them in a way that is almost ridiculous in its simplicity. A line is stretched tightly a little way above the ground between two posts. Beneath it is laid a bait. The kite stoops and seizes the bait, but when he rises from the earth hits the back of his neck against the string. This makes him throw up his wings, with the result that some of his quills get over the line, and he is kept a suspended and struggling captive until the boys run up and release him.

WHAT THEY SAY.

The American and the Englishman say: How do you do?

The German: How do you find yourself?

The Frenchman: How do you carry yourself?

The Italian: How do you stand?

The Spaniard: Go with God, Senor.

The Russian: How do you live on?

The Hollander: Have you had a good dinner?

The Chinese: Have you eaten your rice?

The Egyptian: How do your perspire?

The Mohammedan: Peace be with you.

The Persian: May thy shadow never grow less!

The Burmese rub their noses against each other's cheek, exclaiming: Give me a smell.

Arabs of eminence kiss each other's cheeks and say: God grant thee His favor and give health to thy family.—St. Louis Post-Dispatch.

FIFTEEN TONGUE TWISTERS.

Six mixed biscuits.

Strange strategic statistics.

What noise annoys a noisy oyster? A noisy noise annoys a noisy oyster.

Fresh fried fish freely flavored frizzling finely.

Susan shineth shoes and socks,
Socks and shoes shine Susan;
She ceaseth shining shoes and socks,
For socks and shoes shock Susan.

A cup of coffee in a copper coffee pot.

Three grey geese in a green field grazing. Grey were the geese, and green was the grazing.

The sea ceaseth and it sufficeth us.

She sells sea shells.

She stood in an arbor welcoming him in.

All he holds are old whole hold-alls.

A big black bootblack blacked Bertie Black's black boots with black-backed brushed and blue-black blacking.

Such pranks Frank's fish play in the tank.

Five wives weave withes.

Peter Piper picked a peck of pickled peppers.
A peck of pickled peppers Peter Piper picked;
If Peter Piper picked a peck of pickled peppers,
Where is the peck of pickled peppers Peter Piper picked?

SKIMMING IT.

"If you are going to give a pan of milk don't skim it first," the old grandmother used to say; meaning, if you are going to do a favor, don't spoil it by an ungracious word or manner.

Haven't we noticed how much of this "skimming" goes on in ordinary family intercourse?

"Another errand? I never can go downtown without half a dozen commissions!" complains Rob, when his sister asks him to bring a book from the library. He never refuses to oblige her; he does not really count it an inconvenience; he only takes the cream off his kindness.

"Those gloves ripped again!" exclaims Mary, when John wants her to take a few stitches. "It seems to me they always need mending when I am in a hurry with something else." She would be shocked at his going shabby and distressed if any one thought her unwilling to render such office, but she makes it a little unpleasant to ask the favor.

The children follow the fashion. Tommy shuts the door at Bridget's request, but he grumbles at having to leave his top. Susie goes to the door when she is sent, but she departs with a protest that it is Tommy's turn. Thus all day long people who love one another skim the sweetness from every service they render.—Nashville Christian Advocate.

"CHERRY RIPE."

Children who are too little to play difficult games will enjoy "Cherry Ripe," says the Boston Herald.

For Cherry Ripe someone must be the old woman who sells the cherries and someone else the buyer. All the other little ones are ripe cherries.

They make a row of themselves in front of the old woman, and the buyer, coming up, parleys with her over a purchase.

"Old woman, old woman! What have you to-day?" she asks.

"I've sweet, ripe cherries. Will't please you to buy?" says the old woman. But the cautious buyer answers: "How do I know they are worth the cost? Before I spend your fruit I'll try."

She does this by walking along the row and taking a pretended bite from each cheek. Suddenly she kisses one of them, and then runs away as fast as she can, the kissed child following to catch her.

The position that is left empty in the row when the cherry runs out is immediately stepped into by the old woman. The buyer tries to get back to the old woman's place, and if she does it without being caught the cherry that chased her becomes buyer. Should the cherry succeed in capturing her, however, then the buyer remains buyer and the cherry becomes old woman for the next turn of the game.

THE HORSE AND THE DONKEY.

The ancestors of the horse were accustomed to roam over the plains, where every tuft of grass or bush might conceal an enemy waiting to spring upon them. Under these circumstances they must often have saved their lives by starting quickly back or jumping to one side when they came without warning upon some strange object. This is a habit which has not left the animal even after long years of domestication.

On the other hand, the donkey is descended from animals which lived among the hills, where there were precipices and dangerous declivities, and from these conditions resulted his slowness and sure footedness. His ancestors were not so liable to sudden attacks from wild beasts and snakes. Besides, sudden and wild starts would have been positively dangerous to them. Consequently they learned to avoid the very trick which has been so useful to the horse. The habit of eating thistles, which is peculiar alone to the donkey, is also descended from these ancestors. In the dry, barren localities which they inhabited there was often very little food; hence they learned to eat hard, dry and even prickly plants, when there was nothing else.

GIOTTO, THE GREAT PAINTER.

Over six hundred years ago there was, in a country place in Italy, a shepherd boy called Giotto. While his sheep were feeding he used to draw their pictures on rocks with a pointed stone, and though he was only ten years old, he drew so well that a great artist named Cimabue asked his father to let him go to the great city of Florence and learn from him to be a painter. Giotto's father consented, and the boy began to work in the studio of his new friend.

One day, when Cimabue was out, Giotto was overcome by a spirit of mischief. So he went to a portrait on which his master was spending his skill, and he painted a life-like fly right on his nose. When Cimabue returned he thought the fly was real, and tried to flick it away with his finger. Then he and everyone else laughed, and no one was cross with the boy, because so long as you work really hard a little fun is good. The foolish and wicked children are those who care for nothing but play, and who never work hard except when there is a lot to eat and only a little time to gobble it down.

One day, when Giotto was a man, some one came to see him. The caller was an agent of the Pope, who wished to have some paintings done by the best artists in Italy. He had, therefore, sent his servant to get examples of the work of all great painters, and when he saw them he was going to decide to whom he would give the honor of employment by himself. What Giotto's caller wanted was a drawing or painting by which his skill might be judged.

When he made his request Giotto took a piece of paper and made a circle on it with one twist of his wrist. Then he offered what he had done as a sample of his ability. The caller was angry and asked for a painting or drawing instead of a mere simple circle; but the artist said he could give him nothing else.

The Pope's agent, therefore, took it and later submitted it to his master, who at once picked it out from the other work by different artists and asked what it meant. His servant told the story, and the Pope smiled and looked carefully at the plain circle. Then he said: "Let this artist be sent for; he has done a simple thing so perfectly that I am sure he is the very man to paint the pictures I have in mind." Giotto went to Rome and did some wonderful work that exists to this day.—Advance.