

# THE BAKED APPLE ALIBI

## In which the Stone Dog and the Jack of Spades Establish Innocence of the Guilty

By Hugh Pendexter

MR EZRA STACKPOLE BUTTERWORTH, the founder of the Bureau of Abnormal Litigation, frowned impatiently on his rough voiced, fidgeting visitor and repeated decisively: "No, no; I tell you, we can't take the case! We do not go in for criminal practice, and your man, my assistant informs me, has a most undesirable record. The fact alone that he is known in police circles as 'Slinky Bill' is enough to convict him."

"Butch" McCarty, ward heeler, and at present envoy for Mr William Bilks, burglar, drew down his coarse, red face sorrowfully, and without attempting to meet the snapping gaze of the old lawyer, murmured: "Poor of Slinky! To think his record must er-rop out to down him when fer wanst he's innocent!"

He has no one but himself to thank for his record! Those things usually do count against a man," commented Mr Butterworth, turning to his summons and complaint in a civil action.

"Well," sighed Mr McCarty, rising slowly, "a stone dog ain't th' best abby in th' wurld, an' yit if a good legal guy cud have played it up, Slinky wud go free."

Mr Butterworth slowly revolved his swing-chair until he faced the politician, and with curiosity in his voice, thinly disguised by a tone of pettishness, demanded: "Stone dog? Huh! What do you mean, sir?"

"I mean a stone dog. Wan with blud on his head," replied Mr McCarty listlessly, as he moved toward the door.

"And that is his alibi?"

"That an' a baked apple, sir," said the ward boss mildly.

"Er—please sit down, Mr McCarty," invited the old lawyer nervously. "Let us broadly go over the facts in the case so far as they are known—but mind you, without my committing myself as to whether or not I will accept your retainer. Now, William Bilks, self-confessed burglar, better known as Slinky Bill, server of several sentences, is arrested and indicted on the charge of looting the safe of the Ward-Hungar Lumber Company in Bloomville, one of our suburbs. The robbery netted some body 25,000 dollars, and as a result of this loss the company cannot meet its obligations. Mr Bilks was seen in the immediate vicinity of the crime, the prosecution maintains, shortly before the safe was opened."

"An' we can prove he was th' miles west iv that point," interrupted Mr McCarty eagerly, his red face radiating waves of sincerity.

"On what errand?" asked the lawyer suspiciously.

"Lookin' over th' promises iv a feed store," admitted Mr McCarty honestly.

"And his alibi consists of?"

"A stone dog, bleedin', an' a baked apple," said the firm reply.

Mr Butterworth sank back with a glint of admiration in his keen, old eyes, and murmured: "Do I understand the dog or the apple had been injured?"

"Th' dog."

"Who is the prosecution's principal witness?"

"James Hecke, manager iv th' company. He'll swear to seein' Slinky—"

"Hasn't the man any right to a Christian name?" shuddered Mr Butterworth.

"McHe; but it don't fit so good. That's all. But anything to oblige. Well, th' manager says he saw Mr Bilks that evenin' hangin' ar-round th' lumber yards. Thin th' safe was plucked an' th' money an' cowpons was missin'."

"Cowpons as well as money?"

"Sure. Terbacker cowpons; thim yez can swap for a sofy piller, or a hat rack, or a air-gun," explained Mr McCarty. "Th' manager says he use to keep 'em there so th' office-boy couldn't steal

'em. An' to think anny wan cud iver accuse Slink—excuse me, I mean Mither Bilks—iv touchin' such tr-ruck! But up comes Mither Wise Cr-racker, th' polisman, an' t'rums back his coat an' dashes his pewter—"

"I beg pardon?"

"His medal, his bre-breastplate, his—"

"Possibly you mean badge?"

"Shure. Well, he turns in th' alarm an' Slinky—Bilks—is pinched, investigated, indicted, an' now, whia there's so many jobs he cud conscientiously do time fer, he must tr-rip along, wan-two, wan-two, fer a job he niver touched. I've heard say that even th' divle has some r-rights, an' Slinky—Mither Bilks—ain't no divle. Why, that had cud be left alone all da-ay in this dump."

"No," broke in Mr Butterworth hurriedly, as his eyes dwelt fondly on

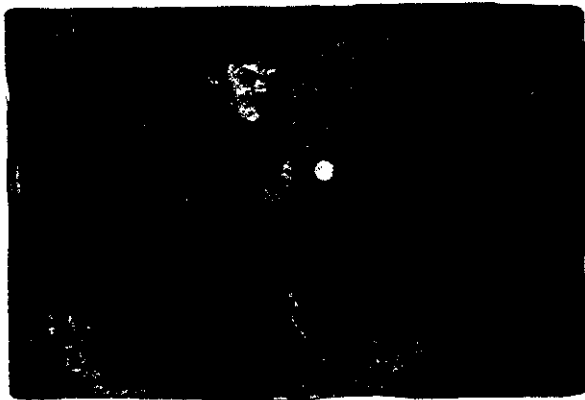
"What difference could that make?" cried Mr Butterworth.

"A hear-rt shows up so much better in th' early hours I wish it was that. I begged Slink—Mither Bilks—to change it an' s-ay it was a hear-rt. But no. Sez he, 'I'm tough, but I'm honest. I'm a burg'lr be profession, but I ain't sunk to deceit yit. A spa-ade's a spa-ade.'"

"I will interview him to-day," repeated Mr Butterworth gravely. "His defence sounds sincere to me."

"Why, to prove it wud be th' yolk iv th' aig t'r ye," said Mr McCarty admiringly, as he backed humbly to the door and bowed himself out.

Mr Butterworth, once his visitor was gone, pursed his lips in doubt and shook his head several times as he overhauled a file of newspapers and read how seemingly conclusive was the old



Twenty Thousand Dollars.

several bronze pieces; "he must never come here, and if I take the case he must never know where my office is."

"Oh, that's all right, iv course; though it wud br-eak his heart if he knew yez cudn't trust him," said Mr McCarty. "But can I tell th' gang yez're on an' will take th' modest little fee we've scripped an' saved jist to give Slink—Mither Bilks—a square shake?"

"Huh! Really, I am inclined to say 'No,'" mused the old lawyer. "I wouldn't consider it for a moment unless I could be convinced of his innocence."

"He's as innocent as I be!" cried Mr McCarty.

"Possibly," agreed Mr Butterworth dryly. "But will he prove it? What about this alibi? A dog and—s one fruit, did you say?"

"Baked apple," reminded Mr McCarty. "Strangely inanimate for an alibi, yet smacking of oddity," mused the lawyer.

"Well, I'll call on Mr Bilks in his retirement and talk with him. If you will drop in to-morrow and bring the retainer, I'll be ready to announce my decision."

"Thanks," cried Mr McCarty heartily. "An' now as I want to be fair an' square with ye, would ye think at first blush that th' Jack iv Spa-ades, wor-n prou-ndly in a milkman's hat band, wud help th' case anny?"

"Why, bless me," gasped the old lawyer, mechanically seizing his pencil. "It sounds convincing! Some more of the alibi?"

"It is. At first I thought I'd say not a wurrd as it was th' Jack iv Spa-ades, an' not iv Hear-rts."

crackman's guilt. Since creating his Bureau of Abnormal Litigation and winning considerable renown by his eccentric methods, he had been doused with petitions to take up the defence of criminal cases. His nature was not in sympathy with this line of work, however, and he had snuffed it as far as possible. But occasionally, when a prisoner protested his innocence and brought forward something unusual in exoneration, the old lawyer had relented, lured on by the very novelty of the situation. He was a connoisseur of unusual legal points, and his sign, stating to the busy street that he was "Counselor at Eccentric Law," brought him much civil practice, the nature of which had frightened away his more mechanical and prosy fellow-attorneys.

When, however, he took up the defence in a criminal prosecution it was as a rule in a homicide case, where his sympathies had been enlisted by the desperate straits of the prisoner. But in this instance the defendant was a notorious safe-blower, a man from the lower walks of life, who doubtless would have robbed the lumber company's safe if given an opportunity. Now the dignity of his bureau demanded he resist the glamour of Mr McCarty's appeal and have nothing to do with it. He would not take it, and— Then his eyes fell on his pencilled notes, where "stone dog," "baked apple," plus the "jack of spades," caught his gaze and held him. The novelty of it all, the inherent possibilities of, say, a baked apple, pulled strongly at his inclination. A common doer of evil would have relied on the perjured word of his mates.

But here was a man who was eager to substantiate his assertions of innocence by a group of inanimate objects; who, with the unconscious yearning of the artist, appreciated the value of the trivial and commonplace. And as this introduction of the insignificant at an unusual time and place was the keynote of the old lawyer's many successes, and had won for him the characterisation "abnormal," the pencilled notes were carefully pocketed, and Mr Bilks was called upon an hour later.

"The man is certainly innocent," muttered Mr Butterworth, as he emerged into the sunlight with a sharp sparkle in his eyes. "What an anomaly! An honest villain! I'm almost sorry I accepted his case. Yet, what a unique chain of exonerating evidence!" Then he sought to console his wavering mind by suggesting: "But possibly it will be the means of teaching a lesson. He may reform." Yet as Mr Bilks' stubby and stubborn face returned before his inner eye, he added doubtfully: "Just possibly!"

The amount of the booty, coupled with the prisoner's history, had lifted the crime above the average plain or county court prosecutions and had furnished an important news story for several days. It only needed the intelligence that the Bureau of Abnormal Litigation was to conduct the defence to revive and double the interest when the case was moved for trial.

The circumstantial evidence had seemed so conclusive that the District Attorney approached his task with scant vigour. But when one of his assistants informed him that Mr Butterworth was on the other side a wave of activity swept through the office, with the D.A. dumbly wondering in what guise the inevitable surprise would come.

The trial opened before a crowded court-room, the major portion of the audience being lawyers, who never missed an opportunity to witness the old practitioner at bay. Although lively and interesting when appealing for either side in a civil action, he was at his best in defending a forlorn hope. Some of those present had refused the retainer, and now were wondering what abnormal thread had been discovered to cause the veteran exponent of unusual law to take it up.

The judge, always eyeing a defendant as one created solely to annoy him and interfere with his dinner hour, frowned slightly as he mounted the bench and looked down on the defendant's table. And Mr Bilks was not one who could be expected to excite pity. Short and thick of figure, his strong frame was surmounted by a heavily-laden head, which, when close cropped in a penal institution, would be characterised in the vernacular as "bullet." The hair was now long and wiry, and, like the eyes, jet black. The jaw, thrust well forward, was of the popular bulldog style, and showed blue-black from the gail barber's morning edifice.

The slight form, the delicate features and white hair of the old lawyer showed in deep contrast, as the two bowed their heads over the table and held whispered consultations.

"Say, Bo," growled Mr Bilks in a voice meant to be hushed, but really resembling the stifled plaint of a fog horn, "dees dem guys in de jury box look good ter youse?"

Mr Butterworth nodded his head slightly and murmured for his client to keep silent as the District Attorney was about to open for the prosecution.

The People's case was simple and dire. The lumber company had been robbed of twenty-five thousand dollars on a night when the defendant was seen loitering about the office, and later seen scurrying toward the city encumbered