

with a gripsack or parcel. Mr James Heke, manager, would swear to receiving this amount of money in banknotes of various denominations, and to placing it in the safe on the night of the robbery. The money was intended to be used in paying off the help, and as a consequence of its disappearance the company could not meet its other obligations and might be forced into bankruptcy. The crime was the more abhorrent as it struck at so many. No portion of the money had been recovered, but the jury was reminded that the defendant had had ample time to reach the city and conceal his loot.

"Why didn't you tell me they would try to prove seeing you leaving the scene of the robbery?" whispered Mr Butterworth sharply.

"So long as I'm innocent what differ does it make how many swears ter sevin' me?" growled Mr Bilks indignantly.

Mr Heke was the first witness called. He told of the company's method of paying off a host of workmen every two weeks, and explained that the twenty-five thousand dollars not only included the pay-roll, but also was to have been used in meeting outstanding bills. He had placed it in the safe in the presence of an aged clerk, and the two had left the office together to attend a secret society meeting. On their way to the hall they had met the defendant at the entrance of the yards, a few feet from the office. At midnight the witness had been summoned from the hall by the village watchman, who informed him that the door to the company's office had been found ajar. An examination quickly revealed that the lock to the safe had been picked and the money taken. The robbery must have been committed prior to twelve o'clock.

"Well, say, Bo, but he certainly is de slick 'un," admired Mr Bilks in a husky whisper.

"You have told all you know about the affair?" was Mr Butterworth's first question in cross-examination.

"I believe so."

"What about the tobacco coupons you kept in the safe?"

The witness reddened, but replied, "I wasn't asked about them."

"Yet such coupons were there?"

The witness answered in the affirmative, and added that he had told the District Attorney of them.

"But as their discovery in the defendant's possession would be almost positive proof of his guilt, and as they have never been found, you did not remind my opponent of them in your direct examination, as a bit of evidence, realising he would have asked about them had he wished any mention, liable to exonerate the defendant, to be made?" suggested Mr Butterworth genially.

The District Attorney hotly objected to any conclusions being drawn, and was sustained by the Court. Then he added, with a shrewd glance at the jury: "A man who had time to conceal 25,000 dollars in banknotes wouldn't be inconvenienced to finding a hiding-place for, or to destroy, a bunch of worthless tobacco prize coupons. It was a simple matter to throw them away."

"I accept your apology," said Mr Butterworth kindly.

"Fer de love of— Say, Bo, dar certainly was a warn shot," said Mr Bilks in a half-audible tone that sadly detracted from the dignity of the prosecutor's passionate disclaimer.

"The defendant is not being tried for stealing tobacco coupons," reminded the Court sternly and with an icy stare at the distorted face of the burglar. "Coupons are not even mentioned in the indictment. The District Attorney evidently does not care to litter up the case with immaterial evidence."

"I take an exception to the Court's remarks," said Mr Butterworth. "Nothing is immaterial that goes a step toward proving the prisoner's innocence."

The aged clerk next substantiated his employer's story in every detail and was positive that the defendant was the man he saw near the office. The third witness told of seeing Mr Bilks, between the hours of eleven and twelve, hastening cityward, carrying something under his arm. It was quite dark, despite the moonlight, yet he was almost positive the man whom he saw and the defendant were the same. This evidence, followed by several policemen, and a clerk of courts staggering under a heavy record of convictions, who tore the defendant's reputation to shreds and pictured him as a man who lived solely to be sentenced for burglaries, closed the prosecution's case.

"If the Court please," said Mr Butterworth, "I will endeavour to be as brief in concluding the defence as has been my learned brother in presenting the people's proof. I will enter on no outline of the defence beyond the simple assertion that my client stole no money from the complainant and is here solely as the result of his former ill-advvised activity. But he is not to be convicted

night of this occurrence?" Mr Butterworth plunged into the examination. "It's in a joint called Eply, ten miles from dat punk job."

"Where in Eply?"

"Well, fer one thing I was in de bug-house grounds."

"Witness was where?" asked the Court.

"He says he was on the premises of the insane asylum," interpreted Mr Butterworth.

"Huh! Go on."

"What did you do there?"

"I's sort of weary wid walkin' round town an' I sets down on a dawg."

"Stenographer, did the witness say log or dog?" demanded the amazed judge.

"I said a dawg," broke in Mr Bilks confidentially. "In de langwidge of de poet, a pup, a bow-wow."

"What kind of a dog?" interrupted Mr Butterworth quickly, as he detected a storm hovering over the face of justice.

"A stone 'un."

"Stone! I believe he said stone," murmured the Court, removing his spectacles and breathing heavily. "Mercy!"

"Dat's wot," agreed Mr Bilks genially.

"What happened then?" hurriedly asked counsel.

"Well, den I puts down my mit. See?

," observed the Court to the com- placent Mr. Butterworth, "that this is all very—peculiar, and possibly to be viewed with amazement."

"That the dog didn't bite him?" demanded Mr. Butterworth. "I except to your Honor's remarks as being unduly prejudicial to the defence. My client is unhappily envired, I will confess, but these circumstances, related to his defence, although seemingly abnormal, are purely trivial and yet conducive to a fair inference that he did not commit this crime."

"Say, Bo, dat's all ter de good!" cried Mr. Bilks enthusiastically, mopping his black hair from his deep-set eyes as he leaned forward eagerly. "I never did a job yet—"

"There, there," broke in counsel sharply, "that will do, sir."

"Let the witness fini-h," purred the Court gently.

"Dat I was ashamed of," concluded Mr. Bilks defiantly.

"A striking illustration of the perfect candour of the simple mind," cried Mr. Butterworth exultantly; "revealing at a flash the man's innate honesty, despite his record! He has erred; he has paid the price; and he is not ashamed to confess it."

"Fer do love of—," gasped Mr. Bilks in an undertone.

"If the Court please," spoke up Juror Number Six pompously, "I live in Eply, and there are stone dogs scattered about the premises of the insane asylum. What the defendant calls blood was paint. I remember well when the images were being freshly painted."

"Ah-a-a!" snarled the heretofore quiescent District Attorney, jumping to his feet. Then he collapsed, as he realised how foolish it was to rattle a juror. But his imploring gaze was not lost upon his friend, the judge, who promptly, and a bit warmly, reminded the juror he was there to hear and not be heard.

But, as the offender set his lower jaw and drew down his mouth, Mr. Butterworth smiled brightly and observed to the District Attorney that truth should not be feared, even when coming from a juror.

The Court, fearing to go further into the situation, could only glare at Number Six and snap to counsel: "Proceed."

"Where did you go after leaving the dog?" continued Mr. Butterworth.

"Why, I goes ter a church fair, where dey was playin' some innocent sport an' graftin' de small coins in brace games, where youse name de number of beans in a bottle an' gits maced. See?"

"Will you swear it wasn't a funeral or a glee club you visited?" sneered the District Attorney.

"If the Court please," gravely remonstrated Mr. Butterworth, "I believe the defendant has the right to be heard, even if in telling his story he does fly in opposition to the inclination of my learned and inopportune friend."

The Court coughed behind a pudgy hand and frowned judicially for a few seconds, and then compromised by commanding: "Proceed."

"What happened at the fair?" resumed counsel.

"Why, when I steps in, kind of soft-like, an' sees me clothes don't match up wid de pest of de guys' fixin's, I picks up a laked apple an' skidoos."

"So," cried the District Attorney triumphantly, "you do admit, sir, that at least you are guilty of petit larceny?"

"That's what he has sworn to," declared the judge loudly.

"Wid all recommendations fer de mercy of de Court, I's done nuttin' of de kind," croaked Mr. Bilks in hoarse anger. "Why, fer de love of— Say, Bo, is dey goin' ter spike me good name like dat—"

"There, there!" soothed Mr. Butterworth. "That will do, sir." Then to the judge he added: "I know this Court



"Now an' den He'd Light a Match an' Look Inter a Big Milk-can Ter See de Time o' Day."

because of his reputation. And I would desire the jury to remember that nothing is inconsequential and trivial and apt to 'litter up the case' that in any way tends to show the defendant could not have participated in the crime charged. Our defence is an alibi. It is a bit unusual, and for that reason all the more impressive."

With this foreword the old lawyer paused and daintily dusted with his handkerchief the fingers that had been employed to restrain Mr Bilks in his chair while being identified as the man with the bundle. Mr Bilks was then motioned to the witness stand.

"Mr Bilks, where were you on the

And I gits it all sticky. See? An' I An' I gits it all sticky. See? An' I strikes a flicker, an' if it wasn't covered wid blud!"

"Blood!" recoiled the Court, suddenly slumping several inches in his high-back chair.

"Dat's wot," retorted Mr Bilks stoutly. "An' I gits it on de tail of my coat. Den I quits de place on de jump."

"Did the dog bite you?" asked the Court anxiously.

"Naw, de dawg didn't bite me. See? De dawg was stone an' couldn't bid nuttin'." growled Mr. Bilks, as one suspecting he was being made game of.

"Candour will compel you to admit,

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