

The Obliging Juryman

He Had Just Time to Serve Before Taking a Train

By ELLSWORTH TOWNSEND

I like to talk with John Atherton, a retired detective friend of mine, for he has a fund of incidents that occurred during the days of his active service that I find interesting. Some of them happened to him personally, and some were told him by his fellow craftsmen during idle hours. This is one of Atherton's stories that especially pleased me from the ingenuity and assurance perpetrated by a rogue:

There are two ways by which crooks work, the one with the other without confederates. Both ways have their advantages. A man who works alone doesn't have the fear of being betrayed by his pal, for where one is offered an easy letting off from a hard sentence if he will squeal he is pretty liable to squeal. But a man who has a confederate can do what one man can't do alone.

In one way crook pals will usually stand by each other. When one is in danger the other will do all in his power and take considerable risks to help him out. I was once put on a job to track down a man called Jerry Wilson, who was in the confidence department of roguery. Wilson usually worked courtrooms. He was one of the most accomplished swindlers I ever met. He had been an actor and was prominent in the art of making up. We would hear of him one day passing as a stockbroker, at another as a clergyman and again as a cotton planter with a perfect southern dialect. Of course we didn't know at the time that these were one and the same man, but we often suspected it and in time learned it from Wilson himself.

One day a countryman reported at police headquarters that he had been victimized by a man who passed himself off for an Englishman. The countryman had come from England twenty years before and had never become Americanized. Englishmen seldom become naturalized. You will find thousands of them in this country, and other countries for that matter, who have become old men and not seen England since they were children, and are still British subjects.

The man who picked him up doubtless heard him speak with his British lingo, had stepped up to him and hailed him as a fellow countryman. One born and once accustomed to the home accent could always be placed as an Englishman. Then he launched out on the details of his "bloody country" and was the farmer's heart completely.

A confidence man becomes very expert in drawing out information from a greenhorn, and the new acquaintance—Henderson he called himself—was evidently an adept at this work, for the farmer soon learned that they both came from the same county in England and from the same town and knew the same persons. Henderson, being a later arrival, gave his former fellow townsman lots of information as to what had become of many of his old friends—who were living and who were dead and who had married. The result was a friendly drink at a "public," as they call a saloon in England, followed by a friendly game, with the consequent transfer of several hundred dollars of the farmer's money to the pockets of Mr. Henderson, who, when he had drained his fellow countryman's resources, slipped out through a back door.

Well, we got on to Mr. Henderson, but were deficient in proof. The farmer's testimony might have been met by an alibi and other subterfuges, and I decided to capture him at his own game. Having located him, I stood near him and, adopting the British accent, began to talk about dear old Merrle England. The fellow chimed in, and we were soon hobnobbing together. I had my pocketbook stuffed with marked bills, which passed into my countryman's possession. Then I tipped a confederate the wink, and to gether we took him in.

There couldn't have been a surer case against a man than that, could there? From facts I gathered and the man's ability to personate different characters I believed I had got the slippery Wilson, and I intended to put him where he would trouble the public no longer. In making up a jury to try him we got nine good men, when somehow we couldn't get any further. Some were exempt and some had sufficient excuses. When we got the eleventh man so much time had been lost that the judge was getting impatient.

A gentlemanly looking man in the courtroom said that if the trial would not occupy much time he would help us out. He was immediately served with a summons, accepted and sworn in. The trial didn't require or it was not given a long time. The evidence was perfect, and the conviction was considered a mere matter of form. Besides, there was the gentleman who had volunteered to serve on the case provided he would not be long detained. After he had been sworn in he told the judge that he was really exempt, but would not claim exemption provided he was assured that he would in every probability be discharged within a couple of hours since he was waiting for a train that would leave at the expiration of that time. I think the judge must

one of a party that had come—probably from the hotel where I was stopping—for a moonlight walk. I looked quickly over my shoulder for her companions, but saw no one. There were only the rocks here and there covered with verdure, the trees standing back, the path winding on eastward, the girl beside me, all bathed in the soft light of the moon. I was embarrassed at this being standing so near me at such an hour without the slightest appearance of reserve. I was trying to think of some remark, some question that would not sound brusque, when she broke the silence:

"Isn't it beautiful?"
"Beautiful, but somehow just now there seems something awful about it. What is that red thing floating below? In certain lights it looks like blood."
"It is blood! Come away. It affects you unpleasantly."
She turned and walked back a short distance from the verge of the cliff. What could I do but follow her? She sat down on a rock surface that formed a convenient seat and such position as to make room for me beside her. Wonderingly I asked:

"Are you from the hotel where I am staying?"
"No," she said, but offered no word as to where she came from.
"I cannot imagine," I continued, "any of those young ladies coming here alone and at this hour."
"There is not sufficient to tempt them to break through the conventional forms that bind them. Perhaps it is well that they do not. I stayed at one of the hotels hereabout one season and was bound by the same code as they are bound. I pined for freedom. I came here alone. I have been coming ever since."

"Why?"
"I cannot keep away."
There was silence between us for a few moments while I wondered. Presently I asked:
"And why can you not keep away?"
"Something happened—If I were to tell you what it is it would shock you. It would have shocked me had I known that it was to happen. For a brief space it filled me with horror. Then—"

"She paused."
"No," she continued, "I am not here to increase your burden of life. I know that you have been looking forward for months to your outing and now that it has come you are disappointed. You see about you that companionship which would enable you to enjoy every moment of it, but between you and me it is that hedge of conventionalities which you find impossible. I know what it is, for I was once fettered by it myself. Now it is nothing to me. I can go where I like, express what I feel. I am disenthralled. And to prove it I will tell you that tonight I come here to meet you."

"To meet me?"
"Yes. You do not know me, but I know you. Often I have seen you leaning over the rail looking down into the chasm. Every thought that passed through your brain vibrated in my being. You are nearer the line that divides the finite from the infinite than one mortal in millions, and when you look over the cliff down upon that scene, the sluggish waves following one another in never ending succession, you feel within you that which is akin to the infinite."
She paused while I looked at her in wonder, then added:

"And why have I come to you to-night? Why have I made myself known to you? I will tell you, and I am not ashamed to tell you, for I am absolutely pure. It is because I love you."
I have a dim remembrance of her rising and going to the cliff, of my following her and leaning on the rail beside her and looking down into the chasm. Then I was alone. The scene below was beautiful as before, and the red spot was gone.

I stood gazing on the water where it had been, now limpid, like the rest, while an awe crept over me. Then I cast glances about me for my companion and shuddered at the vacancy she had left. Then I was seized with a desire to get away from the place as quickly as possible.

I walked back to the hotel filled with emotions of which it would be impossible to afford the slightest inkling. All I can say is that they were such as I had never experienced before.

At the hotel I found no one to tell me anything about the cliff, but on one of my walks, stopping at a house for a cup of water, an old man told me there had been a special reason for placing the rail at the verge of the abyss. Years ago, when the region first became a summer resort, a farmer saw a girl standing there. He turned away his glance, and when he looked again she had disappeared. Going to the cliff, he looked down and saw what he at first supposed to be a red shawl floating on the water. Upon investigation it was discovered that the girl he had seen had fallen over the cliff, had struck the rock surface below and bounded off into the water. It was her blood that appeared to him like a red garment.

Until writing this I have kept my secret. First, I have shrunk from revealing it, secondly, I have not dared to do so for fear of being considered of unbalanced mind. I have never since visited the cliff, nor would I do so for the world. That which presents me is having felt, while looking over it, when the apparition led me back to it after telling that she loved me, an almost uncontrollable desire to throw myself down into the chasm.

While I do not pretend to assert that my experience may not have been the result of a temporary mental aberration, I cannot refrain from thinking that some mortals may have in them certain leanings toward the infinite to which the great mass of humanity are strangers.

Evolution of the Sideboard.

The dresser began service in the kitchen as a table, advancing until it was composed of a top and two shelves below, supported by four legs. It was then used not so much as a place for dressing the meats as a serving table, on which dishes were placed before being allotted to the members of the household. At a later period a portion of the dresser became inclosed, and after that an extra shelf, with sometimes a hood, was placed on it. It was not then an article of kitchen furniture, but stood in the hall or living room. As a result of the desire to reduce the quantity of furniture in the hall the credence and dresser were combined in one article, with a closet and shelf below and several shelves above, the whole surmounted by a canopy. Then it was like some of our sideboards, though it was not known by that name until the eighteenth century, when it assumed the long, low table form, with drawers and cupboards below. The name sideboard prior to this had, however, been applied to tables as early as the sixteenth century.

The Eye as a Camera.

The human eye is a perfect photographer's camera. The retina is the dry plate on which are focused all objects by means of the crystalline lens. The cavity behind this lens is the shutter. The eyelid is the drop shutter. The draping of the optical darkroom is the body. This miniature camera is self focusing, self loading and self developing and takes millions of pictures every day in colors and enlarged to life size. Charts have been prepared—marvelous charts—which go to show that the eye has 729 distinct expressions conveying as many distinct shades of meaning. The power of color perception is overwhelming. To perceive red the retina of the eye must receive three hundred and ninety-five million million vibrations in a second; for violet it must respond to seven hundred and ninety million million. In our waking moments our eyes are bombarded every minute by at least six hundred million million vibrations.—Chicago Tribune.

Ways of Carrying Money.

When mamma gives you a penny to buy a bit of candy she usually either sends you to her top bureau drawer to get her purse or takes it from a little box she keeps in which to drop her spare change. But, if your mamma were an immigrant—people who come to this country from foreign lands are called immigrants, you know—instead of your own dear mamma, she would carry her money in strange fashion. If she were a Swede or Norwegian she would carry it in a pocketbook so big that it contains enough leather to make a pair of shoes out of. The Italian immigrant prefers a small tin tube which he hangs about his neck by a small chain, and the Hungarian stuffs his money into his long boots—along with his knife and fork and spoon. Germans keep theirs in a belt strapped around their waist under the clothes, and the French are partial to a small brass case about as large as the average pocketbook.—Detroit Free Press.

Lost to the Audience.

The composer Faurell describes an experience he had at Queen's hall during one of the concerts, says the Paris correspondent of the London News. "Wishing to hear the orchestra to the best advantage, he ascended to the highest gallery of the building without saying anything to anybody and hid himself in a corner. "The public listened beautifully," he writes, "and I was overcome with emotion. Seeing that they were determined to descend, but lost myself completely in a maze of passages. I wandered about for some time, opening doors, until it was too late to think of appearing. When I found my friends again they were very angry with me for what they considered my breach of good manners in not responding to the applause."

His Strong Point.

"My favorite nephew, Oliver Tolliver, is well, he's my favorite nephew," remarked the old codger. "But while he is pretty much always getting into trouble or having things go amiss with him, and so forth and so on, instead of blaming it on to somebody else or his luck or the party in power or saying he can't imagine how in the world it came to happen, he just scratches his head, grins a wry grin and says, 'Well, dad blame my fool picture; that's another time I brought it right on myself by not having as much sense as a barrel of hair!'"—Kansas City Star.

Formality.

"I called to ask your permission to pay my addresses to your daughter with a view to asking for her hand in marriage."
"Go ahead," replied Mr. Cumrox. "Only I'm afraid a man with your ideas of courtship will be wasting his time."—Washington Star.

Food For Indigestion.

Young Doctor (after the departure of the dinner guests)—My dear, I think your party was a great success. His Wife—I hope so. I gave them the richest food I could think of.—Life.

Cautious.

"Walter, do you guarantee these eggs?"
"No, sir. I'm very optimistic about those eggs, sir, but I don't guarantee 'em."—Birmingham Age-Herald.

Honorable industry always travels the same road with enjoyment, and duty and progress are altogether inseparable without it.—Samuel Butler.

A New Theory of Tides.

The shrewd explanation of the phenomenon of the tides that an old South Brooklyn fisherman gave is hereby recommended to the attention of scientific men. The Brooklyn Times reports it.

"Uncle Joe," some one asked him, "do you know what causes the tides?" The old man looked profound and admitted:

"Waal, I hev some idea."
"Explain it to us, please."
Uncle Joe would not be hurried, but after some urging he answered:

"You've turned over in bed, I think likely."
"Certainly."
"And when you went over the bedclothes kind o' slipped round and sloshed round and didn't get there at the same time you did?"
"Yes."
"Waal, that's the way o' the tides. The old world slips round inside o' the sea like a man under the bedclothes, and that's what makes the tides. It's easy enough after you understand it."

Net Celebrating.
There used to be a city editor on Park row who was not exactly beloved by some of his men. His health failed and he obtained leave of absence of some weeks to go to Florida. The staff decided to offer him a little farewell testimonial of regard, especially as his birthday chanced to fall on the date of his departure.

One of the copy readers, who was in charge of the fund, met in a cafe a former reporter for the paper, who had been discharged a few weeks before.

"Say," said the copy reader, "we're raising money to send a little floral design up to the old man's flat, and I thought maybe you might like to contribute, seeing as you used to work for him."
"I'll be tickled to death," said the reporter. "Nothing could give me more pleasure. When's the funeral?"
"Funeral!" echoed the collector. "These flowers are for his birthday!"
"Give me that dollar back," said the reporter emphatically.—Saturday Evening Post.

A Famous Pirate.

On the 23d of May, 1708, Captain William Kidd, the famous pirate, was executed at Execution dock, London. Several others of Kidd's company were executed with him. The summary putting to death of these pirates did much to rid the seas of piracy. Kidd, who was the most daring of all the pirates of history, exemplified the worst of his kind. Although his exploits have been greatly exaggerated, there is no doubt that he was guilty of desperate crimes. His daring led others to emulate him, and the commerce of the world suffered much because of the depredations of the pirates. England was the principal sufferer at the hands of the high sea raiders, and accordingly England was most interested in their capture. Kidd's execution began a new era of commercial activity on account of the greater security enjoyed by merchantmen on the high seas.

The Tongues of Belgium.

Belgium is largely a bilingual country and to a certain extent trilingual. This is indicated by official statistics, which indicate that 746,140 of the population more than fifteen years of age speak Flemish and French, that 65,627 speak French and Walloon, and that 7,237 speak Walloon and Flemish. The three languages are spoken by 49,300, so that 810,014 of the inhabitants of Belgium are bilingual and 49,300 trilingual. The number of Belgians who speak only one language is 4,262, 142 and Flemish and French are pretty evenly divided between them, the speakers of French numbering 2,132, 967 and of Flemish 2,129,185. There are 6,646 returned as speaking none of the three languages in regard to the country, but the medium in which they convey their thoughts is not indicated.

The Strawberry in Sacred Art.

When the old masters introduced the strawberry into their religious pictures it was because that stonless, thornless fruit, with its chaste white blossom and trofall leaves, was the symbol of perfect righteousness. The violet is usually seen with it, indicating that the truly fruitful soul is always humble. So says Elizabeth Halg in her "Floral Symbolism of the Great Masters."

No Compliment.

"Dining in a real home must seem pleasant after life in these restaurants," remarked the hostess, fishing openly for a compliment.
"It is a relief not to have to watch your hat and coat all the time," responded the dense old bachelor.—Louisville Courier-Journal.

Worse to Come.

"The opposition candidate is perfectly wild. He says you have been telling lies about him."
"You just think he is perfectly wild. Wait until after my speech tomorrow. I'm going to tell the truth about him."—Houston Post.

Cautious.

"Darling, do you love me for myself alone?"
"Why, certainly, Charles. But you really have that \$50,000, haven't you?"—Louisville Courier-Journal.

Well Classified.

"How did you list the money that fortune teller got from you?"
"I put it under the head of prophetic and lost."—Baltimore American.

Culture indicates superiority, and superiority impresses others.—Mardon.

The Red Spot on the Water

A Story of the Borderland of Immortality

By F. A. MITCHELL

The day of witches, vampires, fairies and the like is over. We read of the Lorelei of the Rhine and peruse such poems as Keats' "La Belle Dame Sans Merci" (the beautiful woman without mercy) or Heine's water fay, not because we believe either the woman or the fairy to have existed, but because of the sensations aroused by the weird pictures drawn.

Nevertheless there is a class of people among us who are not disposed to break down the barriers between the natural or the supernatural. And have not so-called psychical research, composed of earnest and many of them extremely intelligent persons, who make it their business to gather information about supernatural appearances?

Personally I am neither convinced nor unconvinced as to the feasibility of such investigations, though I have had an experience calculated to throw me on the affirmative side. That experience I will give just as it occurred or, rather, as it communicated itself through my senses, leaving each reader to make for himself or herself an explanation to fit the case.

During the spring I worked hard in order to get ahead with my vacation duties that I might enjoy a vacation during the summer. Nevertheless when I left home about the 1st of July I never felt better in my life. I mention this because the state of one's health is an important factor in happiness. An explanation of such happenings as the sea that came to me, in a well known fact that persons suffering from bodily ills are more apt to see ghosts than persons in good health.

The scene of my outing was on the coast of New Hampshire. I stayed at a hotel where there were a great many young ladies and but few young men. I thought at first that I would be in clover, but since I knew no one to introduce me I was obliged to see them going about in each other's company, ignoring me completely.

I was told afterward that there was scarcely any of them but would have been glad to meet a marriageable man, and I considered myself a fair specimen of a bachelor. Why I should have been so completely ostracized I don't know. I am of opinion that it was the spirit of eliqué no strong in these girls that it overpowered their natural disposition to mate.

After trying in vain to break through the shell that kept me away from them I undertook to amuse myself in other ways. I was fond of boating and spent a part of my time on the water. I took long walks. I did not bathe, for the water was too cold.

A few miles up the shore from my hotel was a cliff a hundred feet high. A path led around its edge, fenced by a rail over which one could look down. Immediately below was a flat rock surface against which the waves rolled, then deflected, pushed off in another direction, surged in through a cleft, then out again. All day long this process continued, and as I watched it I could not but wonder why. And why was I there looking down upon it? All was query, no answer.

Nevertheless the place was fascinating to me, and I went there often. One evening, when at twilight the great globe of the moon was rising out of the water, I thought I would like to go to the cliff and see it as it would appear under the different light. The young ladies of the hotel were walking in couples and platoons, with their arms around each other's waist, back and forth on the piazza, and as they saw me start off, evidently for a moonlight walk, I thought I could detect watchfulness in the faces of some who saw me depart. If any of them would have liked to be my companion she was obliged to restrain her desire, for she had not been introduced, and even if she had I did not belong to the set of her associates and she would have been shocked at herself to become intimate with any other.

The distance to the cliff was about three miles, and when I had traversed it I approached the fall cautiously, put a hand on it, then stood looking over. The moon was exactly in position to cast its rays into the recess in the rocks below. Slowly a wave, resembling for all the world a leviathan of the sea, would sluggishly lumber in, roll against the rock, seem astonished at having been stopped, swim over to a perpendicular surface on the other side, glance and move on into the cleft.

But what is that red spot on the water beside the rock? Is it an alghian, a shawl or some other wrap that has fallen from the cliff, or has it been washed in from some boat out on the ocean? So intent on it was I that I leaned over as far as I dare to get a better view of it. When a wave passing the place where it floated was in shadow the red spot was not visible; then when the moon struck full upon it it was like blood.

I was suddenly conscious of the presence of some one beside me. Why I know not, for I heard no sound, not a whisper nor even a person breathing. I drew back and turned my head. There, leaning upon the rail in the same position as I, was a young girl. It occurred to me that she must be

have had an engagement to meet me, he seemed to be in a hurry. He had a consultation with the prisoner's attorney—whom he had engaged to defend him—who said that he had little or no evidence for the prisoner and did not think what he had would require ten minutes to bring it out. Upon this the judge told the assisting jurymen that he was very sorry he would have plenty of time to make his trial.

"The trial of that young woman," said the gentleman, "is very nothing. I dread so much as waiting for anything, especially for a trial."
The judge's opinion as to the point of the trial proved quite correct. For while it seemed that it would be long through at railroad speed. The charge was read to the prisoner, and he was asked to plead. He said he was a British subject and asked if that would make any difference. When told that it would not he pleaded not guilty.

I gave my account of how I had trapped him, and his victim looked against him. The accused declared that he was a British subject from Australia and if his home were not so far away he could easily prove his respectability. The twelfth jurymen repeated asked him a few questions about Australia, which he answered evidently to the jurymen's satisfaction. But this didn't cut any ice because it didn't matter where he came from. We had the defendant on his feet.

We expected the jury to convict him without leaving their seats, but they didn't. Then we thought they might be half an hour, but the half hour passed, and they didn't come back. The judge went back to his seat, having instructions to be called when a verdict was reached. He wasn't called. The jury remained out the rest of the day and all night. In the morning they sent word that they would like to be discharged since they couldn't agree. This made the judge angry, and he sent back word that the evidence was absolutely convincing and that they must agree. Indeed, they were given to understand that they must bring in a verdict or they would be kept where they were till the end of doom. They stood out till about midnight, the accused, then returned word that they had come to an agreement. The judge was summoned, and they filed into court. The judge asked the customary questions.

"Have you arrived at a verdict?"
"We have, your honor."
"Do you find the prisoner guilty or not guilty of the charge?"
"Not guilty."
"What?"
"Not guilty, your honor."

There was nothing to do in accordance with the law except to discharge them. Convinced that there had been some unusual practice, I stationed myself at the door and questioned every man as he went out. I noticed that the twelfth jurymen, who had volunteered, left the rest out of the courtroom, and I heard him descending the stairs three steps at a time.

I was convinced that he had happened on an all with a view to getting at the jury, then standing out from the rest. I learned that he had told the fellow jurymen that he had lived in Australia and had known the prisoner there and could vouch for his being a respectable citizen of Melbourne. He was sure that he had been mistaken for some one else and would not on any account vote for a conviction. Not until the others became convinced that the man was not to be moved did they consent to bring in a verdict of not guilty instead of being disgraced and subject to the expense of another trial.

There was no way of holding the man who had been tried. He had been acquitted of the charge of which he was accused and could not be tried again for that crime. So we made a virtue of necessity and let him go.

Six months after this two men were arrested for confidence work. I went to the trial for information and a look at the prisoner, since it was my custom to keep track of the rogues brought in. The moment I looked at the prisoners I recognized both of them. One was the man who had swindled the farmer and whom I had supposed to be Jerry Wilson. The other would you believe it?—was the twelfth jurymen who had forced his acquittal.

But this was not all of my surprise. At the trial of the two men it came out that this twelfth jurymen, who was willing to help us out if it didn't take too long, was none other than Jerry Wilson. He and the other man, Tom Murphy (and other names), had long worked confidence games together, and when his pal was in trouble Wilson had made himself up for a gentleman, had gone into the courtroom to watch the impeding of the jury and in the nick of time had offered himself to help us out.

I confess that in all my experience I never knew a clearer case of one rogue standing by another. Wilson ran an awful risk. Had I known what he left the courtroom that he had single handed "hung" the jury I should have kept him in sight, trumped up a charge against him and held him till I could find out who he was. That he feared something of the kind was evident from the haste with which he got away.

After the conviction of the two men (they were sent up for twenty years) I visited Wilson in jail, and he told me much about his operations. He said that when he played the twelfth jurymen trick he was more afraid of my getting on to it than any one else, for I had completely outwitted his pal with my marked bills. When he saw me station myself at the courtroom door to watch the outwitting of the jurymen he thought, "It was all up with him. The moment he reached the street he ran like a deer, entered an alley and was seen beyond capture."

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