

## THEY ALL KNEW HIM.

POINTS ON PERSONAL IDENTIFICATION IN THE COURTS.

How the Mystery of the Burglary in the House of Mr. John Flukes was Cleverly Unravelled—A Queer Case in the Courts and Its Remarkable Ending.

I should not think it worth while to tell so simple a story as the one which I now propose to grind out, if it did not give me an opportunity to speak instructively about two or three subjects on which I have long been a crank. The most important of these is personal identification as it is practiced in the courts.

Oh, I have seen so much of it! Only last week Policeman Schlob swore positively that the man seen entering the side door of Reinangel's saloon on Sunday afternoon was Reinangel's brother-in-law. He knew



A SUSPICIOUS NOISE.

him because they had been friends from boyhood. It was shown by other evidence, however, that the man in question was six feet two in this stockings, and weighed one hundred and fifteen pounds, while Reinangel's brother-in-law was five feet three, and so fat that he couldn't have been forced through the door by a hydraulic press. But the license was not revoked.

Then I remember seeing a woman positively identify the thief who stole half a bushel of potatoes out of the back cellar of her house in the middle of the night. She recognized him by the color of his eyes. Cross examination failed to shake her certainty, but it developed some interesting facts.

It appeared that the husband of the witness, Mr. John Flukes, came home from the club about 2 a. m. on the night of the robbery; and after unlocking the door with his watch key, he paused in the hall a moment trying to decide whether the front stairs led up or down. It was quite essential to solve this problem in order that he might get up to bed without creating unnecessary disturbance.

He removed his plug hat so that his footsteps might not awake his wife, and then took hold of the stairs to steady them. They kept still long enough for him to become convinced that they led up, in a general way, and as that was the direction in which he wanted to go, he ascended half a dozen steps. Here he sat down to reflect. He was aware of a slight noise but the house was turning over and over so fast that he could not tell whether it came from the cellar or the attic. He bestowed so much attention upon listening that he forgot to hold on to the stairs, and, as a result, he fell to the bottom with a resounding crash.

This frightful rumble in the still watches of the night awoke Mrs. Flukes, who yelled "burglars!" in a voice like fifty wounded elephants. Flukes, not desiring to contradict his wife at a time when he felt himself to be somewhat at a disadvantage, also yelled "burglars!" whereupon Mrs. Flukes buried her head under the bedclothes, while a male servant, whose room was in the garret, fired a double-barreled shot-gun through the roof, and locked himself into a closet.

I do not pretend to know how the household straightened itself out, but nothing was done until morning, when a search of the premises revealed the fact that nothing was missing but the half bushel of potatoes. With this clue to work on, the police soon arrested a tramp who was heard to say that he hadn't eaten anything except one potato during the past ten days.

"Clever detective work, too," said the officer who made the arrest to the reporters at headquarters. Then he winked mysteriously and remarked that he expected to have a big story for the boys in a day or two.



PICK HIM OUT.

At the Central station Mr. Flukes unhesitatingly picked the suspected man out of a group of policemen who were all noticeably overfed, while the tramp—well, to judge by his emaciation, the potato to which he had referred must have been a

very small one. The identification left no doubt in the mind of anybody but the tramp, who began to wonder whether he might not be guilty after all. However, to make assurance doubly sure, the servant, Laggs, was sent for by the police in the course of the afternoon. He was loaded for an identification. He had heard Mr. Flukes at lunch-time describe to Mrs. Flukes the formidable and desperate appearance of the man with whom he had struggled in the dead of night in defense of their home. The villainous physiognomy pictured by Mr. Flukes made such a deep impression on the mind of Laggs that, when he arrived at the station, he promptly identified Ward Detective "Plug" Swagly as the criminal.

The alleged feelings of Mr. Swagly were so much hurt by this mistake that he offered to prove that Laggs had committed burglary, highway robbery or treason in March 1884, or on any other date that was convenient to the authorities. All that Mr. Swagly asked was an hour and a half to collect his witnesses. This liberal offer was refused, but it frightened Laggs so badly that he couldn't be found on the day when the tramp came up for preliminary examination. I am inclined to think that his alarm was unnecessary, and that the ward detective had over-estimated his powers, because, a week later, when Laggs was clubbed half to death in an alley near the Flukes residence, Swagly was wholly unable to discover the perpetrator of the deed.

But where Laggs failed, Mrs. Flukes was strong. At the preliminary examination, she did not hesitate for an instant. His honor asked her to fix her eyes on the prisoner, and she did so, with a severity that should have been good for a commutation of his sentence on the ground that he had been punished enough already. She was going on to tell how she happened to buy the bushel of potatoes, half of which were stolen, when the justice interposed and said:

"Do you recognize the prisoner as the man who entered your house on the night of November 3, last past, and stole a peck of potatoes?"

"Four pecks in a bushel, your honor," whispered the clerk.

"Certainly, sir; do not interrupt me. I was about to say to the witness: Do you recognize the prisoner as the man who entered your house on the night of November 3, last past, and stole a peck of potatoes in each hand?"

It is nearly impossible to find a subject which a police justice does not thoroughly understand, if you give him leisure to tell you what he meant to say when he spoke the first time.

Mrs. Flukes was willing to swear to the prisoner or at him, as it pleased the court. Every time she discovered a peculiarity of his features or clothing which she had not previously noticed, she recognized him by that. Then the policeman on the beat was called, and he told what he had been dreaming about at 2 o'clock on the morning in question.

Swagly, who made the arrest, also gave testimony which was very damaging—in



"FOUR PECKS IN A BUSHEL, YOUR HONOR."

fact there is no telling how damaging, not to say damning, such testimony may be when the records, which do not lie, are unrolled in a higher court, and Swagly, et al., are committed without bail. In the case at hand, however, the damage was inflicted upon the tramp, and he was held in the sum of \$1,000. None of his friends came forward to give this bail, partly because if he had had any, they would not, probably, have had so much money as that. He went to jail.

I am happy to say, however, that before the trial Mrs. Flukes discovered that there had been only half a bushel of potatoes in the cellar on the night of November 3, and consequently the tramp could not have stolen a peck in each hand, and left two pecks behind him. On learning of this fact, Mr. Flukes, who was a scrupulously just man, secured the release of the tramp through the influence of a ward politician, and he also gave the unfortunate man his forgiveness and the unused portion of a meal ticket entitling the holder to three 25-cent dinners at a restaurant which had failed and closed up during the previous week.

The foregoing isn't the story I intended to tell when I began, but once get me started on the subject of personal identification, and I never know when to stop. I could tell half a dozen more stories without getting anywhere near the one I had in mind at first. They would all go to show that when a lot of people stand up in court, and tell how they recognize a man whom they never saw but once in their lives, and then when he was back to them, and half a mile away—when they swear that they know him because he has lost a back tooth, and has a scar on the sole of his foot—they are simply lying, in a way to make their moral characters as unclean as the cover of the police court Bible on which they take the oath.

However, let that pass. I started to tell how I was pursued by a mysterious negro, said to be seven feet high, but perhaps I can do it some other time.

HOWARD FIELDING.

Calm soul of all things! Make it mine  
To feel, amid the city's jar,  
That there abides a peace of thine,  
Man did not make, and cannot mar.

The will to neither strive nor cry,  
The power to feel with others give!  
Calm, calm me more! nor let me die  
Before I have begun to live.

—Matthew Arnold.

Balmoral Hotel. See advt.

## PROGRESS PICKINGS.

"Did you sit in the stalls at the opera?"  
"No. I was 'way up stairs, in the operatic."—Puck.

"Maggie, I believe if it wasn't for my hateful money, Julian would have proposed long ago. Don't you think so?" "Yes, to me."—Life.

"You can't walk straight or talk straight or do anything straight." "Thaz all you know 'bout it. Been drinkin' whizgy straight' all evenin'."—Puck.

Cora—"I do so adore a masquerade ball; one can be made love to and no one knows who is who. Her Friend (sweetly)—"Lucky for you, dear; isn't it?"—Judge.

Bessie—Who is that man who comes here Sundays? Mother—Why, that's your father, child. Bessie—Where is he other days? Mother—At the club.—Harvard Lampoon.

Willoughby—"Let me bask in the light of your dear eyes!" Her papa (from above)—"Young man, if you'd only use the light of her eyes my gas bill wouldn't be so dear!"—Judge.

"Mrs. Small, this coffee won't settle," complained McWatty to his boarding-house keeper. "Then it is in good company, Mr. McWatty," replied Mrs. Small, frigidly.—New York Sun.

She—Why didn't you congratulate him just now? He's going to be married. He—Well, you see, I couldn't conscientiously congratulate Haines on marrying any girl that would have him.—Life.

George—Yes, sir, I can not tell a lie—I did it. Washington, sr.—Well, that's all right about the lie, but (whack!) d'ye think (whack!) you can tell a cherry tree (whack!) whack! next time?—Puck.

Mrs. Blecher (of New York)—The law gives a widow her third in Illinois, I believe? Mrs. Wiggler (of Chicago)—Oh, no! I had to hustle for my third, just as I did for my first and second.—Brooklyn Life.

Wine and women are alike. They both intoxicate us. "Yes, but they are very different in another respect. Wine is always reported to be older than it is, and women to be younger than their age."

Man in the audience (to his neighbor)—"Who is that at the piano?" Neighbor—"Ida Klein." Inquirer (angrily)—"Well, decline if you want to, you ungracious cad!" (Surprise of questioner).—Judge.

She—So you are just from Minneapolis. How did the people out there receive your lecture on the "Supreme Qualities of Shakespeare?" He—Well, when I finished, the audience gave three cheers for Bacon.—Life.

Foreman—"That article about the McCoy murder has all pined. What shall I do?" Editor—"Shove the type together, head it 'The Political Situation,' and place it in the editorial column."—American Stationer.

Old Johns—"When I wor a young fellow like yo', Sam, I won't no fond ob ventilatin' my opinions as yo' are, sah!" Young Yallerby—"Huh! I don't wondah you ventilates 'em now. Dhey am musty enough, suah!"—Judge.

She—Those horrid Snyler girls are in that sleigh. It's not generally known, but, Clara, the one in white, is going to marry Lord Duncastle purely for spite. He—From spite? She—Yes; she was virtually jilted by her father's coachman.—Life.

"I wonder you don't enter the prize ring," said Mrs. Wings to Scales, her grocer. "Me, mum? Lord, what would I be doing that for?" "It only occurred to me that you might compete for the lightweight championship."—St. Joseph News.

She stood upon the platform scale, Her lover by her side; Her dimpled cheeks were rosy red; He murmured: "Be my bride." With downcast eye and faltering hand, Love's summons to obey, She placed a nickel in the slot And gave herself a weigh.

Kate—"Why, Maud, how you have changed! When I saw you three years ago your hair was auburn, and now it is as yellow as gold. So pretty!" Maud—"Yes, Katie; you know last year I was ill for a long time with the jaundice."—Judge.

Daisy Flutter—Oh, Maisy, I don't know what to do. Old Mr. Doddering and Jack Margin have both proposed, and— Maisy Margold—Take Doddering. He's already rich and already old. Jack is not sure of getting rich, but he is sure of getting old.—Puck.

Drawing teacher—"Now this is a symmetrical figure. Can any one tell me what symmetry is? Ah! there is a little boy with his hand up. What is symmetry, little boy?" Jimmy Scanlan—"Paze, sor, it do be a place where they buries dead pable"—Light.

Miss Quisby—"Ah! You army men, lieutenant, are too conceited. Why, there's not one in a hundred that ever smelt powder." The lieutenant—"I have thought." Miss Quisby—"Really, how romantic! Where?" The lieutenant—"On a girl's cheek!"—Buffalo Express.

A lady of fashion of advanced age required the services of a page boy, and advertised, "Youth wanted." One of her dearest friends sent her by the next post a bottle of Blank's celebrated wrinkle filler and skin tightener, a pot of fairy bloom, a set of false teeth, a flaxen wig, and a cake of iodine soap.

"What did Miss Leftover do when she awoke and found the burglar in her room scream?" "Not much. She transfixed him with her cold, gray eye, pointed to the door, and hissed: 'Leave me!'" "What did the burglar do?" "He explained that he had no notion of taking her."—Puck.

"Please Stop My Paper." Now a newspaper, in one aspect, is something like a hotel table. It presents to its readers literary viands and views from many different writers on many different subjects, to suit many different persons of many different tastes. There is something for the old and the young; for ministers and laymen, for parents and children, for the poetic and the prosaic, for the practical and devotional; and in short, for "all sorts and conditions of men"—and women, too. If now, one of these classes of persons objected to articles suited for any of the other classes, and rejects a newspaper on that account, he is just as unreasonable in this, as if he refused to take his dinner at a hotel table because he dislikes some articles of food which others enjoy.—Lutheran Observer.

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BETWEEN JOHN C. PATTERSON, Plaintiff; and MARIA CROFT DUNCAN, CHARLES H. C. DUNCAN, ROBERT W. H. DUNCAN, HARRIET J. DUNCAN, SUSAN S. N. DUNCAN, and WALTER W. T. DUNCAN, Defendants.

THERE will be sold at Public Auction, at Chubb's Corner (so called), in the City of Saint John, in the City and County of Saint John, and Province of New Brunswick, on SATURDAY, the 28th day of MARCH next, at the hour of twelve o'clock, noon, pursuant to the directions of a Decree of the Court, made in the above cause, on the 27th day of December last past, and with the approbation of the undersigned, a Referee in Equity, pursuant to the fourth chapter of the Act of the General Assembly of this province, passed in the fifty-third year of the reign of Her Present Majesty Queen Victoria, the mortgaged lands and premises described in the Plaintiff's Bill and in the said Decree of the Court, as:

"Beginning at a point on the northern side line of 'Hanover street, sixty-eight feet nine inches distant from the point of intersection of the northern side of 'Hanover street with the eastern side of Brussels street; thence running easterly along the said 'northern side line of Hanover street, thirty-one feet, more or less; thence parallel with Brussels street, seventy-five (75) feet, more or less; thence westerly, parallel with Hanover street, thirty-one (31) feet, more or less, and thence 'parallel with Brussels street, seventy-five (75) feet, more or less, to the place of beginning the said 'piece of land hereby granted or expressed so to be; 'being a portion of the lots numbered one hundred and sixty-four (164) and one hundred and sixty-five (165) on the map or plan of the said City of 'Saint John, on file in the office of the Common 'Clerk of the said City; with the erections and improvements thereon, and the rights, members, privileges and appurtenances thereto belonging, and the reversions and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, dower of this province, possession, property claim, and demand at law and in equity of the said defendants, or any of them, of, in, to, or out of the hereinbefore described premises, and every part and parcel thereof.

For terms of sale and other particulars, apply to plaintiff's solicitor.

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