

"Up From the Death Cell" The Story of a Man Who Won a Fight Against Big Odds

BY JOHN W. KANE.

Kane Manages Not To See a Dining-Room Riot, So He Need Not Testify.

SYNOPSIS

This is the true story of an adventurous youth, Curly Kane, once cowboy and Philippine campaigner. In a western state he kills two streetcar men while trying to hold them up, is betrayed by an older criminal, and escapes lynching by being hurried from jail in disguise. His first step toward regeneration is a confession. He is convicted of murder and sentenced to die on June 24, 1904, being given his choice of hanging or shooting. During 17 months in Murderers' Row in the penitentiary he hears the shots that legally end the life of another condemned. He wins a new trial, is sentenced to life imprisonment, and returns to the penitentiary as Convict No. 1666. He determines to redeem his life, wins advancement, and studies law.

CHAPTER TWENTY-FIVE

In reading of law I found myself greatly handicapped in some ways. While because of some generations behind me that had turned out a few lawyers, preachers, schemers and the like who had to exercise some thought in their activities I had a kind of natural aptitude for reasoning, still in the study of those commentaries I would find scores of Latin phrases that were to me about as much as a problem in differential calculus would be to an Igorote. Being determined to surmount the handicap in some way though, in order that I might learn thoroughly all the principles involved, I cast about to find a way out.

Perhaps my seeking for a way out of each immediate difficulty was due largely to that ever-present big job of seeking a way out of that walled city—which way would I find sure, come in due time. And my thought and effort seeking was soon rewarded.

There was a young-looking but gray-headed fellow in there who had a classical education; there was also a wreck of a man well past middle age who had been a practitioner in the courts of both the United States and England.

From the first man I soon learned both the meaning and correct pronunciation of those Latin terms; from the latter I learned their immediate connection and application, also I learned from him everything of which I was in doubt concerning court procedure, wherever that seemed to have special bearing upon my studies. And upon the whole everything went smoothly, not only as to returning the books and getting others when desired, but as to my study of them in general.

As might be understood, however, my system of studying was not so smooth-running as one could establish in different surroundings. There were matters to interrupt occasionally, not only during the actual between-meals hours, which were my own, but also such happenings as would tend to upset one altogether for a few days at a time. One of those events peculiar to a prison and brought closer to me because of my work as head waiter I shall here tell of.

Four Feasts A Year.

There in the prison we had four special days upon which an unusual meal was served. Those days were

New Year, Fourth of July, Thanksgiving and Christmas. It was, as a result of a Fourth of July dinner, or rather a lack of it, that I came in touch with 34 fellow-prisoners, who had decided to kick up the kind of row that most persons call a mutiny. Until long afterward I was unable to find out the why of it, but on the morning of the fourth the cook from the kitchen department underneath the dining-room called up to me to say that, so far as he knew, there would not be any extra menu that day. As might be expected, we briefly discussed the matter, and both of us made predictions which later events proved to be correct.

The word had gone forth among the body of inmates that no regulation holiday dinner would be served, but most of them were in doubt—that is, until they arrived in the dining-room. There was no more grounds for doubt then; for before the long tables of more-or-less-hardened men we had placed nothing but tough boiled beef, thin dark-colored gravy, a cup of black coffee and bread.

My work during the time while the prisoners were eating consisted mostly in watching the supplies of bread, gravy, coffee, etc., to see that they were equally distributed among the waiters, each one of whom had a watchful eye on the inmates. Occasionally some waiter would come to me and say that a certain prisoner wanted me to walk down that way. Only long conversation between the dining-room employees was permitted, and none whatsoever between the diners except when they wanted something special, and then but a few words would be allowed. Strictly speaking the prisoners should have asked to see the guard, rather than me; but the guards generally being only too glad to sit in a chair and watch the men rather than to be having to walk around among them, a custom that had kind of grown up whereby I would hear complaints and adjust them, unless it happened to be something that I could not pass upon.

The Riot Starts.

On that particular day the gong had scarcely rung for the inmates to sit down and begin to eat, when an old-time convict, who was near one end of a table caught my eye and gave a slight gesture, indicating that he wanted me to step that way.

"What is it, Billy?" I inquired, almost in a whisper, looking down at his plate.

"See this stuff?" He indicated the gravy already on his plate. "It's rotten—and there's a torn-up fly in it. A fine holiday dinner!"

"I can feel in the atmosphere a something that spelled rebellion, and at heart I was in sympathy with it—though, of course, I would not sanction violence."

"I have nothing to do with the dinner, Billy," I murmured to him, "but I'll wash out your plate and have the boy get you another supply of gravy."

"Never mind—he held on to the plate—I don't want any. It's all rotten—it all ought to be thrown out."

"Never mind the talk over there, Garlin," the guard diagonally across the room called out to Billy in a low, but firm tone. And that admonition

seemed to be the signal for a general outbreak of mutterings, loud words and oaths.

Both guards jumped to their feet, and a third officer who was on duty inside during the meal hours walked in. The guards were not armed, because in such an emergency their arms would simply have been taken away from them.

"Keep quiet, you men! Sit down over there!" one of the guards began to call out to the rising crowd. He might just as well have addressed a drove of stampeded cattle.

Gravy-laden plates, cups, spoons, pieces of bread and chunks of that tough beef began to fly through the air in all directions. As yet, no knives and forks were permitted in the place, and the greatest injury that could have resulted was a bruise from some missile or a burn from coffee or gravy.

I Don't Want to See It.

I walked back to my corner and busied myself with some odd dishes in the sink. My time in prison had taught me that of all things a prisoner does not want to see such happenings and have to appear as a witness. The uproar kept getting louder behind me and I could hear the tinkle of window panes as cups went through them. Once I glanced out the corner of my eye and saw men at the tables dodging and getting down on the floor, and the most excitable of the three guards was down close to those two main riot tables and getting more than his share of the bread and chunks of tough beef.

The noise lasted three minutes, which does not seem long, yet it is quite a time for such activities in a dining-room; and then one of the guards rang a gong, the usual signal for the men to go to their cells. All about 40 of the prisoners fell into line and went back to their cells, some of them dodging as they went.

The crowd of rioters turned over a few tables, kicked out some window lights and then scattered and went to their cells.

All three guards had gone into the cellhouses to lock the main body of inmates in their cells, and the dining-room force and the rioters were for a brief time in the dining-room together.

I was still anxious for some excuse to keep from seeing the trouble and so side-step being a witness, and a defective water-tap proved to be the way out. The sink was already standing full of water ready to wash the dishes after the meal; and I, thinking of that loose-topped tap, turned it on full force, jerked off the top so that the water could not be turned off, and then I waited—for but a few seconds.

"Hey, hey! Hello, up there!" came the cook's voice up the shaft. "What's wrong? You're flooding us out down here! Shut that water off!"

To the Main Lead.

I jumped to the top of the shaft, happy in the thought that I had found the way of absencing myself.

"I can't do it, Sandy!" I called back. "They've knocked the top of the tap off! Wait a second and I'll run out and turn off the main lead!"

With that I dashed out through one of the dining-room doors, and started down a stairway.

"Where are you going, Kane?" I heard the deputy warden's voice, and knew that he had rushed inside.

"I've got to turn the water off!" I bellowed back at him—"They've broken the tap, and the place is flooded!"

He did not answer me and I dashed

on down the stairway and out to the yard, while he ran in the direction of the dining-room. I heard his voice high-pitched and angry after I had reached the court.

"Get to your cells, all of you!—go quickly, or I'll blow a hole through each one of you!" he spoke as if he had a fire-arm persuader in his hand, and no doubt did; but I did not see it—and as I turned off the main water lead with a large wrench that was kept for that purpose, I was congratulating myself that I had not seen anything worth telling.

The reader might wonder at so much activity on my part to evade what ordinarily might be said to be on the side of discipline and order. But of all places where it might truthfully be said that all things are not expedient, even though lawful unto one, that place is a penitentiary. In prison it is only a fool of the first water who is anxious to testify against fellow-prisoners who have transgressed. If such a one be under a sentence that will permit of his being taken at once outside and watched over by the guard force, then he might afford to be a witness that helps to convict a transgressor; but if his position be such that only a promise of protection is forthcoming—to say nothing about the probability of his having conscientious scruples against bringing greater punishment upon a prisoner, such as I had—then he had better see nothing and know nothing.

Called Before Board.

Such was my situation when, on the following day after the unrestrained prisoners had been quieted down, I was called before the state board of control, which body had been summoned by the warden prior to his taking any action looking to inflicting punishment upon the rioters.

"I believe you have a kind of supervision of the dining-room, haven't you, Mr. Kane?" asked the chairman of the board.

"I am called the head waiter," was my answer.

"I presume you saw the rioting start?"

"I did—yet in a way I didn't."

"Explain yourself."

"I was just preparing to wash out a plate that a prisoner had given me, along with the information that the

gravy had a fly in it, and I heard the noise and talk break out behind me. Men who appeared not to be in on the disturbance were standing up and looking back at the noise-makers—some of them dodging things that were being thrown—and I was not in a position to see much of the boys' carrying on. And to bar me entirely from the show—if I may put it that way—a loose-topped water tap was jerked or thrown off during the early stages of the trouble, and because the sink was full already, it ran over and began to flood the kitchen below. I had to run out and down to the tap on the lead and turn it off there."

"Well, did you leave the dining-room ahead of the main line—those prisoners who responded to the gong signal?" he inquired next.

"No, I did not; but my thoughts and efforts were being directed toward that tap" (I stretched a point), and I knew the water would be pouring down through the openings to the kitchen. Just about the time the end of the line was leaving the room, the cook began to call for help about the water."

The Librarian Grins.

"Would you recognize any of the rioters?"

"I think not, because, as I said be-

fore, other prisoners were between them and me, even when I glanced toward the place of disturbance. At the time I might have seen some of the noisy fellows, but because of the excitement and my divided thoughts, I can't recall just now who any of them were."

"Did you wash that plate, Kane?" inquired another member of the board.

"No, I did not—the man decided he didn't want it washed," I answered truthfully. "Then I turned and walked back toward the sink, just as the mutterings and talk began among the prisoners."

I feared that they would ask whose plate it was, but they failed to do so.

"Then you are positive that you could not identify any of the mutineers?" asked the chairman.

"I am," was my answer.

"Mr. Kane," spoke up a third member of the board, "in the event you saw a prisoner or a number of prisoners inflict an injury upon an officer or any other person, you wouldn't hesitate about telling the board, would you?"

"Indeed, I would not," was my quick answer.

"I just wanted to know," replied the man who had asked the question.

"That will be all," said the chairman of the board. And a moment later I was getting back to my place inside, congratulating myself upon the outcome.

I had to pass through the library in order to get to the dining-room. There I met the librarian—the same man who had given me "When the Gates Lift Up Their Heads" at the time I was held for safekeeping—and he and I had a brief conversation.

"They didn't keep you long, Jack," he remarked.

"There was no use," I returned, knowing that some of the suspects were locked in their cells within the sound of my voice. "I hadn't seen anything—I was busy with that broken water tap and trying to keep Sandy, the cook, from drowning—and I made a mighty poor witness for the state."

I'm in the Clear.

"What all did they ask?" inquired the librarian.

"Oh, they didn't ask but about four or five questions after I told what I was doing," I answered. "They wanted to know if I could identify anyone, and I told them that I couldn't, so I wasn't the fellow they wanted."

"Say, Jack," the librarian lowered his voice. "You know how to play this game all right. Do you recall that about the first thing I ever said to you was, that luck is simply playing the game right?"

"I remember it well," I told him.

"Well, just keep up the luck," he advised. "I'm to leave here in a few days, and I want to try out my own philosophy in the outside world."

I started to move on. "Well, I believe it will work," said I. "And I'm sure glad to know you're close to the end of it."

"Thanks, old man," he replied. And as I was passing through the door leading to the dining-room, I heard two of the suspects speaking of what I had told the librarian concerning the hearing, and I knew that I was then in every way in the clear.

The Dungeon: Chapter 26

Wednesday.

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KILLS MAN WHO WENT TO SERVE SUMMONS

John Holt of Menominee Stands Off Posse Until Shot To Death.

Special to The Advertiser.

Menominee, May 22.—Emmitt Butts, under-sheriff of Marinette County, was killed instantly yesterday when he went to summon John Holt, 63 years old, for examination as to his sanity. Holt appeared at the door of his shack and fired at Butts from a revolver. As the officer fell he got a rifle from the shack and put three more shots into Butts' body as it lay on the ground.

The firing created wild excitement in the neighborhood, and two policemen who hurried to the scene found Holt barricaded in his shack. When officers appeared he opened fire.

Members of Marinette fire department and an armed posse were rushed to the Holt cabin. The posse poured volley after volley into the building. Holt returned the fire for a time, but when he had ceased firing, and would not respond to repeated calls to surrender, several of the posse ventured toward the shack, and forcing the door found Holt in a sitting posture dead with five bullet wounds in his body.

DELMER CHURCH HONORS VETERAN CHORUS LEADER

Special to The Advertiser.

Delmer, May 21.—The annual congregational meeting was held at the church here last Tuesday evening with an unusually large and enthusiastic attendance. The meeting was presided over by the pastor, Rev. A. E. Millson.

Reports were read from the general treasurer, the Sabbath School, the Ladies' Aid Society, the W.M.S., the Tuxis boys, the Mission Band, the League.

After the various reports had been received, Mrs. Spencer Williamson sang an appropriate solo accompanied by Mrs. Arthur Holland.

W. H. Kipp gave a talk on pioneer days, and the early history of the church here, and reviewed the work done since the first church was built in 1858. Mr. Kipp, who has been choir-leader for 48 years, was presented with a morris chair and gold-headed umbrella by the congregation in appreciation of his work in the church.



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INSTITUTE AT THORNDALE SELECTS 1923 OFFICERS

Special to The Advertiser.

Thorndale, May 22.—The Woman's Institute conducted the May meeting in the league room of the Methodist Church. Mrs. Boyce, government delegate, addressed the meeting on the improvement of institutes, outlining several methods by which this could be accomplished. The officers in-

for the ensuing year were elected as follows: President, Mrs. G. B. Vining; vice-presidents, Mrs. Geo. Colbert and Mrs. Kay Ramsay; secretary-treasurer, Mrs. (Dr.) Morrison; assistants, Mrs. S. G. Davis and Mrs. Chester Hobbs; directors, Mrs. Bolton Fitzgerald, Mrs. A. E. Brown, Mrs. Wesley McCutcheon, Mrs. J. Ramsay, Mrs. Jas. Angus, Mrs. E. Vining; organist, Mrs. Ramsay; auditors, Mrs. J. K. Fitzsimmons and Mrs. E. Vining.

SIX KILLED, 30 INJURED IN PORTUGUESE WRECK

Associated Press Despatch. Lisbon, Portugal, May 22.—Six persons were killed and 30 others injured, most of them seriously, in an accident to a descending train on the cogwheel railway on Mount Bomb Jesus, near Braga, today. The majority of the victims were holiday makers from Oporto.



for the 24th

Dear Sister May 23/23

The Laura Secord you sent Mother was a wonderful treat. Don't forget some more on the 24th

Travelling Mary

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