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## THE ALIBI

—BY—  
**Geo. Allan England**

Author of "Darkness and Dawn," "Beyond the Great  
Oblivion," "The Empire in the Air," "The Golden  
Blight," "The After-Glow," "The Crime-Detector," etc.

Once he seemed on the point of breaking—one of the two times when Jarboe caught his eye with a horrible leer. But he quickly looked away, mustered his nerve again, and faced the ordeal, pale, but unshakable. The few minutes in which Keene succeeded in confusing him did not affect his story as a whole. It stood.

Mrs. Slayton and Ashley, the Slaytons' neighbor at Oakwood Heights, about the threats that Arthur had made against his life, pistol in hand, damaged the case for the defence almost beyond repair. The cashier's evidence ended with an account of how he had disarmed the accused, had sent him home, had then written Mrs. Slayton, and had gone to bed.

Keene, sensing a certain weakness in this testimony, cross-examined Slayton with searching acuteness, but the cashier met him with admirable skill, and stood the gaff well. The grueling attacks were all successfully parried. Keene did no more than bring out a next testified, Mrs. Slayton read the letter received by her, mentioning Arthur's criminal conduct. This letter was placed with other exhibits to be used by the jury in its deliberations.

Ashley stated that Slayton had walked to the railway station with him at the accustomed hour, the morning after the murder. Keene briefly cross-examined both without any results favorable to the defence.

At this point in the trial Slayton became so indisposed that he had to withdraw to a private room for more than two hours. The cashier's emotion was extreme. He seemed to be standing on the edge of a complete breakdown. Everybody commented favorably on his grief for Arthur, and on the evident reluctance with which he had testified against the boy.

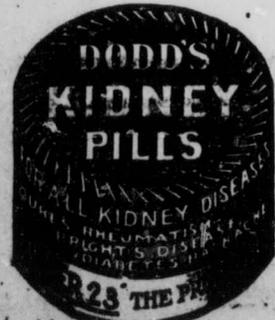
President Chamberlain, of the bank, stated the amount of the financial loss: twelve hundred and fifty dollars in the first instance, acknowledged by the defendant to have been taken by him, and one hundred and fifty thousand dollars in the second instance, denied by him. Led along by Ainslow, the witness also described how the safe had been opened by means of the combination, told of the destruction of the pages in the ledger containing records of the thousand-dollar bills, and ended by a gratuitous plea for clemency, which was suppressed by Judge Grossmith with some severity.

Keene's cross-examination for the defence did not change this story a hair's breadth. Keene now intervened, leaving the state, so far, undisputed master of the field.

Dr. Nelson's expert medical testimony, after recess, completed the case for the State.

It held the fagged audience spellbound, furnished fresh thrills to the wearied newspapermen and sensation-seekers, and put the final touch of gruesome tension to the already overwrought drama.

His story fell like lead on Arthur's sinking hopes, and Enid's. He spoke in a cold, impersonal manner, wholly devoid of rhetoric, and without the slightest possible animus against the defendant. Calmly he instructed the jurors as to the basic principles of medical proof, and thereafter exhibit-



ed the grisly evidence of the boy's blood-guilt.

"Gentlemen," said he, "these are not matters of sentiment, but of science. Science knows neither good nor evil. She knows only facts.

"No criminal has yet been able to commit a crime without leaving certain traces which the eye of science can detect. The old saying, 'Dead men tell no tales,' has become false. He who depends on it in murdering depends on a fallacy.

"To-day the murderer has to reckon with the chemist, the physicist, the Roentgenologist, and other scientists, including the Bertillon-measurement expert, the finger-print analyst, the expert blood-tester, and many others. Between them, the way of the transgressor has become hard indeed."

A breathless silence held the room. Spectators, jurors, all gazed intently at this bald, little man, whose keen eyes peered so impassively through those round shell glasses of his. Enid clasping her hands with more nervousness than she had yet exhibited, watched him intently with parted lips and fading color. Arthur, his eyes for the first time expressing a doubt, a fear, listened to every word with terrible eagerness. Nelson, paying Mansfield no more heed than as if this mar- whose life he was about to take away had been a block of stone, continued calmly:

"A case took place in France, in 1913, in which a man was found walking quickly away from a place where a murdered man was lying. The farmer was known to be a bitter enemy of the latter, and had, moreover, a blood-stained knife in his possession and blood-stains on his clothing. On the point of conviction, the methods of Professors E. T. Reichert and A. P. Brown—whose methods can identify the kind of blood, human, animal, or reptilian, its age, race, and even the length of time since it was shed—proved this blood to be that of a rabbit, and the prisoner was acquitted."

A more hopeful look came into Arthur's face. Enid glanced at him with loving encouragement; but Keene, wise in the methods of this impersonal machine of a man, frowned slightly.

"I could tell you other cases, gentlemen," continued Nelson, "in which blood claimed to be that of rabbits, fowls or pigs has been proved to be that of human beings, and men have been caught and hanged thereby for murder. Lechanarzo, the Italian expert, can tell you when any particular specimen of blood was spilled; and his method has saved many innocent men and condemned many guilty ones.

"Mutilations of a body often betray the criminal by the skilled or unskilled nature of the cuts. Occupational deformities or diseases have their story to tell in evidence. Let me cite you a peculiar case. A man recently murdered his father and cut him into more than a hundred pieces. He buried these pieces, confident that even if any of them were found the mutilation could not be made. Daily he expressed surprise that his father did not return home.

"Six months after the deed a farmer dug up a human hand. This apparently gave no clue. It might be anybody's hand. But an expert criminologist noticed certain callouses on the palm of a peculiar nature. He begged the old man's walking stick from the grieving son as a keepsake. The curiously carved knob of the stick fitted the calloused hand, and—the son was hanged."

The pause he made so simply was dramatic in the extreme. A sigh of intense emotion rose from the stifling, fetid room. Two or three of the jurors leaned forward. Evidently Nelson was leading up to something of great moment.

"If a man is found dead, shot through the head and with a pistol in his hand, gentlemen," he went on evenly, "what is more rational than a verdict of suicide? But in real suicide the weapon is held so firmly that force is required to dislodge it. I refer you to

an article of Daving Watterson, in the *Allenist and Neurologist*, for full facts in such cases. The muscular spasm persists until rigor mortis sets in. It is impossible to make the hand of a corpse grip a weapon that was not in it at the moment of death. This fact has often opened the door to detection.

"Stimulated suicides by hanging, drowning, poisons, or other means always leave traces, to be read by the scientist. The action of fire on a body often tells the tale of murder. A man recently rushed frantically to a doctor, summoning aid. His wife, he said, had just been burned to death. The doctor observed that burns made before death contain serum, and in this case there were none. The man confessed to having strangled his wife before burning the body. To quote my authority, gentlemen of the jury:

"Lynch-eyed science is rendering it ever more difficult to dispose of a body or hide the crime of murder. Human hair and blood and bones have characteristics distinctly their own. The gory knife of melo-drama is no longer sufficient to fix a crime; and even if the penny novelist should kill his hero with radium, the physicist would come along with the electro-scope and with it absolutely refute or confirm the accusation."

"The doctor turned now, amid universal silence, to the attorneys' table, took up a box, and once more faced the jurors.

"All this," said he, "leads up to the statement that science, taking no cognizance of morals, or right of wrong, can infallibly be depended on to protect all those human concepts. Her proofs, gentlemen, are indisputable. She cannot lie. Her truth is absolute. On it, in this case, you must base your judgment in the forthcoming verdict."

He now took from the box the pistol that had done the murder, held it up, showed it to the judge and jury-men, and turned to Grossmith again.

"This is the weapon that killed Mackenzie," said he, calmly.

He passed it to the jurymen, and followed it with the bullet, which they likewise inspected. Quietly, he lectured them on the effects of the shot, the distance whence it had been fired, and the manner in which it had been recovered.

Next he exhibited the broken letter-opener and the point that had been severed from it, and expounded how it had been used to open Slayton's desk.

The burned glove snaps followed, and the intact glove with the blood-marks, identified under the microscope and chemically as Mackenzie's blood.

Then came the bits of paper bearing the carbon-copied letters and figures of the combination. After this, a statement from the doctor that the button he now showed had been found close by the body. Arthur's coat was produced, and the jury were shown how the button matched, and where it had fallen off from the sleeve.

"This, gentlemen, completes the exhibits," concluded Nelson gravely, "with the exception of one bit of evidence which we have not been able to correlate with anything else in the case. I refer to these half-dozen gray hairs found in the dead hand of Mackenzie."

He held them up for inspection, wrapped with a thread and sewn to a stiff card.

"These gentlemen, are not human hairs at all. They constitute a most peculiar factor in the case. We have no hypothesis to explain them. They may mean nothing, and they may mean everything. In your deliberations give them due weight. I have no more to offer, and I thank you for your kind attention."

Nelson sat down, took off his glasses, and wiped his brow. Again the buzz and hum of voices sounded through the room. Enid, now deadly pale, her large eyes fixed on Arthur, seemed lost in despair.

For the first time her optimism had deserted her. Her look met Arthur's and she tried to smile, but miserably failed. Tears blurred her vision, but still she looked upon the man she loved, now wan and worn and suffering.

Keene exerted himself to the full in the cross-examination of the doctor, but made no progress. He dared not question the identity of ownership of the pistol, the letter-opener, the glove, or any of the exhibits—a point that told heavily against him.

Though he tried to make capital out of the finding of the gray hairs, since he had no hypothesis to work on in this enigma, he failed to reach any conclusion. Nobody short of a Sherlock Holmes could indeed have deduced anything from that seemingly insoluble mystery. Nobody knew what those hairs meant, or could guess—nobody but the absent Slayton, who had crept away to seclusion, un-

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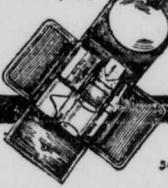
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able longer to endure the presence and the menace of old Jarboe.

After forty-five minutes of cross-questioning, together with some recross-examination, Keene found his case no better than before. Against that stone wall of evidence no power at his disposal could make one inch of progress.

The State's case now being concluded, Keene made the usual formal motion for a dismissal of the indictment. Grossmith denied this with equal formality, and witnesses for the defence were now called.

The testimony for the defence piteously weak, took no great time. Keene had decided to withdraw any general evidence as to Arthur's previous good character as now being valueless. It might, his legal wisdom told him, even prejudice the jury by making them think the boy a hypocritical and underhanded villain. Practically the whole defence rested with Mrs. Johansen's statement and the boy's own story; for Arthur had insisted on taking the stand in his own behalf.

Mrs. Johansen testified that on the night of the murder Arthur had been in his room. At just what hour he had come in, she could not swear; she thought it was about 3 a.m. Under Keene's gentle leading—for she was a simple soul and much abashed—she told her tale, ending with "a little exordium on Arthur's being 'the best boy in the world, your Honor, and so kind to me I just know he couldn't ha' done it!'"

Ainslow smiled contemptuously and proceeded to entangle her to such an extent that she finally went to pieces and could not be sure of anything. She had not seen Arthur at all, it developed, but had only heard somebody in the room at an uncertain hour.

"That will be all, thank you," smiled the district attorney, dismissing her while the effect of this admission was still fresh upon the jury. Keene's re-direct examination failed to brace her testimony into anything like coherent strength.

Arthur himself now took the stand, bloodless but very cool; and, being sworn, told a straight story. Interest became breathless. Enid in particular hung on every word with intense eagerness.

Every look, every gesture of hers spoke absolute faith in him. Twice or thrice their eyes met with a calm look of mutual love and trust and faith.

The boy narrated everything without evasion, subterfuge, or exaggeration; his misstep in having stolen the one thousand two hundred and fifty dollars, his desperation, and his visit to Slayton.

"Yes, I admit I stole," said he. "You all know why now. It was to protect my father and keep him out of the penitentiary. He's dead now, and everything about his—mistake—is known. I didn't manage to help him much, and I got into this trouble trying to. It doesn't matter that I'd have returned the money. This murder-charges is all that matters now.

"I never did it, gentlemen. Never in this world. I'm absolutely innocent!"

He spoke in a level, distinct tone that trembled only very slightly. His hands gripped the rail before him very tightly, but his look was clear and honest, his bearing manly and strong. The impression he created was favorable; and many a whispered word passed through the room, words of wonder that so black a murderer could seem so guiltless, words of pity that so splendid a young chap must shortly face the chair.

"My trip to Mr. Slayton's house at Oakwood Heights was for the purpose of borrowing money to make good my theft," he continued. "It is true I took that gun with me. That was because if Mr. Slayton refused to help me I was going to kill myself."

"Mr. Slayton received me kindly. He promised to lend me enough to clear myself, and told me to see him at nine next morning and take an envelope he would hand me."

"Before I understood the exact meaning, I thought he was going to refuse me, and I drew the pistol. He took it away from me and put it in his desk-drawer. That's the last I ever saw of it until it was just now shown me here in this room again." Looks and murmurs of incredulity passed between the jurymen and through the audience. A peculiar situation had arisen, in which, as the perjuries being told seemed gospel truth, and the only truth known every indication of being perjury, so absurdly false did Arthur's words appear that, save for Enid, not one person in all that room gave them the slightest faith or credence whatsoever. Yes, there was one other—"Jarboe!"

The old man, smirking, nodding, scratching his wen and otherwise manifesting every sign of intense satisfaction, sat there drinking in every word.

He knew Arthur was telling the truth; he knew the boy was innocent. In three minutes he could have demanded to testify, have been sworn, and given facts that would inevitably have cleared Arthur and landed Slayton behind bars. But still he sat there saying nothing, volunteering no word or sign, listening or chuckling with Satan's own delight.

Any, delight and high rejoicing. For in Arthur's conviction and the lash of terror Jarboe could hold over Slayton, still at liberty, lay a clear thousand dollars' income every month he clung to his sordid, unclean greedy life.

Dollars, dollars, dollars: For dollars old Jarboe kept his mouth shut. For dollars the one and only witness who could have saved the boy sat there with sealed lips, and, leering and mumbling to himself, watched a human life go down into the shadows, innocent, yet convicted.

Arthur gazed at the girl, took courage from her look of faith, and continued:

"I went back to the city on the midnight train. When I got to South Ferry I took the subway to One Hundred and Tenth street and walked straight to Mrs. Johansen's. I let myself in and spent the rest of the night in my room. It was about 3 a.m. when I got there. I was so upset and troubled that I couldn't sleep, but walked the floor. About 4 o'clock I lay down, dressed, on my bed, and after a while fell asleep."

"I didn't wake up until eight. I remembered that Mr. Slayton had told me to see him at nine sharp. My time was mighty short, I saw. I didn't wait for anything, not even for breakfast, but hurried downtown. That accounts for my appearance being unnatural. I was hungry and tired, and I hadn't slept enough, and, of course, I was worried, too."

"The first thing I knew about the murder was when I bought a paper in the subway. Of course I knew then that all my plans and hopes of making good had been upset. I saw I was sure to be ruined. You can imagine my state of mind."

Arthur paused a minute, drew a deep breath and glanced about the court room, seeking a friendly face, perhaps, and finding not one—a lone one save Enid's.

(To Be Continued)

To persist in doing wrong expiates that wrong.—Trollius and Cressida.

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