

IRVIN S. COBB TELLS OF A BIG MOMENT

When a Volunteer Perjurer Was Confounded In One of America's Most Famous Murder Trials, from Cobb's Memories As a Reporter.

By IRVIN S. COBB.

The first trial of ex-State Secretary Celeb Powers for the murder of William Goebel, governor of Kentucky, more than twenty years ago, was in a good many ways the most remarkable murder trial that has ever taken place in this country.

The State of Kentucky, always mighty fervent politically, hung then on the raw edge of civil war. The people of the state were divided into two hostile camps. One faction regarded Powers as the head of the successful plot to kill the Democratic leader, and clamored for his conviction. The other faction called Powers a martyr to political and personal prejudices; declared that he was being sacrificed to the demand for a victim merely because he chanced to be prominent among the younger Republicans, and demanded his acquittal as an innocent and injured man.

On a change of venue, the trial took place at Georgetown, one of the prettiest of the smaller cities of the Blue Grass country, in an old-fashioned, hermetically sealed, air-tight court house, in the middle of a scorching hot summer. There were 23 lawyers in the case, eleven for the prosecution and twelve for the defense.

They were the pick of the criminal bar of the state, and every one of

them was a stalwart Goebel Democrat, an active anti-Goebel Democrat, or a partisan Republican. Each lawyer had a bitter personal enemy on the other side. Some of them were quite generous in their hates, and had two or three apiece.

Ex-Raider on Bench.
The trial judge, stern, handsome, old Judge Cantrell, one of the last of the company commanders of Morgan's Raiders, and an un-reconstructed Confederate, had his private quarrels with at least two of the lawyers for the defense, and they were good hatters, both of them, who repaid the debt with compound interest, and carried hair-trigger tempers besides.

Kentuckians love court house oratory, and they came from all over the state for this feast of it. At the wind-up we sat under rival human geysers which spouted forth vast streams of those two favorite brands of Southern eloquence—the fiery and the flowery—night and day for one solid week. In the acute stress of their personal emotions, some of the orators forgot about the case, and devoted their time to blasting their enemies over the way.

I don't know how much of the evidence the jury of dazed farmers and country planters still carried on their minds as they filed out one day at noon, but it took them only 40 minutes to frame a verdict of guilty, and Powers listened to it calmly, while sniffing at a tuberoses which a young woman handed to him just as the foreman stood up.

The Big Moment.
But before we reached the verdict there occurred the scene which can be described as the "Big Moment" of that big trial. In order to complete the case against Powers, the prosecution deemed it highly necessary to show that the bullet which killed Goebel was fired from a certain window of Powers' own office, in the department of the secretary of state, on the grounds of the state capitol at Frankfort.

There were plenty of witnesses ready to testify that the sound of the shot seemed to come from that particular point; but sound is deceptive, and the lawyers for the commonwealth were anxious to strengthen this defect by their chain of proof by better evidence.

One morning there walked into their consultation room at one of the



The new witness had abandoned his trade as a barber to become an organizer of fraternal lodges, with a roving commission; hence his heavy display of emblems.

two Georgetown hotels a stranger, who told them something which so filled them with joy that fifteen minutes later when court opened they put him on the stand, without waiting to verify his story. This stranger was a short and stoutish man, with a long, flowing, sandy mustache, a round, pink nose, and a pair of rolling blue eyes. His hair was thin in front, but long and wavy behind.

His whole front was spangled over with lodge emblems. On his coat lapel there was pinned a gold axe, which didn't lack so much of being life-size. Then and thereafter, during all his appearances he clung fast to a tightly-rolled umbrella. He looked like a cross between a corn doctor and a traveling book canvasser.

Volunteer Perjurer.
As he stood to be sworn, clutching his precious umbrella in his free hand, Charley Michaelson, down from New York to cover the story for the Hearst papers, leaned over and said to me: "In every big murder trial at least one volunteer perjurer turns up. This fellow here, I'll bet, is a candidate for the job."

The new witness was named Weaver. He had been a barber, he said, but had abandoned barbering to become an organizer of fraternal lodges with a roving commission; hence his heavy display of emblems. He had come to Frankfort on the day of the shooting; he had been strolling about the capitol grounds looking at the buildings when he heard several shots fired rapidly, and saw a man fall; he had looked, then, in the direction whence the sound of the firing came, and had seen the barrel of a rifle protruding from a falsehood under oath. Eventually, lower left-hand window of Caleb Powers' suite of offices. No, there couldn't be any mistake about it; he had seen the rifle barrel plainly—two feet or more of it. He had seen the smoke coming out of its muzzle. He had watched it as

it was withdrawn, and had seen hands of unseen bodies fumbling with the sash and closing the window.

That was all. The other side might cross-examine. On the cross-examination Weaver suffered somewhat. What business had brought him to Frankfort? No business at all—he just happened by and stopped off to see the legislature in session.

Did he tell anybody what he had seen before he left Frankfort? No; he couldn't say that he had. Why not? He couldn't say that, either.

How long a time did he spend on the capitol grounds before the shooting occurred? Oh, a good while—two hours—maybe two hours and a half. What had he been doing all that time? Strolling around. Just strolling? Yes, that was it—just strolling.

Strolling Barber Strolls.
And so on for more than an hour. Judge James Sims, as cross-examiner, managed to worry the stroller a great deal, but he couldn't show anywhere that Weaver had any prejudice against Powers, or any motive for testifying to anything except the truth.

The impression among the jurors must have been that this was a well-meaning, rather simple-minded person who might get tangled up on the incidental details of his testimony, but who would not knowingly state a falsehood under oath. Eventually, Judge Sims had to let him go. Weaver remained around town, basking in the temporary limelight, like a kitten before a grate fire.

That night the circulation manager of one of the Louisville papers slipped into Georgetown, bringing with him a troupe of leather-lunged city newsmen and a special edition of his paper. The front page was entirely devoted to the display of these indisputable facts:

On the day of the shooting and almost on the hour, the witness Weaver—had been in a town away off at the other end of the state from Frankfort, organizing a lodge and investing its officers with their high-sounding titles and teaching them the ritual.

When word of the shooting reached this town, he had made quite a speech on the enormity of such a thing.

I think most of us began our stories that morning something after this fashion:

"The Strolling Barber took another stroll today, strolling from the county court house to the county jail, and thence into a cell. He was accompanied by his umbrella and the sheriff of the county."

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"I suppose we have twice as many marks and measurements as the average custom tailor, for our photo-type system requires minute care. In five years, we made several thousand suits for a store in British Columbia, and only one of these suits was returned for alterations in all that time.

In the R. Leo Watson store on Dundas street, customers may have a try-on, but this takes longer. "Four days is our schedule of delivery, and it is very seldom that we fail, for the policy of the Semi-ready shops has ever been to carry out every promise. Broken promises kill any business," said "Bill" Bryant.



Letters of a Japanese School Boy

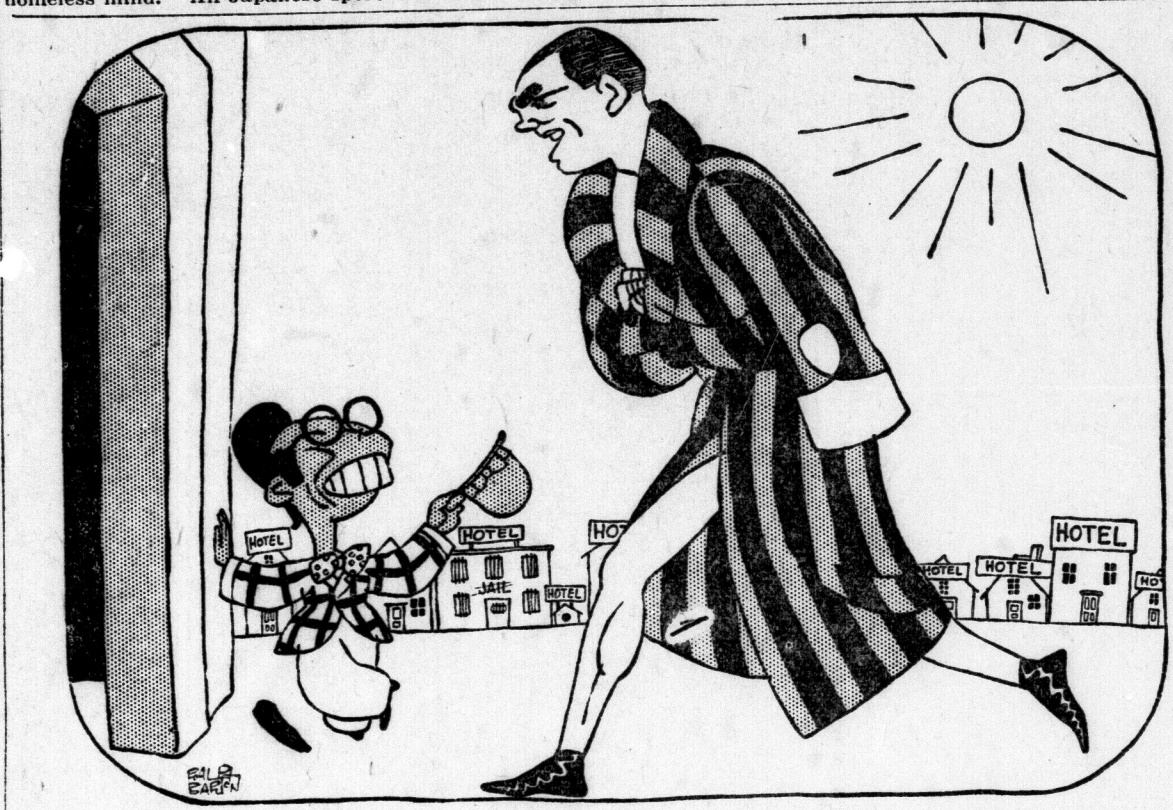
BY WALLACE IRWIN.

Illustrations by Ralph Barton.

To the Editor of The Advertiser who understand all rough knocking games:
Dear Sir,—Yesterday a.m. at 2 o'clock in the morning my cousin Nogi arrived to my room with his eyebrows looking like a stove.
"Togo," he narrate sportily, "I ask to know how much it will cost to go to Shelby, Mont.?"
"That depend on which side you are betting," I collapse.
"I have bett \$2 which I am going to borra from you," he say so.
"I congratulate you because your money is so safe." This from me.
"On which one of those famous knuckle knockers do you wish to lose my cash?"
"Sometimes one and sometimes another," suggest my cousin with homeless mind. "All Japanese sport-

pion fist-shakers doing to win the combat?"
"Hon. Thos. Gibbons and Sir John Dempsey are resting."
"On what are they resting?" I ask to know.
"Sir John are resting on his laurels," report Nogi. "Hon. Thos. are resting on whatever vegetables he has won thusly far. Most important thing of all are to keep pugilists calm before they fight."
After the Storm.
"Many of them are calmer after they fight," I dib. "Notice Hon. Wilde after 6 ring-arounds with Hon. Puncto Villa. He were so calm that he did not awake for nearly 9 days."
"Possibly, possibly!" corrode Nogi. "Yet if you was obliged to fight Sir John Dempsey what would you

world since Lloyd George was knocked senselus," holla Nogi from enthusiasm.
"Who will be next white hope?" I ask to know.
"Hissey!" whisper Nogi while locking windows and looking for police under bed. "I shall tell you a secret which you must not tell anybody except a few city editors." Next world chumpon will be a Japanese."
Mr. Jumbo.
"Do you mean to say so?" I snagger lustly.
"Exactly," he develop. "I have received some dishonest information which will make me wealthy in several years. Do you know why Hon. J. Pierpont Toyo is in America? Concealed in a piano box, he have brought over a gentleman from Yokohama



Hon. Togo Gives Hon. Jack Dempsey the Over-Once.

lights at Fujiyama Billiard parlor are making pool. Hon. Arthur Kickahajama say that very odd money can be won on Hon. Thos. Gibbons because he come from Minnysooda where so many dangerous Swedes grow. But Hon. J. Pierpont Toyo, Japanese fight pulmotor, say that such talk is garbage. Hon. Gibbons, he declare, are so filled with patriotism that he are liable to blow up like firecrackers because it is July 4. He prefer to bett on a gentleman who do not get too excited about fighting for America. Therefore he will place 12 lbs of \$100 bills on Sir John Dempsey."

"Why you call him Sir John?" I ask to know.

"Because he holds the title, do he not?"

What Nogi next said make me so excited that I got out of bed and shaved.

"Nearly all America will move to fight Sir John," I renig. "Absence makes the heart grow fiercer. And what are Sir John doing to improve his nose breaking ability?"

"Oh, he are taking light exercise," Nogi dally forth. "Hon Jack Kearns will not permit him to do anything severe for fearful he might strain his elbows. He only permit Sir John to break 2 small bronches before breakfast. After that he are allowed to knock out 8 trainers and be rubbed with alcohol on the outside. In evenings he talks home suspense like world court and emotion picture contracts, which make him so happy."

"I do not know too much about this punch-fighting amusement," I report with Mike Collins expression, "but if Hon. Gibbons should push Sir John to lincolum this would make Hon. Thos pretty big gum, by golly."

"He would be greatest man in the

name of Fatomoto Jumbo. He are a whale-weight which seem to make Hon. Jazz Willard look very musqueto. He has been weighed on a coal wagon scales which bursted. This Hon. Fatomoto have been analyzed by chemists and found to be 94 per cent suet and 6 per cent brain. He defeats persons by smothering them with his stomachick.

"These are the golden age of slightly colored fighters," Nogi say on. "Brown, black, red, blue and green pugilists are knocking right and left. Siki, Criqui, Villa and Pippo are battling large knockouts everywhere. But where is some yellow blood to get under the ropes? Jumbo, by golly Japan will win again, as usual. Already famous Jumbo-Willard bout have been arranged for July 4, 1936, under management of Hon. Walter Camp, who believe that men are youngest in their 88th year."

"If all nations should learn to pound with hands instead of bullets, see how few would be hurt. By pugilism the world could be made safe from democracy."

"Shelby have been made that," deery my cousin Nogi. "Already they have enlarged that stadium so that the poorest tax payer can see the fight for \$25 and extras."

"Maybe Socialism will be with us week after next," I navigate, feeling happy, but confused, like a scrambled egg.

Hoping you are the same.

Yours truly,

HASHIMURA TOGO.

A Hot Town.

"Ah yes!" holla Nogi. "This Shelby will be very hot town on July 4. At leastly 122,000 fight fans will be there."

"How could Shelby be hot town with so many fans waving all at once?" I require baffably. No intelligent reply from Nogi.

"What can equal the Western hospitality of Shelby on that historicke date?" say Nogi. "From population of 800 souls and a few Indians it will ulcerate to the size of Coney Island on Satdy night. Shelby have done everything to make tourists comfortable while spending their money. A great many people can find a place to sleep. Six-party billiard tables can be leased for \$90, and for \$10 the weery pilgrim can find a telegraf pole on which to rest his head."

"In meanwhiles the Welcome Strangers Club of that oiled City has not been idol. Hon. Refreshment Committee will serve kerosene fresh from the well; when mixed with orange juice this will be found delicious by persons who make their own gin. Shelby's two streets—Main Street & the other one—has been draped with haussom motos like, 'In 24 Hours We Have Swelled from a Hamlet to a Fatty Arbuckle' and 'Oll's Well That Ends Well.' The Red Onion Cigar Store have very comickie sign which say, 'Yes, We Have No Havanas To Day.'"

"That joke would sound delicious in Japanese," I narrate. "In meanwhiles what are those 2 famous chum-

SHOP TALK

Radio From the Arctic—The Big Fight—Ison's Own Story.

If radio had been invented when David Livingston plunged into the jungles of Africa, the whole world would have shared his adventures.

If radio had been invented when Henry Stanley delved into the dense forests to find Livingston the suspense of that historic episode would have been immediately relieved.

Radio, the miracle of the age, is the medium by which Advertiser readers may be able to follow Donald B. McMillan, famous explorer, into the mystery of Arctic wastes.

McMillan sailed for the great northland last week. He goes as radio correspondent for The Advertiser and other members of the North American Newspaper Alliance. Week by week he will try to send out accounts of his progress, discoveries, adventures. If atmospheric conditions are what McMillan thinks they are, he will be able to talk to 30,000 radio fans while his ship plows through the icy passages of the north.

From his ship, the Bowdoin, McMillan will send a weekly story at a designated time. Amateur radio owners who live near this city will, as arranged by the American Radio Relay League, send to The Advertiser copies of the coded messages from the Arctic as they are received. After being decoded, the messages will be published in The Advertiser.

McMillan's tour of the Arctic will, in years to come, be regarded as an epoch-making event. For the first time in history the story of his fight against almost insuperable odds will be reported as swiftly as the innings of a big league baseball game. And as soon as the little group arrive on the outer fringe of the globe a new signal will be listed in the radio directory—WNP—Wireless North Pole.

Sport, oodles of it, is coming over the wire these days to The Advertiser. Big boxing matches, tennis tournaments, golf contests and baseball games galore are now claiming the attention of sportsmen the world over. But July and August will be the really big sport months. The greatest pugilistic encounter of years will be pulled off when Dempsey meets Gibbons, and special writers will be on hand to report the battle round by round for The Advertiser. Then, after some one gets knocked out, another story, penned by a boxing expert, will tell the tale in detail.

The Wimbledon tennis tournament is now in progress, and professional and amateur golf contests are the order all over England and America. Each of these events is given special attention, so that everybody with a liking for any particular sport, can read about his favorite pastime and get all information on the latest developments.

A prehistoric monster near London!

Somebody said the skeleton of one had been found near Delaware, and The Advertiser immediately sent a man out to investigate. Most people didn't know what a mastodon was, but now they know all about it. The remains of the big fellow were photographed and a picture of how he used to run wild 30,000 years ago was published in this newspaper. Everybody began looking up natural history when they heard of the find, and now interest is almost as great as when that other ancient hero, King Tut, was unearthed.

Incidentally, the mastodon story in The Advertiser brought inquiries from naturalists and scientists of New York and other academic centers. It's quite an important find, and many believe London will attract any number of interested zoologists this month to examine the specimen.

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BY ORDER of the Board.
London, Canada, 29th May, 1923.
A. M. SMART, President. T. H. MAIN, Manager.
Corner Dundas and Market Lane, London.
CAPITAL \$1,750,000. RESERVE \$2,425,000

Proper Thing Now Is To Peel Off Soiled Skin
Those who abhor sticky, greasy, shiny, streaked complexion should use creams and rouges sparingly during the heated days. Better to use ordinary mercurized soap instead. No amount of perspiration will produce any evidence that you've been using the wax. As it is applied at bedtime and washed off in the morning, the complexion never looks like a bad complexion. Mercurized soap gradually peels off a bad complexion, instead of adding anything to make it worse. It accomplishes much more than cosmetics in keeping the complexion beautifully white, satiny and youthful, free from freckles, pimples, blotches and other blemishes. Just get an ounce of it at your druggist's and see what a few days' treatment will do. Use like cold cream—Advit.

The best way to celebrate—attend the Dominion Day rally in Victoria Park, Monday morning at 11 o'clock.

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