

Would You Convict on Circumstantial Evidence.

Between the setting and the rising of a summer's sun the little agricultural village of Viejby, in Denmark, underwent a change—for overnight it developed a sensation. Nels Bruns, a farmhand employed by Soren Qvist, the pastor, and a man whom everybody knew, whose forbears had been known by the forbears of every one within ten miles, had disappeared, leaving no trace. Throughout the day the clack of comment sounded beneath the warm colored roofs, and still the wonder grew. Gossip followed the matter through its successive phases of mystery, speculation, suspicion, suspense and discovery—for within two weeks the murder of Nels Bruns had been established.

In one of the most pretentious houses of the kindly rural community dwelt Ericson, the District Magistrate of Viejby, an able official, possessed of a keen, analytical mind, a native knowledge of his own countrymen, a strong sense of duty, and considerable intuitive insight into the ways of trespassers that had won him distinction in such cases as small thefts and breaches of the peace. As the appointed agent of the crown in matters affecting the public peace the investigation, as well as the magisterial disposition of crimes up to actual trial, lay within his province.

Thus, the mysterious disappearance of Nels Bruns soon fell under the attention of Ericson. He was the more interested in this unexplained gap in the membership of the parish by reason of his close friendship for Soren Qvist, the clergyman, who had been the last employer of the missing man.

Soren Qvist was generally beloved by his parishioners for his piety, learning, hospitality and upright living. He was a powerful man, of commanding presence, by a few thought too overbearing and prone to anger, but facile in holding the esteem of those who knew his qualities. He was still in the prime of manhood and successfully conducted a farm, the products of which, added to his tithes, brought him to a prosperous way of life. His housekeeper was his daughter, a hand some girl of marriageable age, who efficiently ruled the parsonage and the lands of her father, long a widower. Qvist bore a particular reputation for honesty, and one of his characteristics often had been made the subject for humorous remark among his neighbors. It was said of him that in the heat of dispute he could see no justice upon his opponent's side, but that when his passion cooled he could see none upon his own.

Ericson hastened to the parsonage on gathering the first few fragments of news. At the door he met Soren Qvist and was surprised to find him painfully agitated. The clergyman could tell him little of the matter, but to the further surprise of the magistrate, straightway took a most serious view of the disappearance. Ericson instinctively made light of the case while he talked. The man had been merry-making, he like, and would return as soon as he was able to hold his legs. But the pastor waved the suggestion aside and said he feared a darker outcome. He had himself instituted an inquiry, he declared, but Nels had vanished of an afternoon, and no person in the place had been in his company or had seen him.

And who was the last to see him? asked Ericson, in a voice unconsciously sharp as his incisive brain began to grapple with the problem. Qvist did not answer and the magistrate, looking up quickly, saw that his face

had gone white.

"I think—that no one saw him after he parted from me," was the unready reply.

Ericson left the parsonage with a troubled mind. He dared not admit to himself the suggestion that had flashed across him at the words of Soren Qvist. Affection, the life-long habit of thought regarding the clergyman; Qvist's sacred calling, a dozen obstacles held back the train of inference. But he was undeniably shocked that his friend should thus be unmannered by a circumstance that could surely not touch him closely. But might it not touch him? was the steady, inward question of his other self—his crime detecting self.

Receptive to the suggestions of village talk, the Magistrate soon observed that the breath of rumor began to blow evilly about the name of Soren Qvist. He protested against certain hints dropped in his hearing to the effect that the pastor perhaps knew more of the mystery than he would like to tell. Ericson resisted his insinuation through high regard for a man whose lifelong intimate he had been and whom he believed to be incapable of harm. But with the rousing of his latent detective sense and the persistent repetition of remarks bearing upon the clergyman he was forced to change his ground.

He was brought the sooner to a more open attitude by the earnest representations of Morten Bruns, a wealthy brother of the missing Nels. This Morten was a cattle farmer of Ingvortrup, a village lying a few miles from Viejby, and was reputed a vain, unscrupulous man, who was used to having his own way off affairs. He had put his own construction upon the disappearance of his brother. At length Ericson, driven back from the prejudice of friendship to his usual calm and judicial stand in all things, saw that in fairness he must follow the indications of the case, though confident that examination of the pastor's acts would only serve to turn the inquiry away in a likelier direction.

Larsen, a cottager, furnished the first course of the foundation of the case. He said that on the night of the day following upon which Nels had disappeared he was wending his way homeward from Tolsrup at a late hour. Passing along a footpath that led by the south side of the pastor's garden he heard a sound as of some one digging. This aroused his curiosity and visions of hidden gold occurred, he took off his wooden shoes and climbed the high hedge, parting the hazel bushes on the other side to allow him a view of the premises. It was clear moonlight. In the open space he plainly saw the figure of Soren Qvist, engaged in pounding and smoothing down the soil with a spade. A rustling in the bushes caused the pastor to look around to the place where Larsen was concealed, and the observer took himself off hastily. Asked how he knew this figure for the clergyman, he said that he could not fail to recognize him by the long green dressing gown and white nightcap he wore.

Accompanied by the witness and Morten Bruns, Ericson visited Soren Qvist and explained that as a matter of formality it was necessary to sift this deposition for possible truth. The Magistrate closely watched the face of his old friend in making the announcement, but could detect therein no trace of guilt. Qvist readily assented, helped the men to dig and ordered his servants to lead their aid while he discussed with Ericson the cattle search he had instituted privately at his own expense for Nels Bruns.

During the excavation Morten turned suddenly on the clergyman and accused him flatly of having murdered his brother, intimating that the proof would be found in this very garden. Qvist flushed hotly, but restrained his temper with an effort, made no answer and continued to assist the Magistrate with every courtesy.

After a pit had been dug to some depth it became evident that nothing had been interred in that part of the garden. The Magistrate commenced upon this fact with no little relief, while Qvist remarked to Morten Bruns—

"Blundered, what have you gained for your pains?"

But Morten was insistent, though crestfallen, and made Larsen point out another spot as perhaps the one where he had seen the pastor by moonlight. The soil was again thrown aside, and after some moments a shout from one of the workers brought the others about him. Morten, quivering with excitement, threw himself into the trench and dug out a hat which he immediately pronounced the one that had been worn by Nels. In a few seconds an arm was uncovered and the body was then completely disinterred.

The face could not be recognized,

having been disfigured apparently by repeated blows. But all the articles of clothing were identified by friends of Nels, and if further proof had been needed the shirt bore his name. In the left ear of the dead man was also a leaden ring that Nels had worn in life.

Ericson had now no alternative but to arrest Qvist. The clergyman assented willingly, while asserting his innocence. He admitted that appearances were strongly against him, but declared he awaited the outcome with confidence that he would be shown free of guilt. He was taken to the village jail.

The genius of the natural investigator, Ericson, had here its first opportunity for expansion. He entered the puzzling affair with a predisposition in favor of the accused, an honest desire to implicate him no further than indisputable fact made necessary, which effectively guarded against his hasty acceptance of damaging evidence. But having struck the scent he could but follow whither it led him. Foul play had been done and it was for him to establish how and by whom. There was no hesitation. His keen intelligence sought out and laid bare the essential facts as he found them with the accuracy of the surgeon's scalpel.

To start with, he needed no neighbor to tell him that Soren Qvist, although a man of excellent parts and of admirable character, was haunted by an active and violent temper which he was at some pains to control even in trifles. Each parishioner could have related some incident that proved the irritability of their pastor when he was aroused or crossed by opposition. He was perpetually in a quarrel, and as frequently was he regretting some hasty word or action. There were few who held this against him however, for his sincere sorrow following an outbreak was known and understood.

Ericson easily established that Qvist had engaged in a series of altercations with Nels Bruns during the three months the farm hand had spent under his roof. Service was scarce and the laborer was worthy of his hire or they must have parted, so bitter had been the strife on several occasions. The Magistrate threaded out this phase until he found farmers who could swear to having seen Qvist cudgel his employee during one dispute.

Inquiry then led Ericson to the Widow Karsten and her daughter Elele, who had let fall dark hints concerning their concealment of strange happenings of which they had knowledge. He wormed from them that they had been passing the clergyman's garden on the very afternoon of the disappearance, when Nels Bruns had called to them through the hedge, and had thrust out a handful of nuts, which they accepted. They asked him what he was doing and he replied that he had been set to dig the garden, but the task was not to his liking and he was shirking it. The conversation was interrupted by the slamming of a door and Nels remarked that Soren Qvist was coming.

"Listen," he said, to the women, "and you will hear a wondrous preaching. They waited, curious to hear their pastor in one of his rages, and overheard a stormy duel of words between the clergyman and his farm hand, who defended himself with bitter retorts against the charge of neglecting his work. Finally, they reluctantly admitted, they heard Qvist utter these words, in a voice half choked with anger:—

"I will beat thee dog, until thou liest dead at my feet."

Then came a sound of blows, while Nels called the pastor a rogue, a hangman and various other ill terms. Qvist made no answer but the women saw the blade of a spade rise and fall twice above the hedge, with a dull shock, as upon a body at its descent. After this there was silence and they hurried on their way along the path, uneasy at what they had seen and heard. They were not able to swear as to whose hands held the spade, owing to the thickness and height of the hedge. They were unwilling aids to Ericson and it was only by dint of cautious questioning and clever manipulation of their fears and beliefs that he obtained this important statement.

The pastor was removed to Grenae a larger town nearby, and a judicial examination was held at which Ericson presented some of his findings. The indefatigable Magistrate, much as he personally regretted the web it was his duty to weave, had placed his case in a much stronger position and had three additional witnesses on hand to bear out the earlier testimony. These were two other farm hands and the dairy maid employed by Qvist. The men swore that they were near a window in the house on the day of the disappearance and had heard the quarrel described by the Widow Karsten and her daughter.

They affirmed that the pastor had cried out:—

"I will slay thee, dog. Thou shalt lie dead at my feet."

They had not taken the trouble to look out of the window, they said, because they knew the master's ways. They deposed, furthermore, to having heard Qvist make a similar threat to Nels on two previous occasions. The dairy maid said that on the same night when Larsen was spying among the hazel bushes she had been awakened by the creak of a door and footsteps. Rising in alarm she had tiptoed to the threshold of her room and looked into the hall. A figure passed her. By the green dressing gown and white cap she recognized her employer, who continued on his way to the garden. She thought this midnight wandering a little strange, but returned to rest and heard the creaking of the door an hour later.

When these facts were brought out there were few to doubt the guilt of the pastor, although the sympathy of many humble households went out to their heated shepherd. Confronted by the weight of his statement Qvist was deeply perturbed, and volunteered his explanation of a part of the black showing against him.

He admitted the quarrel with Nels and the threat against the farmhand's life, which he said he had made in the heat of anger without serious meaning. He declared that when he struck Nels the man dropped the spade. Casting about for a stick in his rage he caught up the spade and Nels continuing his abuse, hit his employee twice with it, flat or edge he could not say. The man fell. Alarmed at this, for his temper had quickly cooled, he stooped to raise him, when Nels jumped to his feet and made off, leaving the garden by a rear gate. He stated positively that he had not seen any trace of the farmhand from that minute until the disintering of the body. As to his mysterious midnight visit to the garden described by Larsen and verified by the dairymaid, the prisoner had this to say:—

"It is either a foul lie or a hellish delusion:—

In the interval before the trial Ericson forged the strongest links in his perfect chain of circumstances. By infinite patience and caution, working carefully about the curtain of respect and affection with which the people of the parish were inclined to cover such incriminating facts as they had cognizance of, he planned down two more witnesses whose testimony used in the court attack, crumbled the pastor's negative defence like a bulwark of cards.

These were two men who had been in the vicinity of the parsonage on the moonlight night which supposedly marked the burying of the body. After much pressing they solemnly avowed they had seen the clergyman, dressed in the green dressing gown and the nightcap, dragging a heavy sack from a patch of woods toward the garden of his house. They had not seen his face, for that was covered by a flap of sack, but only too well they said, they knew the clothes he wore.

Now came Ericson's triumph, the cap stone of his structure. His imagination was caught by this constant reference to the green dressing gown, familiar to every one in the parish, and he found here the point to which his whole circumstantial creation should tend.

He found the famous gown, examined it with meticulous care, noted certain marks and stains upon it, and then instituted quiet inquiry among those who knew the garment best. He proved that on the morning after the alleged burial it had been found covered with mould and soiled with earth. It had afterward been cleaned, but not thoroughly. He also established that it was lying on the floor of the pastor's room that.

(Continued on page 3.)

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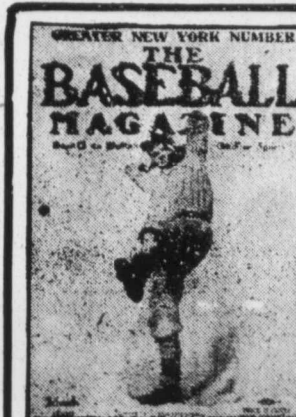
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