

out. Osborne told me to come right to you, and here I am."

"You're bound to be prosecuted."

"I know. Sure. But—"

"It's a matter of getting off as lightly as possible."

"That's what."

"Do you know the policeman's name?"

"One of the clerks stuck his head out from under a table and called him Dawson."

MacKenzie whirled round to the desk and called a number on the telephone, got the "Guardian" reporters' room, and demanded that Harry Osborne be put on the line.

"Hello, that you, Harry?"

"Good. Scott is here now and has told me his story. Get hold of Dawson at once. Have him go to the Police Office and swear out a warrant for Scott—John Scott—for committing a breach of the peace by assaulting McDonald, Ross, Dawson and the clerks, contrary to the by-laws of the city of St. John. Now, mind you word it like that—breach of the peace! Then send Dawson right up here to my office to arrest Scott. He'll be here all right. Hustle."

MacKenzie hung up the receiver.

"There'll be something doing shortly," he assured Scott cheerfully.

"What you say goes," agreed the latter; "but I never believe in telling trouble where to find you."

"Leave it to me."

Half an hour later Dawson with a battered and puzzled face, entered the office and arrested Scott for "breaking the peace contrary to the by-laws of the city."

"Want to handcuff me?" laughed Scott.

"Come on," growled Dawson, and departed with his prisoner accompanied by MacKenzie and Osborne, who met them on the stairs.

At the police court McDonald, Ross and the clerks, who had been summoned as witnesses, were already there, and their evidence of the "breach" or rather destruction of the peace, together with Dawson's account of the closing scenes, was soon given.

"No evidence for the defence," MacKenzie announced.

"The defendant has been guilty of a most serious breach of the peace, contrary to the city by-law in such case made and provided, and I shall impose the maximum penalty that the law allows," stated the Police Magistrate. "The defendant will pay a fine of \$200 and costs, and in default of payment will be imprisoned for the space of three months."

Scott pulled out a roll of bills that looked like a second growth maple and counted out the required amount.

"Cheap at that," he muttered, turning to his attorney. "Let's be going, I want to catch the 6.15 train on the Valley."

But just then Dawson the policeman approached Scott. "I arrest you on a warrant for assault on McDonald, Ross, myself and the four clerks," he announced truculently.

"Ah!" whispered the farmer. "Now's the trouble!" and he sighed.

"We're ready for the hearing at once," interposed the "dilly tanty" MacKenzie eagerly.

The case proceeded, and McDonald, Ross, Dawson and the four clerks gave evidence of the assault, practically repeating verbatim, of course, their former story, when the charge was mere breach of the peace. MacKenzie again stated that he had no defence to offer.

"The accused is committed for trial at the next court of criminal jurisdiction," said the magistrate, "bail for \$5,000."

"I'll go for one," said MacKenzie.

"So'll I," interjected Osborne.

Bail was soon arranged and the accused walked out a free man until "the next court of criminal jurisdiction."

"What'll I do now?" queried Scott as they reached the street. "This is the kind of trouble I was afraid of."

"Go home and pay off that mortgage, and be back here the second Tuesday in January," ordered MacKenzie. "In the meantime, don't worry."

"You're the doctor," assented Scott as he hastened off to catch the 6.15 train on the Valley.

Christmas came and went in due course, and early in January Scott's case came to trial.

MacKenzie appeared for the accused, and Beck-

with, the young and assertive Crown Attorney, conducted the prosecution.

The Grand Jury promptly found a "true bill"; the accused was arraigned; the indictment was read, but before Scott pleaded "not guilty" MacKenzie rose, entered a plea of "autrefois convict," and moved to dismiss the accused.

"State your grounds," ordered the court.



"I just cut loose then and there."

"There is," MacKenzie argued, "an ancient legal maxim to the effect that no one shall be punished twice for the same offence, which is frequently applied in criminal procedure, so that if a man has once been convicted for a crime he cannot be tried again for another crime involving the same state of facts. In this case the prisoner is charged with assaulting McDonald, and others; but I have here a certified record of the Police Court where Scott the accused was convicted and fined \$200 for a breach of the

peace, and the evidence on that trial shows that the breach of peace for which he was punished was committed by assaulting Mr. McDonald and the other complainants in this present case. That conviction was, therefore, for the same state of facts alleged in the present indictment, and this action must, therefore, be dismissed."

"There's nothing in that," interposed Beckwith patronizingly.

"Besides," MacKenzie went on, handing up a calf bound volume to the Judge, "you will find that in the case of the King vs. McIntyre, 21 Canadian Criminal Cases, 216, a prisoner was discharged under exactly the same circumstances as in this case."

The Judge glanced over the record of the Police Court, scanned the case which MacKenzie had handed up, and closed the book with an air of finality.

"Motion granted and accused discharged," he said.

"But the prisoner is evading punishment altogether," blustered Beckwith, who had just caught the drift of the proceedings.

"That was the fault of the complainant and the Magistrate," remarked the Judge quietly, "and I am not here to correct the errors of the lower courts, but merely to administer the law as it is."

"It may be out of place to quote fiction in court," remarked MacKenzie pleasantly, "although I have often heard the learned Crown Attorney do so; but I think Mr. Scott simply patterned after one Joe Dexty, and finding that his lawyer couldn't win out according to law, proceeded himself 'accordin' to justice."

"Call the next case," ordered the Judge testily.

Outside the courtroom, Scott turned to MacKenzie, pleased but puzzled.

"If that policeman Dawson hadn't laid that first complaint, I'd have been in the soup, wouldn't I?" he exclaimed.

"You certainly would," agreed MacKenzie, "and if Dawson hadn't been mighty thankful to Harry Osborne for saving his job last summer we never could have managed it."

"Well, it's certainly great," agreed Scott. "What's you bill?"

"Let's see. I think I told you that Harry was an especial friend of mine. Oh, you can send me a nicely engraved invitation to the wedding and we will call it square."

"What wedding?" asked Scott.

"Harry and your daughter Elsa that you spoke of."

"All right, what you say goes."

"BEASTLY CARELESS"

HERE is confirmation of a spy story that was told after the opening of the battle of Picardy related at first hand by First Lieut. Bernard Rhodes, of the 407th Telegraph Battalion, and former first baseman of the Princeton nine, who writes to the folk at home from "Somewhere in France" this letter, which is printed in the New York Evening Sun:

At the beginning of the present drive a British Major-General was directing movements of his division when a British staff car drove up and a "brass hat" got out. Reporting to the General, he said:

"Sir, the division on your right has been forced back and your flank is in the air. Orders are that your division will fall back to this place," indicating a point on the map some two miles in the rear.

The General had nothing to do but obey, and was on the point of issuing orders to effect the retirement when a Canadian Colonel standing near said to the staff officer:

"That's funny. I've been on duty some time with that division and I don't remember you."

The other chap allowed that was funny, that he had been there for some time; he knew all the units of the division, called their officers by their first names and generally had the dope. Still the Canuck was skeptical—he must have come from down near the New England border—and finally asked to see the officer's papers. Business of searching through pockets as for return check after intermission.

Then the chap thought he had jolly well come away in such a hurry he'd forgotten 'em; beastly careless. The Canuck thought he'd jolly well have to be searched, beastly careful. They found papers all right; only they were written in that language

which defines "treaty" as a "scrap of paper."

Well, there was plenty of good first-class material at hand for a firing-squad. The chauffeur was a Hun, too, so they had a little party, and the only thing they didn't shoot up was the car; that was returned to duty after being fumigated. The division is still in the same place and so are the two Huns; each with several bullet-holes where the Iron Cross might have been.

Scruples and Drams

A CERTAIN gentleman belonging to a Presbyterian congregation was sent out by his pastor to solicit the members of his congregation, "maistly Scotch," in the matter of subscribing to the church revenues by means of the Duplex Envelopes. Quite a number refused to subscribe in this manner as they had "conscientious scruples." But the solicitor was very politely received, and in many cases asked if he would "no hae a dram." On his return the pastor questioned him on his success.

"Well," the gentleman replied, "I've come to the conclusion that the Scottish character is largely of an apothecary nature."

"Why! How's that?"

"It seems to be founded principally on scruples and drams."—From Donald A. Fraser.

Piper—"The varra pest music I ever heard whatever was dun at Jamie MacLaughlin's. There was fifteen o' u pipers in the wee back parlor, all playin' different chunes. I thoct I was floatin' in heaven!"