

# MR. DOOLEY

## on EXPERT TESTIMONY

BY F. P. DUNNE

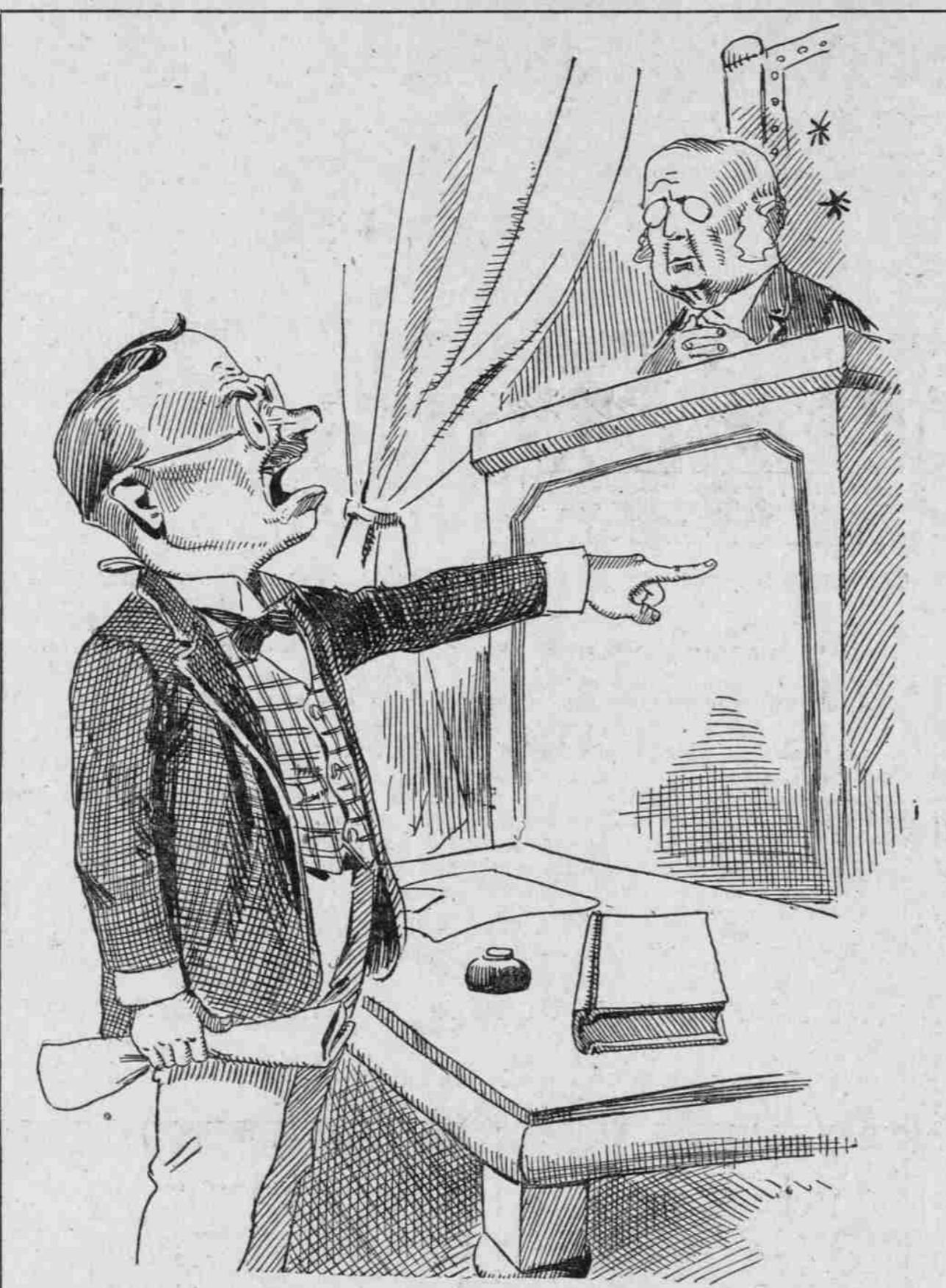
Copyright, 1907, by H. H. McClure & Co. "WHAT'S an expert witness?" asked Mr. Hennessy.

"An expert witness," said Mr. Dooley, "is a doctor that thinks a man must be crazy to be rich. That's thrue iv most iv us, but these doctors don't mean it th' way I do. Their theory is that anything th' rich do that ye want to do an' don't do is looney. As between two men with money, I wan with most money is crazy. If ye want a diploma fr' anity, Hinmissy, th' on'y chance ye have iv gettin' it is to commit a crime an' file an inventory iv yer estate with th' court. Ye'll get a certy-ficate iv sanity that e'll be able to show with pride when ye're let out iv Joliet."

"In th' old days if a man kill another man he took three jumps fr'm th' scene iv th' disaster to th' north corrydor iv th' County jail. That still goes fr' th' poor man. No wan has thried to rob him iv th' privilege won fr' him e his ancestors iv bein' quickly an' completely hanged. A photygraph iv him is took without a collar, he's yanked before an awful court iv justice, a deaf-mute lawyer is appinted to look after is intrests an' see that they on't suffer be bein' kept in th' stuffy atmosphere iv th' courtroom, th' State's attorney presents a handsome pitcher iv him s a fiend in human form, th' judge instructs th' jury iv on-rejudiced jurors in a hurry to get home that they ar-re th' sole judges iv th' law an' th' fact, th' law bein' that he ought to be hanged an' th' fact bein' that he will be hanged, an' before our roletory frind comes out iv his arance he's havin' his first thorough fill-up iv ham an' eggs, th' largy ar-re showin' a wondherful amount iv intrst in him' an, e's rayceivin' attentions fr'm th' Sheriff that must be surprisin' to a man iv his humble station.

"A few days later I r-read in th' pa-pers in a column called Brief News Jottings, just below a paragraph about th' meetin' iv th' Dairyman's Association, an account iv how justice has purposed her grim course in th' case iv John Adamowski. An' I'm thankful to know that th' law as been avinged, that life an' property again ar-re safe in our air land iv freedom, an' that th' retched criminal lived long enough to get all he wanted to eat.

"Justice is all a poor criminal asks fr', an' that's what he gets. He don't deserve anny better. 'Tis like askin' on'y fr' a pair iv dooces in a car-rd game an' havin' to bet thim. If I done wrong I'd say: 'Don't deal me anny justice. Keep it fr' thim that wants it. Under th' circumstances all I ask is a gr-reat deal iv injustice an' much mercy. I



"I ASK YE ON TH' NIGHT IN QUESTION, WHIN TH' PRISONER GRABBED TH' CLOCK, WAS HE OR WAS HE NOT FUNNY AT TH' ROOF?"



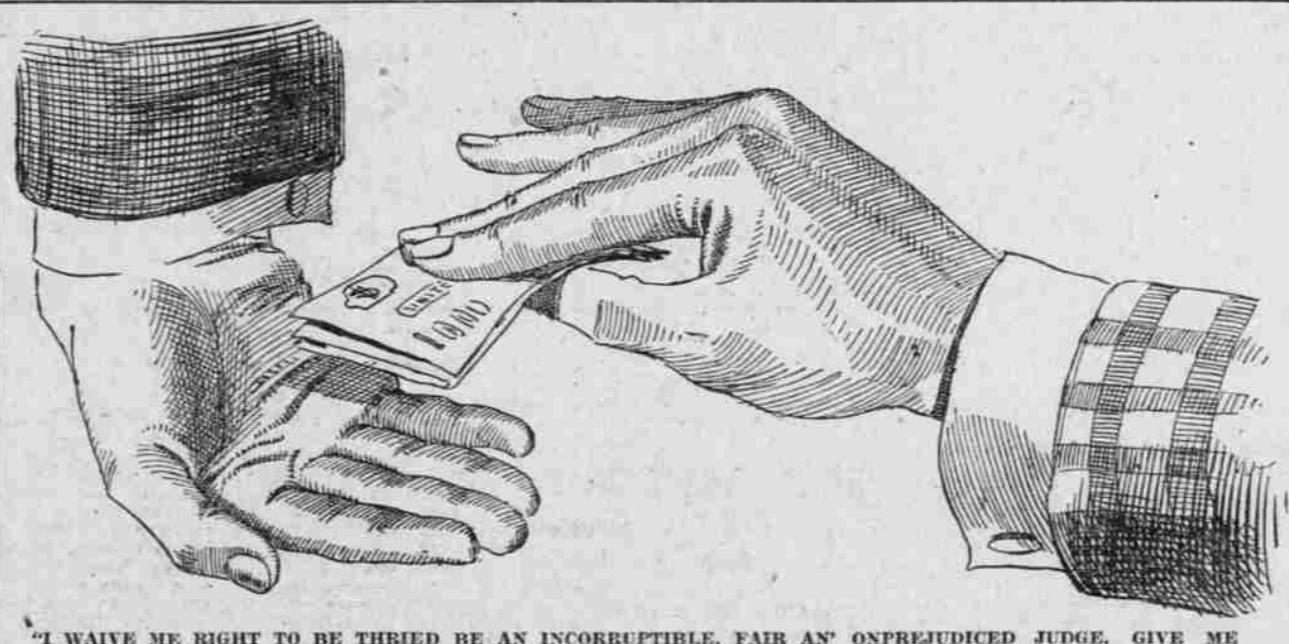
"THAT LOWLY WORKER IN TH' VINEYARD IV TH' LORD WHO ASTONISHED TH' WURULD BE ATIN' GLASS IN TH' PULPIT, AN' HAVIN' TH' BIBLE TATOOGED ON HIM."

do not ask to be acquitted by a jury iv me peers. I am a modest man an' I'll accept me freedom fr'm th' humblest bailiff in th' land. I do not care to come triumphant out iv this ordeel an' rayport other larceny cases fr' th' news-papers. All I ask is a block's start an' some wan holdin' th' polisman's coattails. I waive me right to be thried be an incorruptible, fair, an' on-prejudiced Judge. Give me wan that's onfair an' prejudiced an' that ye can slip something to."

"No, Sir, whin a man's broke an' does something wrong, th' on'y temple iv justice he ought to get into is a freight car goin' West. Don't niver thrust that their tough-lookin' lady with th' soord in her hand an' th' handkerchief over her eyes. She may be blind, though I've seen thrires where she raised th' bandage an' winked at th' aujence—she may be blind, but 'tis th' fine sinse iv touch she has, an' if ye vinture into her lodgins an' she goes through ye're pockets an' finds on'y th' pawnticket fr' th' watch ye stole off Hogan, she locks th' dure, takes off th' handkerchief, an' goes at ye with th' soord.

"But suppose ye have a little iv th' useful with ye. Ye br-reak into Hogan's house some night sufferin' fr'm an uncontrollable impulse to take his watch. Don't get mad, now. I'm on'y supposin' all this. Ye wudden't take his watch. He has no watch. Well, he's sound asleep. Ye give him a good crack on th' head so he won't be disturbed an' hook th' clock fr'm under th' pillow. Th' next day ye're arristed. Th' pa-pers comes out with th' news: 'Haughty sign iv wealthy family steals watch fr'm awful Hogan. Full account iv dhreadful career iv th' victim. Unwriten law to be invoked,' an' there's an article to show that

anny wan has a right to take Hogan's watch, that he was not a proper man to have th' care iv a watch, anyhow, an' that ye done



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well to hook it. This is always th' first step to 'rd securin' cold justice fr' th' rich. Ye're next illicit-ed a mumber iv nearly all th' miniters' associations, an' finally, in order that th' law may be enforced without regard to persons, an expert witness is hired fr' ye.

"Th' thriple begins. Ye walk in with a quick, nervous stride an' set th' watch be th' court clock. 'Ar-re ye guilty or no guilty?' says th' clerk. 'Guilty an' glad iv it,' says ye're lawyer amid cheers an' hisses. 'Have ye th' watch with ye?' says th' court. 'I have,' says th' prisoner, smilin' in his peculiar way. 'Lave me look at it,' says th' court. 'I will not,' says th' pris'ner, puttin' it back into his pocket. 'How ar-re ye goin' to defend this crook?' says th' Judge. 'We're goin' to prove that at th' time he committed this crime he was insane,' says th' lawyer. 'I object,' says th' State's attorney. 'It is

not legal to intrajooee evidence iv insanity till th' proper foundations is established. Th' defince must prove that th' pris'ner has money. How do we know he isn't broke like th' rest iv us. Th' court—How much money have ye got? Th' pris'ner—Two million dollars, but I expect more. Th' court—Objection overruled.

"Th' expert is called. 'Doctor, what expeerience have ye had among th' head cures?' 'I have been fr' forty years in an asylum.' 'As guest or landlord?' 'As both.' 'Now, doctor, I will ask ye a question. Supposin' this pris'ner to be a man with a whole lot iv money, an' supposin' he wint to this house on th' night in question, an' suppose it was snowin', an' suppose it wasn't, an' suppose he turned fr'm th' right hand corner to th' left goin' upstairs, an' supposin' he wore a plug hat an' a pair iv skates, an' supposin' th' next day was Wednesday—' 'I object,' says th' State's attorney. 'Th' statutes, with which me larned frind is no doubt familiar, though I be darned if he shows it, f'rbids th' mention iv th' das iv th' week.' 'Scratch out Winsday an' substichoot four o'clock Janooar,' says th' court. 'Now, how does th' sentence r-read?' 'Th' next day was four o'clock in Janooary, an' supposin' th' amount iv money, an' supposin' ye haven't got a very large salary holdin' th' chair iv conption fits at th' college, an' supposin' ye don't get a cent unless ye answer r-right, I ask ye, on th' night in question whin th' pris'ner grabbed th' clock, was he or was he not funny at th' roof?' 'I object to th' form iv question,' says th' State's attorney. 'In th' eighth sintinee I move to strike out th' wurrud "and" as unconstitutional, unprofessional, an' conthry to th' laws iv evidence.' 'My Gawd, has my elint no nights in this court?' says th' other lawyer. 'Ye bet he has,' says th' court. 'We'll strike out th' wurrud "and," but we'll substichoot th' more proper wurrud "aloofness."' 'Did ye see th' pris'ner afther his arrest?' 'I did.' 'Where?

says the lawyer. 'Ye'd better have a care how ye answer that question, me boy,' says th' pris'ner, carelessly jingling th' loose change in his pocket. 'Sane,' says th' expert. 'Well I shud think he was. Why, I can hardly imagine how he stayed feather-headed long enough to take th' villan's joolry. Sane, says ye? I don't mean anny disrespect to th'



"A PHOTOGRAPH IV HIM IS TOOK WITHOUT A COLLAR."

court or th' bar, but if ye gintlemen had half as much good brains in ye'er head as he has, me distinguished frind, ye'd not be wastin' ye'er time here. There ain't a man in this country th' akel iv this gr-reat man. Talk about Dan'l Webster, he was an idyot compared with this joynt intellect. No, Sir, he's a fine, thoughtful, able, magnificent specimen iv man, an' has been iver since between twelve four an' twelve four an'-a-half on that fatal night. An' a good fellow at that.

"What d'ye propose to do to stand this here testimony off?" says th' Judge. 'I propose,' says

earned their repytations be testifyin' eight ways fr'm th' jack in a dozen criminal cases, that so far fr'm bein' insane on this particklar night, this was th' on'y time that he was perfectly sane.' 'Oh, look here, Judge,' says a lady iv Th' Daily Fluff, 'this here has gone far enough. Th' man's not guilty, an' if ye don't want a few remarks printed about ye, that'll

do ye no good, ye'll let him off.' 'Don't pay any attention to what she says, Fitzy,' says another lady. 'Her decayed news-pa-per has no more circulation thin a cucumber. We expect ye to follow th' instructions printed in our vally-able Journal this mornin'.'

"Sir," says a tall man, risin' in his place, 'I am th' Riv'rend Thompson Jubb.' 'Not th' notoryous shepherd iv that name?' 'Th' same,' says th' Riv'rend Jubb. 'That lowly worker in th' vineyard iv th' Lord who astonished th' wurruld be atin' glass in th' pulpit an' havin' th' Bible tattooed on him. I wish th' privilege iv standin' on me head an' playin' "A charge to keep I have" on the accorjeen with me feet. "Granted," says th' court. 'I will now charge th' jury as to th' law an' th' fact, I am all mixed up on th' law; th' fact is there's a mob outside waitin' to lynch ye if ye don't do what it wants. Th' court will now adjourn be th' back dure.' 'Where's th' pris'ner?' says th' expert. 'He has gone to address a mothers' meetin',' says th' clerk. 'Thin I must be goin', too,' says th' expert. An' there ye ar-re."

"I'm glad that fellow got me off," said Mr. Hennessy, "but thim experts ar-re a bad lot. What's th' diff'rence between that kind of tistimony an' perjury?"

"Ye pay ye'er money an' take ye'er choice," said Mr. Dooley.



"DON'T DEAL ME ANNY JUSTICE. KEE P IT FR' THIM WANTS IT."