

WHERE JUSTICE GOT A BLACK EYE

Squire Timberson, recently elected to administer justice in one of the outlying townships of a short-grass county in Kansas, is an excellent type of the frontier justice of the peace. A few weeks after he had assumed the judicial ermine, figuratively speaking, a horse thief was captured in the squire's bailiwick and was brought before him for hearing, with the expectation—a foregone conclusion, by the way—in the mind of the prosecuting attorney, that the prisoner would be bound over to the district court in proper form without a hitch.

The day of trial came and the squire's better-half had cleared the commodious kitchen for the assembling of court, even giving the floor a good scrubbing that it might be as free from stains as the escutcheon of the great state her husband locally represented.

The prosecuting attorney was first to arrive, followed in a few moments by the prisoner, safe in the grasp of a burly country constable, and trooping behind them came a score or more of suspicious looking individuals who were clearly the friends of the accused. The defendant's attorney strode in a moment later.

Squire Timberson wore a look of dignity befitting his responsible position, though down in his heart he felt a sickening qualm as to just what the occasion called for on his part and his lower limbs wobbled suspiciously when he arose from behind the kitchen table, a temporary judicial bench.

Now it happened that the squire knew nothing of legal lore or judicial form, his sole knowledge along the lines of authority having been derived from a worn copy of Robert's "Rules of Order" and a study in boyhood days of Cushing's "Manual." His experience had been acquired in debating the wherefores and whys in a country lyceum.

The absence of anything in the nature of a law library was particularly noticeable in this kitchen "court of justice," the familiar sheep-covered black 'one was nowhere to be seen.

The court convened promptly at 10 a. m., being rapped to order by the burly constable who officiated in the capacity of bailiff, the while he kept his eye on the prisoner and his right hand on his pistol in his hip pocket. The squire, with the assistance of the prosecuting attorney, was inspecting the papers in the case, including the warrant with the constable's return thereon.

The attorney for the defendant had been holding a whispered consultation with the prisoner and his friends, and save for an occasional resounding "swack" as an extra large ejection of tobacco juice was emitted from between the lips of the burly constable and splashed on the newly scrubbed floor,

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all was quiet in the courtroom.

Suddenly, and without previous warning, the defense, in the person of the prisoner's attorney, made an unexpected move, which, however it affected the equanimity of the state's attorney, at least took the squire off his guard.

The prisoner's counsel arose, beaming pleasantly; and evidently "with malice aforethought and evil intent," said:

"May it please the court, I move that this case be dismissed and the prisoner discharged from custody."

The squire was all alert, and whatever had been the clouded state of his judicial mind as to what to do before, it was perfectly clear now. All the rules defined and laid down by Roberts came fresh to memory, and he roared in a deep bass voice:

"Do you make that there as a motion, sir?"

"I do," replied the prisoner's counsel.

The squire glanced expectantly over the courtroom and failing by his glance to elicit that which should be thought should be forthcoming, he gravely inquired:

"Do I hear a second to that motion?"

A friend of the prisoner promptly seconded the motion, and the squire swelled with importance as he looked over the kitchen table and put the question.

"It has been moved an' seconded that this 'ere case be dismissed an' the prisoner be discharged. Are ye ready for the question?"

"Question," "question," came from a dozen throats.

The squire, in all solemnity, looking over the head of the prosecuting attorney, who was trying to gain his attention, repeated slowly:

"All those who air in favor of the motion signify by saying 'Aye!'"

A chorus of "Ayes" came in response from the lips of the prisoner's friends, which chorus defendant's counsel led,

"All those that air opposed say 'no!'"

Only the prosecuting attorney and the burly constable voted in the negative and the squire firmly decided: "The 'Ayes' have it an' the prisoner's discharged!"

All efforts of the state's attorney to show error in the proceedings proved futile, for the squire insisted that the "Ayes" had it, and "I wouldn't be on-fair if every dog-blasted homethief in the state got free!"

Owing to the squire's sense of honor in this respect the constable stalked out of the court room without a prisoner.—  
The Court-Crier.

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