

Juniata Sentinel and Republican.

B. F. SCHWEIER.

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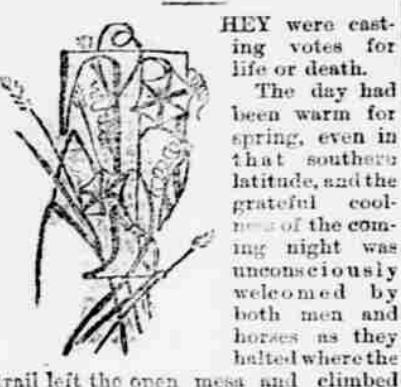
MIFFLINTOWN, JUNIATA COUNTY, PENNA. WEDNESDAY, JULY 11, 1894

NO. 30.

ASPIRATION.

The blush of the summer rose
The flush of the moon,
The smile on the face of the dead,
The song newly born
From heart of the past, from shell of the sea,
From rush of the river than oceanward flows.
Each immortal. Who knows me is glad!
Men give me the name—
Of passions that kindle the soul—
Love, faith, beauty, fame.
I dwell with all these, yet am higher than all—
Without me the angels of heaven were sad.—
Edith Willis Linn, in the Century.

THE SUSPENDED JUDGMENT



HEY were cast
ing their eyes for
light or shade, for
the grateful coolness
of the coming
night was unconsciously welcomed by
both men and
horses as they
halted where the
trail left the open mesa and climbed
the little divide.

The animals had been gathered in,
head to head, and all the bridles were
held by one of the party; the prisoner,
still handcuffed, had been allowed to
dismount, and stood silent, looking
down the rolling plain toward the
mesa, watched by a single guard.

The others, seven in number, in a
group half a dozen rods away, were
casting votes.

The leader of the posse, christened
fifty years ago in some quaint English
village John Brownell, but far better
known in his New Mexican home as
"Sheriff Jack," held the ballot-box, a
worn sombrero.

"Now, gentlemen, let us understand
this question so that no trouble arises
hereafter," said he, glancing about at
his companions. "We have, at the
call of our city, made a successful effort
to capture James Brownell, otherwise
known as Red Jim, who today stands
indicted before you for the murder of
one of the two men committed in
Oregon County during the past five
years. Time was, and not so far in the
past either, as several of you can bear
me witness, when such a capture meant
so, or they'd never 'a brought him in!"

The preliminaries were soon over, a
jury drawn and agreed to, the case
opened, and the trial began.

Witness after witness was sworn
and the dark story of
the crime with which Brownell was
charged—a street riot, resulting in the
death of one of the rioters—was told
in all its hideousness. The crowd
listened with eager ears, untiring for
hours, though the heat seemed to grow
with the day; the lawyers bent more
closely over their notes; the Judge
forgot to lean back in his chair, and
even the prisoner, resting with man-
acled hands upon the rail of the crimi-
nal's box wherein he sat, showed by
the gloom that gathered upon his
tired face and dull, angry glow in
his eye that he appreciated the desper-
ate strain in which he stood.

When the prosecution had rested,
the attorney for Brownell bent toward
him and whispered earnestly in his
ear. The man shook his head. Again
the lawyer addressed him, urging some
plan of defense newly thought, with a
gesture indicative of irritation, young
Stewart rose, and turned to address the
jury.

He told them of his client's early
life, the lack of good influences, the
hard paths for childish feet, the tem-
pations of youth, the struggles and
failures of manhood. He told them of
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that it better to conclude the matter
here and at once, all things being
seemingly convenient, and as he
paused, his eye unconsciously turned
toward the single stunted pine that
with a dry, outstretched hand stood
near. "In this therefore, as it were,
will pull the jury on the question of what
to do with our prisoner. I have pro-
posed the casting of bullets. Draw up,
gentlemen, and make your will known;
a pistol cartridge means justice," said
Lynch, a Winchester, the court at
home, and the majority shall rule.
Prepare your ballots."

There was a certain grim humor
about both the speaker and his ad-
dress, but the others did not notice it.
They busied themselves in selecting,
according to his choice, the re-
quired cartridge, and then, with all
the solemn decorum of a New England
school meeting, one by one they ad-
vanced and dropped the leaden mes-
sengers of their desires into the hat.

There was no discussion, no seeking
to influence each other, and when
Stewart had closed his combi-

nation he had a look at his com-
panions, who watched the prisoner
and the same official dignity he declared the poli-
cials and, turning the cartridges out
upon the ground, separated them, large
and small, into two tiny piles, counting
them as he did so.

A man's life hung in the balance,
but no sign of excitement showed itself
upon the bronzed faces of the posse,
nor was there an expression of satisfaction
or disappointment when, rising,
the Sheriff said:

"Boot and saddle! We ride home!
The verdict is five for town law to four
against it—and much good may it do
him," he added, with a half-regretful
gleam of his eye toward the silent pris-
oner, who had watched all these pro-
ceedings, even to the final announcement,
with the stoicism of an Indian.
The vote had meant death to him within
a few hours of days of opportunity; yet
not a shadow had crossed his hardened
face. Now, however, he had been
mounted the horse led to him, placed
himself in the center of the litter,
the cauldron, and at a brisk trot all
proceeded northward through the rapidly deepening gloaming of the even-
ing.

Two months later Mesa City lay
scattered and browning beneath the
blaze of a July sun.

The wide streets, flanked by rows of
painfully new brick stores and wooden
dwellings, the court house, city hall,
graded school and churches, the dia-
mond shaped plaza, boating a dry-
dreded Niobe, and even the dismasted
trees that had been planted near the
doors of the tempting saloons were all
and all white beneath the arid dust,
and quivered and chivared in the
burning glare like the unstable city of
a mirage.

The few inhabitants ventured forth, for
the heat was unusual, even for Mexico,
and while it lasted work must wait.
But in one building there had
gathered quite a concourse, notwithstanding
the temperature, and Judge
Belmont, from the bench across a
crowded room as the erier arose and
with sonorous voice announced the
opening of the court for the trial of
criminal cases.

There were a few minor cases, all
decided in a few words, then the heat
and the attention of the Courtroom
and the audience became fixed by the dual
sun upon the day calendar. Under
the escort of Sheriff Jack, still ironed
and a trifle paler than when last seen,
James Brownell was led into the room
and took his place in the prisoner's dock.

"Bro—well, stand up. Have you
anything to say why the sentence of
this Court should . . .

the shuffling of feet, all ceased as the
court arose to read the indictments.

Violation of the liquor laws, violation
of the gambling laws, horse stealing,
robbery, burglary, and, last of all,
murder. One by one the black
record was spread before the Court, the
result of a series of years of inquiries,
the work of a dozen Grand Juries, and now, for the first time, the much-
indicted man was in the hands of the
law to answer its repeated summons.
Judge Gary looked towards Brownell.

"What is the proper place?"

"Not guilty to every count in every
indictment," replied his attorney, one
of the younger lawyers in the city; "and we demand a separate trial upon
each charge."

A murmur of disapproval ran through
the room. Was this notorious desperado
to escape through the very technicalities
and delays of the laws he had set at defiance.

"Then it becomes the right of the
District Attorney to move whichever of
the indictments he may choose," re-
plied the Judge. "Mr. Arnold, what
is the desire on the part of the people?"

The gray-haired prosecutor for the
country arose, and in a deliberate and
 dignified manner announced that he
would elect to try under the principal
indictment.

"The greater might be said in this
in your Honor, to include the less.
Should the prisoner be convicted of
murder, it will relieve both him and
the Commonwealth from the weariness
and expense of trials for the lesser
crimes; should he be acquitted I shall
move an immediate trial under the in-
dictment for burglary."

The crowd breathed more easily.

"Old Arnold 'll do him," whispered
one listener to another; "the evidence
is a dead sure thing! He's bound to
hang, an' the Sheriff's posses thought
so, or they'd never 'a brought him in!"

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