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WHILE THE JURY WAS OUT

By William Frederick Dix

The mid-morning Colorado sun beat down upon a restless little group of men on the steps of the Fort Morton court house; upon the dusty cottonwood trees growing dissandy square to become, a few hundred yards below, the main street of the town, and upon the tin roofs of the two story brick or frame stores on each side of it. The jury had been out over night, and although it was 10 o'clock in the morning, had given no sign. The prisoner had not yet been brought up from the county jail near by, and the group of men directly interested in the procedings were sitting and lounging about the steps, smoking and carrying on desultory conversathe top step, was an Eastern college man, about forty years of age, once an athlete, and still with a trim, slender figure.

The small boys among the group of hangers-on in front of the steps were beguiling themselves tossing the ball, and the prosecuting attorney, a young graduate from the East who had come up from Pueblo,

"Here you are, Johnnie, give us a

The small boy who had the ball grinned sheepishly, and threw it at

"Harder, harder!" said the young awyer, cheerily. "That's no way to pitch a ball. Throw it in this way," and the boy's hands were scorched as he caught the return.

"Say, kin you pitch a curve?" he asked. "Let's see you do it." . "All right," said Hardy, taking off his coat. "Here you go. Hold on," he added, "you couldn't catch it if I did Here, Mr. Hackett, go out there and let me throw you a few

The others laughed at this, for Hackett, the senior counsel for the defence, also up from Pueblo for the trial, was an enormous middleweight Hoosier, 6 feet 2 inches in height and weighing 250 pounds. He had a mass of crisp black hair and wore a black broadcloth frock coat and trousers, low turned down stealing and hilarious sarcasm from cating their order from Primidi to slow moving and ponderous, though forceful and shrewd in his profession; deliberate of speech and any-

the junior counsel, Blake, a some- friendly competition and of physi- about our mountains of gold and what lanky, powerfully built Wes- cal exercise. terner, rising and depositing his Hardy's.

"Gee! you've got muscle," he added, rubbing his hands after the first pass.

curves, Clarence!" he cried in wor- in the game shipful admiration.

exercise myself," said the judge, ris- "short," who fielded the ball swiftly by man, it carries no reaction. No ing interestedly and hesitating on the to first base. The baseman caught other land has cold waves like ours.

"Why not have a little game quietly remarked: while we are waiting?" said Hardy. Bell Phone 5465 half jokingly. "Come on, sheriff!" Moved by a common impulse, the little group brightened up, threw ed, examining it, "it's broken." away their cigar ends and moved and adjoining it was a small open base. I'm out of it." field of well trodden, dusty grass, played occasonally and where horses of the small boys was despatched any one take the base." for a suitable bat and ball and a back with them, highly excited, fol- There's one out already."

left the steps; but the reaction had stepped to the base. worked insidiously. The trial had been a particularly exciting one, and play." with the prisoner, although the score, amid great enthusiasm

ly and thoroughly angered in a plate. twice, one mark over the other, and chief. the dispute arose over this. Duke, the victim of the shooting, had borne a bad reputation, and the village street was usually more or less uneasy during his infrequent visits. He had killed his man, and had been bat high above the right fielder's known to boast of it several times in head, and Copporthwait was safe on Flynn's saloon. After this last quar- second before the ball was fielded rel he had sworn to shoot Copper- in. thwait on sight. The quarrel had The janitor began to grow very occurred in the morning. That at uneasy and edged slowly down the ternoon Copperthwait had just left field toward the first baseman. The the Eagle Hotel, to mount his mus- crowd yelled as Copperthwait, still

the corner.

"Here comes Duke!" a bystander exclaimed. Copperthwait started and caught sight of his adversary. Duke stopped short and put his hand behind him, and Copperthwait, quick as a flash, fired once and put a bullet between Duke's eyes. He had offered no resistance to arrest, and now was in the rough little jail near by while the twelve good men and true deliberated in the hot back room under the tin roof of the court

"I guess my hands are a little too soft to play," said the judge good naturedly, feeling a qualm as to the er: "watch my signs." appropriateness of his joining actively in the sport. "but I'll be um- first base. pire if you want me"

The two teams were quickly formed the "Comanches" against the "Sloux." The Sloux won the toss and took the field, and the Comanches were struck out in one, two, three order. When the sides changed Hardy, the prosecuting attorney, took the box, and Blake, the out the judge. "Go on with the junior counsel for the defence, caught him. After much urging the judge had consented to preside over first base, since Mr. Hackeft had



positively refused to play, and had been made umpire by general acclaim. As soon as his Honor found time that French revolutionists have himself coatless and on the field he desired to tamper with the calenthrew himself into the battle with dar. i'ne Jacohina of 1793 set up the greatest enthusiasm.

"softness" in the condition of the the republic superseded the monplayers, and a noticeable tendency archy. The twelve months of thirty to let swift balls go by rather than days each received new and poetical grapple them with fingers unused to names. such as Floreal, Vendethe hard impact. Wild throws to miaire, and so foith; each month bases were not infrequent, and in was divided into three decades, and consequence there was much base the days were given new names indithe players on both teams. The om. Decadi The revolutionary calendar cial relations of these men were, for was never popular and after ten the time, lost sight of; they were merely healthy, enthusiastic Americans, feeling the joy of tingling "Here, I'll catch you," exclaimed blood in their veins, the zest of

rough brown sack coat beside and concluding inning the deputy realize that we have in our climate sheriff had come up with the priso- a great advantage over all other ha-"Hurray!" yelled the small boy, superb throughout the trial, and he mometer tumbling 30 degrees in "that was a corker. Git on to them seemed to take an intense interest almost as many minutes, we have a

Just after play had commenced of priceless value. The wave acts as "Wouldn't mind a little of that Hardy knocked a hot grounder to a tonic,, but, unlike any tonic made it, putting Hardy out, and then To the cold dry air of this periodic

"Well, never mind; let somebody tury. half apologetically into the sand take my place. Here, some onesquare. At the left of the courthouse you, Mulligan. Come and take the

where a scratch half game was deputy; "I ain't played ball since..." hit upon by which copper coins are were tethered during the court. One dozen others excitedly. "Some one, cost and made exchangeable at the

catcher's glove, and by the time the base; we've got to hold 'em down copper, oins are being made every sides were arranged he came racing this inning, and we'll beat 'em easy, toonth and shipped to Shanghai. The

lowed by several other small boys. Copperthwait looked uncertain cash coins corresponding to our No one had the slightest idea of ly at the deputy, then the judge, and American 1 cent pieces. One hund being drawn into a game when he quickly pulled off his coat. and dred of these coins weigh slightly

thies of all had undoubtedly been two runs almost at once, tying the month

State had been vigorous in its prose- As Copperthwait came to the bat cution and the judge had conscient it was evident that the psychological tiously done his duty. Murder had moment of the sport had arrived. War Department has decided that been committed at Jamestown Creek Everything had been completely for the so-called dynamite guns which a few months previously, though a gotten save the game, and so in at one time formed a picturesque change of venue had been obtained tense was the interest that the ap. feature of certain harbor defences to Fort Morton, the prisoner's own proach of the court house janitor are obsolete and is getting rid of was entirely unnoticed. He had frem as quickly as possible. Guas Copperthwait had always been a come slowly down from the steps, of this type were mounted at Sandy quiet, law-abiding ranchman. He and after a few moments of bewil- Hook, Fisher's Island, San Franwas under thirty years of age, big, dered surprise stood leaning against cisco, and at one or two other broad shouldered and swarthy, diffi- a tree near the catcher, watching, places. All of there have since been dent in manner and somewhat slow the prisoner as he slowly moved his sold and removed except the three of speech, though he had been slow- bat backward and forward over the big 15-inch pneumatic guns at the

quarrel over a bunch of cattle. Six "One ball!" yelled Mr. Hackett, these, too. will be sold in a short or eight steers had been branded mopping his neck with his handker, time to the highest bider. Their re-

> "Two balls!" "Strike one!" "Three balls!" Crack!--

The ball flew straight from the

tang tied to the hitching post in panting edged off toward third. was when you were young. You've Hardy turned suddenly and tried to merely got onto it.

front, when Duke happened to curn catch him napping but in his east ment he threw a little wild the base man missed it and Copporthwait reached third smid much uprose. The Sloux were all gathered now in a frantic crowd between third and home, yelling like their prototypes. and the Comunches were also notay.

"Go it, Copperthwait," shouted his team mates: "get home and you'll win the game! Steady, now! Look out, look out! Don't let them catch you!"

"Now, Hardy," pleaded the judge. for heaven's sake, play ball! Don't let him make this run!" "Steady, Hardy," said the catch-

The janitor had crept up close to

"Say, judge," he whispered to his Honor, who was now dancing like an Indian and watching every move of the pitcher and Copperthwait with devouring anxiety-"say, .judge, the jury has come in and is ready with the verdict.

"Oh, confound the jury!" snapped game!"

Hardy slammed in the ball straight over the plate, the baseman bunted it for a sacrifice hit, and Copperthwait, who had crept nearly half way, rushed in and slid triumphantly to the plate on his stomach. "Safe!" yelled the umpire, and pandemonium broke loose.

"I guess safe's the word, all right," muttered the janitor to the deputy, who had instantly started for the prisoner. "I had a wink from the foreman of the jury as he came in,"

French to Rename Christmas, The French Socialist who propost to rename Christmas is no doubt a logician. He argues that as the Concorda' is to be abolished the State must not take any account of any religious festivals, however old they may be. But he wishes to keep the four public holidays, and escapes from the dilemma by rechristening them as secular feetivals. Thus Ascension Day will be "The Feast of Flowers," Assumption Day the "Feast of Harvest," All Saints' Day the "Feast of Remembrance)" and Christman the "Feast of the Family." This is not the first an entirely new one, dating from There was many an evidence of September 22, 1792, on which day

We Americans are always talking coal and iron, of our fat fields of At the beginning of the fourth corn and wheat, but few of us ever ner, who was not handcuffed, and tions. in the cold wave, which im they became interested spectators, summer and winter so often sweeps Copperthwaits nerve had been across the sand and sends the there constant, a never diminishing asset cold wave, which brings extraordi-"That settles me. Look at this vary changes of temperature, we "See here, old man," Hardy pantit, examining it, "it's broken."

Owe much of the keen, alert mind, story at the expense of the the incessant, unremitting energy craze for specialism in the of our american race.—June Cent profession: A poor woman from

Chinese Mints Coining Moneys Chinese mints are literally "coin-"Guess not," said Mulligan, the ing money" on a scheme recently "Go on with the game!" cried a minted at a comparatively small late of ninety for a Mexican dollar. "Here, Copperthwait, play first A' Hangchau 10.000,000 of these coins are officially, known as the 10over twenty-four ounces and a pound "Go ahead," he said quietly; "I'll and a half of copper costs only form 76 to 20 cents. No great amount of those who had followed it were tired The Comanches failed to make a power is needed to convert the copafter the three days' strain in the ill- run during the rest of the inning, per into coin and plenty of labor ventilated courtroom. The sympa- and when the Sioux came they made can be had at from \$4 to \$8, gold, a

> Passing of Dynamite Guns. After ten years or experience; the Presidio of San Francisco, and moval will mark the passing of these guns, which at the time of their installation were expected to revolutionize modern warfare.—New York

Nature has provided exactly opposite laws for the governing of mental and physical pleasures. The more you, study philosophy the more you like it. The more chicken you eat the less you like it.

The world isn't any worke than it

I'd teach it manages and a I'd talk to it more and spark

(She Always shopts suite & & But hean's a chick of a oaud o ova.)

"If I was runnin' this government Old Henry Williams would say. "I'd show 'em 'at I was president." I'd bust them trusts to a large extends I'd show some good of the mon spent:

I'd run it in a different way." (And Henry might spare the time, a For lately the sheriff sold Heary out

If we were in some one cise's place
(You know that is what we all have
We'd do all their duties with show

and grace We'd set 'em an inexampled pace; (It's almost a pity it's not the case); Word all it a different way (In spite of this fact, people often

will tell Us we don't run our own affairs and too well.)

Too Much.

"How did you rest last night?" As she spoke the hostess glangest with a non-expectant look at her guest and a show of assumed later

The guest smiled grimly,

"I never slept worse in my life." he replied. "The bed was poor the sheets were sticky the room poorly ventilated, and between the servants moving around overhead and the dor barking underneath my was dow, I scarcely closed my eyes."

The hostess in a rage left the room and presently returned with her has "Put that man out of the house a once!" she gasped

"What!" exclaimed her astonished husband. "Has he insulted you?" "He has indeed," replied his inch nant wife. "Here ! have been keen ing house for years and he is the only one who has dared to tell me the truth."-Colliers Weekly.

A' HARD ONE



Cholly Boftpate Language You know, was given us to our thoughts. Miss Cutting Hints You as

In the Wrong Department A prominent physician tells East Side of New York west to a nearby dispensary to sak aid for little son, who had one of his many amisshed with a passeball but Arthur first room where she applied she was told by a curb attendant that the beautiful to the same attendant that the same statement is the same statement.

could not be treated there.

Wrong place he explained. is the eye and ear department." Vere is der thumb und finger de partment?" inquired the woman ply.-Harper's Weekly

The Little Woman's Retori The mild business man was called reading his paper in the crowded trailey car. In front of him stood a little woman hanging by a strap. Her arms was being allowly forn out of her body, her eyes were flashing at him. but she constrained herself to slience. Finally, after he had endured it for twenty minutes, he touched her arm and said: "Madame, you are standing on my foot."
"Oh, am I," she savagely reforted.

Not Equal to the Occasion. "We're awfully glad you can here to dinner with ms. Uncle Thos as. What's the matter?' "I guess I better wait for the ser ond table, Mary. You see, I never at with two knives and forks and target or four spoons to wunst perore and I'm afraid I might spill things.—
Chicago Record Herald

"I thought it was a valled" Kanan

City Independent

A Sure Sign.
"You say he has a visionary and in practical nature?" "Yes," answered the girl was is an ployed in the post office. "He is soon of these people who write Rush of an envelope instead of putting on a special delivery stamp."—Washington Star.

That Was Enough. Trotter—I suppose you heard read ried: a. Western girl while i was a war I understand you mearing ho Paokhkin-No-thadk-Rayas (oue-Phitadalphic Pass