

GOLDEN THRONE.

[A ROMANCE BY SAMUEL P. PUTNAM.]

"I suppose you won't undertake to prove insanity?"

"No, we are not civilized enough for that. I suppose the only way of escape is to prove his innocence."

"That of course you can't do."

"I don't expect to. Really, it looks almost useless to try to do anything. But I am thoroughly convinced that the boy is not guilty, and I'll do something."

"Oh, we won't give up the ship, not until it sinks, at any rate."

"I am not much of a talker, you know," said Morton. "I shall depend upon you, Paddie, for the speech: you must stir the imagination. I'll try and give you some facts to work up: and you, Jimmy, must move upon their hearts, you must bring tears, and perhaps there'll be a chance."

"I'll bring the tears, but I'm afraid they'll run to waste, and water but the desert."

The day of trial came. Nothing more could be discovered.

"I have done my best, little Pete," said Morton: "the chances are against you, I am afraid."

"Oh, it is so terrible," said the little fellow. "If they would only let me go!"

"They will not. We must prepare for the worst. Have you any word to leave, any friends?"

"I have not. I am a wail, that's all. Perhaps I might as well die, only I do not wish to die in this way. Promise me, will you not? I have only one favor to ask."

"I will do anything that you desire."

"I want you to shoot me. Oh, it is so horrible to be hung! I do so dread it. Will you shoot me? Do not let me suffer so."

"My dear boy, I will shoot you, if you can't be saved; you shall not suffer a pang, depend upon me."

"Oh, thank you! Now I am happy. I do not wish to live: you will take my body and bury me just as I am, will you not, all by myself?"

"Yes, I will take care of your last resting-place. Trust me, I will do as I would if you were my own child."

CHAPTER IX.

Judge Pilkins was chosen to preside at the trial. He was the fattest man in the place, so fat that he could not bend one way or the other, and so of course could hold the scales of justice with impartial hand. We can generally trust a fat man: he belongs to the conservative order, and will do nothing hastily, and besides he has or can have an immense amount of dignity. No one is so fitted to hold an independent position as a three hundred pounder; for he can easily be upon both sides of the question at the same time. He is a comprehensive man. At any rate, nobody else was thought of as judge upon this important occasion except

Pilkins. I believe he knew something of law but he practiced very little; for he had rather drink rum punch and tell stories. He was a first-class loafer. Occasionally, the men came to him to settle their disputes, and he could write up a legal document, when needed. In this way, he made out to supply the wants of his ponderous body. It was impossible for him to dig. He could hardly strike a pick into the ground; and I doubt, if he saw a chunk of gold at his feet, if he could pick it up. He was in his glory now, for this was the first trial that had taken place in this semi-barbaric community.

Sammy Grubbins was the prosecuting attorney. After a fashion, he was rather smart, a self-made man, and, as the saying is, very proud of his maker. He was not very old, was rather adventurous in his disposition, understood California manners and customs pretty well, and let no occasion slip by which he might push himself ahead. He did not like the cognomen "Sammy" which the men bestowed upon him, but was too shrewd to make any complaint, and looked forward to the time when he should write it to all the world "Hon. Samuel Grubbins;" and who knows, he used to whisper to himself it may be "President Grubbins?" He meant to distinguish himself upon this occasion, and make a speech that should redound to his credit, as he said,—“ring through arches of fame.”

He had for his assistants Sol Jones, a broken-down politician, but who, nevertheless, had an acute and fertile intellect, and understood law better than any man in the settlement, and Prince Hal, a jocular, good-for-nothing fellow, a graduate from college, but the laziest man who ever trod this planet. How he ever got to Golden Throne is a mystery; for he was a man who would not walk, or ride either, if he could help it.

Morton had to display considerable skill in the selection of the jury. He wanted to have a decent set of men, if possible,—some at least that would show a bit of human feeling.

Big Dick himself was determined to be one of the jury.

"I want to see fair play," said he, "and I'm going on."

"But you can't go on," said Morton. "In the first place, you are constable, and then you are a witness for the prosecution."

"Well, I can be witness and constable, and still sit on the jury. I've made up my mind, and I know what's what, and I'll see justice."

"That's the reason you shouldn't go on the jury," said Morton, "because your mind's made up. If you go on the jury, you mustn't have an opinion, to begin with. Isn't that so, Judge?"

"It is indeed," said Pilkins.

"You want fools and idiots, do you? It's no go. I understand this case. You must put me on the jury," shouted Dick.

"But I have the right of challenge, and I challenge"—

"Well, let us fight it right out at once," said Big Dick. "Take your paces, and we'll fire."

I don't mean that now, I mean that you are not qualified to judge in this case. You can't and won't see both sides."

"But there's only one side," said Dick, "and I see that as plain as day."

"Well, I appeal to the judge. It's against all law that you should sit on the jury."

"I don't care a damn for law," said Dick. "I want justice."

"So do I," said Morton; "but I'm afraid we won't get it from you."

The judge straightened himself, and proceeded to give his decision.

"Inasmuch as Big Dick is a constable, and also that the aforesaid Big Dick is a witness for the prosecution, and also that according to his own confession, he has made up his mind as to the guilt of the prisoner, and that no amount of evidence could convince him to the contrary,—is not that so, Dick?"

"Indeed, it is, your honor."

"Well, then," continued the judge, "seeing that this is so, it does seem to me that you are disqualified from sitting on the jury in this case."

"Look out, Judge, how you decide," said Big Dick, drawing a couple of revolvers.

The judge looked at the revolvers with an apparently careless glance, and then said,—

"But, seeing that you take such a deep interest in the matter, you can do just as you please."

"That's good sense," said Big Dick; "and now, as I can do just as I please, I won't go on. I can see that they give a just verdict without the bother of it."

Having disposed of this troublesome customer, or rather he having disposed of himself, to his own satisfaction, Morton proceeded to fill up the jury as carefully as he could. He succeeded in keeping off Gooch, who seemed even more determined than Dick to have the boy hung.

After doing his best, it was not a very promising-looking jury, except that Burnham was the foreman of it, and Tim Baker was on it, rough and red-faced; but his wife had exerted her influence somewhat potently upon him. If the rest were willing to acquit the boy, he at least would make no objection.

The evidence was simple, strong, and, to all appearance, conclusive. The old man Maddox had been killed. His money had been taken, and the horse; and little Pete had been found by a pursuing party, upon that horse. Big Dick and

others testified to all these circumstances; and it must be confessed that the prosecuting attorney made a skillful use of them. He marshalled his evidence in good order, and the impression was apparently decisive.

Only a strong man like Morton could have made any effort to defend the prisoner, his case seemed so utterly hopeless. But Morton was one of those dogged, persistent men that never give up, and who could array himself against a thousand unflinchingly. He made the most of the testimony of the two women, Mollie and Libbie, who were quite sure they saw such a man as that described by little Pete. Morton worked the thing up shrewdly, and really did put some doubt in the minds of the jury.

Grubbin's plea, however, seemed to demolish it all. He showed the utter absurdity of the whole thing. He called it a cock and bull story, invented to save the neck of the prisoner, etc.

Paddie John followed with a very eloquent oration. It was full of fire and imagination. He quoted a good deal of poetry, and really interested the jury; but evidently it didn't change their minds. Paddie drew a picture of the wandering tramp, and how he murdered the old man. He tried in all possible ways to put Pete and his actions out of sight. I think, if he really believed the story himself, he might have convinced the jury; but he did not, and so his glowing words seemed to fall like ice.

Sol Jones rejoined with a calm statement of the law, and begged leave to bring the jury back from the realms of imagination to a consideration of the real facts of the case. This he did in a cold, methodical way; but it needed no eloquence to set the evidence off.

The "minister" then followed, and he made a most brilliant appeal in behalf of the boy. He touched the hearts of all that heard him, and they really enjoyed his pathetic pleas. It was as good as a theatre. He was frequently applauded. As a camp-meeting effort, it was worthy of all praise. No doubt, it would have converted many a sinner. But it didn't convert the jury, because after all, the whole discourse was only a make-believe. It was given in behalf of the boy as a matter of good nature, but not of burning conviction; for neither did he believe that the boy was innocent, and his smooth sentences also glided over the minds of the jury like puffs of wind.

"I know I've been preaching," said he, "I haven't done a thing for your client. His neck is as good as broke. I did the best I could though. But you might as well attempt to change the eternal hills as to change these men. See how glum they look."