

State of Colorado Versus Nels Jensen

By ANNA S. RICHARDSON

Copyright, 1937, by A. S. Richardson

YES, sir, that case certainly did tear up the whole San Juan country, an' the ole woman an' me was about as close to it as anybody.

You see, young Murray had come to our ranch to board an' get set of a bad case of woutout nerves. Every mornin' he'd go an' tramp with his rod an' his pipe, an' mostly we wouldn't see him till night. Well, one mornin' he'd slipped an' fell from both banks an' from bowlders in the middle, an' before noon he was tucked out an' ready to set down under a willow tree an' eat the grub the ole woman had fixed up for him.

All of a sudden, comin' over the raise behin' him, he hears the thud of hoofs. He'd read of stampede herds, an' he shins up that tree lively.

When he looks down from his perch, he sees comin' down the slope a kid a-boreback. He's bareheaded, an' he bends so far over his mop of yellow hair most touches his little mare's black mane. Right behin' him, a yellin' an' a-ridin' like mad, comes a man. He's standin' up straight in his stirrups, with the very devil in his face, an' swingin' over his head, a-critikin' the air like a whiplash, is a wicket lookin' brandin' iron.

The kid's makin' for the river, but the little mare stumbles on some loose stones an' throws the youngster full length. Somethin' tells Murray the devil on horseback 'll brain that kid if he gets the chance, but before Murray can let out a yell or make a move there's a sharp report, the ping of a bullet, an' the kid, down goes that brandin' iron, kerslap, an' without a word the man aways an' slides off his horse.

While Murray's pullin' himself to gether the kid's on his feet, swingin' from side to side like a fellow with one drink too many. When he stands beside the man he's killed, he looks a mite of a young'un to send a fellow straight into the Bad Lands without a word of warnin'. By an' by the little mare comes up out of the river an' stands shiverin' like whinnin' an'. She wants her little master all right, but she ain't givin' near that boy. Then the kid turns round an' lays his head on the mare's back an' sobs fit to kill, not sobs like fear nor sorrow, but just pentup misery let loose.

At last he swings on to his mare an' rides off over the hill. Murray slips down an' hurries to the body, thinkin' somethin' might be done for the poor devil. But it's all over—light through the heart, as pretty a bit of marksmanship as you could expect from a boy born an' raised on the plains. So Murray takes a han'kerchief an' spreads it over the man's face—a face hard in life an' horrible in death.

Then he hears voices. There's two men an' a woman comin' over the hill. The men jabber away in Swede, but the woman just sets rockin' an' mounin' on a log close to the body. Once the men raise the han'kerchief, an' she takes one long, shudderin' look at the upturned face. Murray said he could read in that look all the horrors of a lifetime of degradation an' hardship.

At last the men rode off after the coroner an' sheriff, lurrin' Murray settin' with the woman. Eight miles the fellows had to ride for the officers, but before they'd reached Roatin' Branch corner Murray, in his quiet, persuadin' way, had the woman drop apron from her face, an' she was talkin' in her queer mixture of Swede an' 'Merican. What she told of her life an' her children's with the man stretched at her feet was somethin' Murray never liked to talk about, only he said that for nights afterward he couldn't sleep natural.

Anyhow, when the officers an' the hired men came back, with cowboys an' ranchmen at their heels, Murray told 'em he'd been engaged by the widow to defend her son, Nels Jensen, on the charge of murderin' his own father.

It didn't take long to hear the evidence. The boy admitted shootin' his father. He'd done it with a revolver bought to protect himself against the cruelty of the dead man. Yes; his mother knew he had the revolver. She'd given him the money to buy it.

Ole Colonel Bloomer shook his head. Damagin' evidence, that an' showed conspiracy between mother an' son. Murray did not push the boy to tell of his father's cruelty, an' the only thing the kid stuck out for was that the ole man had started after him to brain him with that brandin' iron.

Ole Colonel Bloomer leaned over to the reporters an' whispered: "Self defense, but badly handled, bungled."

Then the colonel leaned back in his chair, while the district attorney, who was two turned testify to marry an' raise a family, talked about the sacred duty of children to parents an' patricide, which, he said, this godless, irreverent generation of young uns was runnin' to. Ole Colonel said when he finished: "masterpiece! Unanswerable!"

When it came his turn, Murray got up an' walked over to the boy. Every-body commenced to rubber. That's what they'd come to hear—the young upstart of a lawyer who'd crossed right over to the ole colonel's reservation. Murray turned for one more look at the jury, as if he was sidin' 'em up. Then he looked down at the kid, who was kind of sidin' down in his chair, lookin' white an' pinched in his blue flannel shirt.

"Your honor, gentlemen of the jury," said Murray, "it would be useless for me to contest the legal an' Scriptural points made by the learned gentleman who preceded me. It would be useless for me to recite for you the events of this boy's life as I have heard them from his mother's lips or to tell you of her sufferin' at the brutality inflicted upon her son. It would be useless for the boy to narrate details that would harrow your souls an' sear your memories. You ask me, gentlemen of the jury, what argument I offer that this boy was justified in firin' that fatal shot; that he acted solely in self defense. Gentlemen of the jury, this is my argument."

With that he turned quick as a cat, an' before any one knew what was up he'd stripped the shirt off the kid's back an' swung him round so the jury an' half the crowd could see the flesh.

Great Caesar, man, you'd oughter heard the murmur that swept over that room! I never heard the like before or since unless it was the night of the cloudburst, when the waters broke on that divide up yonder.

The district attorney was on his feet in a minute, hollerin' objections in three languages, none bein' by a Scriptural as his first remark was a long shot; but his honor didn't seem to hear. He was leanin' back in his chair with his eyes closed an' lookin' sort of white round the mouth. The district attorney seemed to tumble an' sat down sudden-like. Out in the crowd women huddled their babies close an' sobbed. Murray slipped the kid's shirt on again an' coolly faced the jury.

"Gentlemen," said he, "I reckon you know the Jensen brand as you see it. The case is in your hands." Judge Hyatt came out of his trance at last an' rattled off some instructions, but most of the jurymen seemed to be lookin' away off somewhere or out in the crowd where their wives was settin', soothin' their babies to sleep.

That jury was out ten minutes by the clock, an' nary man, woman nor child left the courtroom till they heard the words "Not guilty!"

When the crowd had sort of thinned out, an' Widow Jensen an' the boy had shook han' with the jurymen, an' the judge had given Nels a few words of advice, just like he would to his own shavers, ole Colonel Bloomer come inside the millin' an' walked straight over to Murray an' put out his han' like a man.

PICTURES IN THE EYE

ONE OF THE MYSTERIES OF THAT COMPLEX ORGAN, THE BRAIN.

Theories as to the Cause of the Living Colored Facial and Changing Images That Appear on Lying Down, After an Exciting Day.

There are many who will not readily understand what is meant by pictures in the eye unless it be the imagination, or "mind's eye," of Hamlet, for the power of seeing them is not conferred on all alike. Even those who have seen them from time to time, and probably given them little heed, may not feel altogether sure about the matter without a word of explanation.

Lying in bed, after a tiring or exciting day, with your eyes closed and about to fall asleep, have you never seen, apparently in the eyeball, spots and streaks of colored light, changing their forms and shifting their places? Have you never watched them passing into complicated patterns, like those of the kaleidoscope, or into pretty landscapes quite unknown to you, or into strange faces, now and again very beautiful or angelic, but often as ugly and hideous as goblins from the infernal regions, or, haply, into scenes of action reminding you of the drama, but such as you never saw in real life or upon any stage? These pictures are more alive than the "living pictures" of the music halls. They have the hues of life, and the proper rival the quick change artist in their protean transformations. The animatograph can imitate their ceaseless evolution without a hitch or tremor will be a novelty and make the fortune of its inventor.

What are they? It is one of the mysteries of that marvelous—nay, miraculous—organ, the brain. We must distinguish them from other mysteries of the "border land" which lies between the adjoining states of wideawake and sound asleep.

They are not the images of a reverie or day dream. Whether we recall the past in our waking hours or invent novel incidents like a novelist, we can govern them to some extent and are quite aware of their fanciful or mental character. They are not a hallucination in the proper sense of the term. We feel they are subjective, or within us; we suppose them in the eye itself, whereas we believe a hallucination is objective, or without us. An apparition or specter that we take for a reality is a hallucination. The ghost of Hamlet's father, witnessed by several persons, and the spook of his distant brother, seen by Lord Brougham, were probably hallucinations of a "telepathic" order. The picture of Millais where a man starts up and sees a luminous lady at the foot of his bed is a case of hallucination. The "dream image" of the undergraduate who dreamed that he was chased by a green figure and, awaking, saw it in his room was also a hallucination.

Pictures in the eye are more akin to what are called "images." A gentleman (a doctor, if we are not mistaken), after a fatiguing day, was cheered by the sight of a beefsteak for his dinner, as he very well might, but seemingly the steak made a deep impression on his mind or his digestion, for while he was drowsing with his eyes closed after eating it, he saw it again as vividly as before, and on dropping asleep he saw it a third time in his dream. It was doubtless a substantial steak, not a ghost, and yet it haunted him.

There is, of course, more than one theory of these living pictures in the eye or, as they are called in science, "hypnagogic images." One is that they are formed on the retina of the eye and that certain rays of colored light, they are purely mental and formed in the cortex or bark, so to speak, of the cerebrum. As often happens, the truth appears to lie in a combination of both views. Recent observations of M. Yves Delage have put the question to experimental proof. When we look at a bright body—for example, the sun—and shut our eyes we see a colored spot of light, and if we move the eye up or down, to right or left, the spot moves with it. The spot, in fact, is left by the image of the sun upon the retina and therefore moves with it. Now, if the hypnagogic images are on the retina they will also move with the eye, and this is what M. Delage has found. Nevertheless the brain also comes into play in forming them.

Joseph O'Leary, an Irishman who has traveled all over the world, served in the royal navy and knows everybody. You can never mention a man or a fact or anything else but Joe knows it.

One evening I was sitting in a "decent pug" with some friends discussing the recent events in a colored city. I closed my remarks with a quotation from "Coriolanus," and just then Joe walked in and happened to hear it. "Oh, Coriolanus? Of course you know him."

EXPENSIVE KISSES.

Two That Helped to Make Eight—A Century-Old Story.

In the year 1794 the beautiful and charming Duchess of Gordon raised that famous regiment of soldiers called "the Gordon highlanders" by giving each recruit a guinea in gold and a kiss from her own lips. It is notorious that the regiment was raised to a full complement quicker than any other regiment in the British service. But the highlanders paid well for their kiss. They were sent immediately to fight the French, and in their first engagement 300 fell, killed and wounded.

In the year 1793 a stray kiss was the means of bringing about a bloody and expensive war. Prince Ferdinand of Bavaria was journeying in a neighboring state. One day he visited "the royal household," and while there his eyes caught sight of a most beautiful maiden who happened to be near him. He was so bewitched with her charming personality that he impulsively and thoughtlessly implanted a kiss upon her fair cheek. She was a princess of the royal household, which the prince knew not, neither did he know that she was an affianced bride and that her betrothal was near by and saw the whole affair. Angry words and blows followed. A duel was fought and both principals were severely wounded. Diplomatic relations between the two kingdoms were suspended, and a long and bloody war ensued, all on account of a kiss which was paid for most dearly in blood and treasure.

The Magnet. Thousands of years ago a mineral having the strange power of attracting iron was found in the country now called Magnesia, in Asia Minor. The name of this country has given us the word "magnet." This mineral, which is now called the lodestone (not loadstone), attracted the attention of the curious, and it was discovered that a piece of iron which had been rubbed with the lodestone acquired the same power of attracting iron. In other words, a piece of iron became a magnet. It was afterward found that such an iron or artificial magnet could be used like the lodestone itself to convert other pieces of iron into magnets by rubbing. Still more recently a mode of making magnets by means of electricity was discovered—that is, by wrapping a piece of insulated wire many times around the bar and then causing a current of electricity to pass through it. His may or may not be true. It was afterward found that such iron magnets are simply steel bars which have been rubbed a few times against powerful magnets.—St. Nicholas.

Success of the Solemn Ass. Look about you, gentle reader, and consider the solemn ass in every walk of life. Who so respected, so admired, so influential, his may or may not be. He never is a partisan. He goes along with knitted brows, his thoughts too deep for utterance. Smaller men will abandon themselves to hasty inclinations, to rash preferences, to robust views. He never does. If he speaks at all it is with such profundity and circumspection and complexity that the most recalcitrant cryptogram ever rescued from a pyramid would seem to burst in fragments at his feet in comparison. Yet he wears fine raiment every day. He enjoys the respect and confidence of the community. He prospers. The oil of opulence anoints him. He is the incarnation of success!—Washington Post.

High Time For Change. A story told of an old New Hampshire family which may or may not be strictly true, but which passes for truth among the inhabitants of the place where it originated.

A man who had struggled through boyhood under the name of Zephaniah Smith married a young woman whose incautious parents had christened her "Famela Jane." When their first child, a girl, was born, they announced their intention of giving her a name, which she might change for any name she chose when she reached years of discretion.

They were blessed with seven children and pursued the same course with each child. Numbers two, four, five and seven were boys and lived on in the town where they were born, never seeing any need to select Christian names for their children.

But when "Thersy" Smith became engaged to a young man by the name of Hills she considered it desirable to change her name to "Susan."

EARLY MORNING AIR.

Its Invigorating Effects Largely Due, It Is Said, to Dew.

Most people at some time in their lives probably have risen early enough to experience the bracing effect given by filling the lungs with dew in still on the grass. So far as analysis goes the composition of early morning air is not different from that of air at any other time. It is well to remember, however, that during the passing of night to day and of day to night several physical changes take place.

There is a fall of temperature at sunset and a rise again at dawn, and consequently moisture is alternately being thrown out and taken up again, and it is well known that change of state is accompanied by electrical phenomena and certain chemical manifestations also. The formation of dew has probably therefore far more profound effects than merely the moistening of objects with water.

Dew is vitalizing not entirely because it is water, but because it possesses an invigorating action due partly, at any rate, to the fact that it is saturated with oxygen, and it has been stated that during its formation peroxide of hydrogen and some ozone are developed. It is not improbable that the peculiarly attractive and refreshing quality which marks the early morning air has its origin in this way.

Certain it is that the bracing property of the early morning air wears off as the day advances, and it is easy to conceive that this loss of freshness is due to the oxygen, ozone or peroxide of hydrogen, whichever it may be, being used up.

The difficulty of inducing grass to flourish under a tree in full leaf is well known and is generally explained by saying that the tree absorbs the nourishing constituents of the soil or that it keeps the sunlight away from the grass and protects it from rain. It is doubtful whether any of these explanations is true, the real reason most probably being that the vitalizing dew cannot form upon the grass under a tree, whereas, as a rule, both rain and light can reach it.

Dew is probably essential to the well being of both plants and animals to a greater extent than is known.—New York American.

PICKINGS FROM FICTION. A witty woman is a treasure; a witty woman is a power.—"Diana of the Crossways" (George Meredith).

Speaking to, or crying over, a husband never did any good yet.—"Plain Tales from the Hills" (Rudyard Kipling).

Too many words be worse than not enough, for they'll often leave a man's meaning foggy.—"The River" (Eden Philpotts).

INVISIBLE LIGHT.

Only When It Strikes the Retina of the Eye Can It Be Seen.

What is the simplest demonstration of the fact that light is invisible? The blackness of a midnight sky demonstrates this fact most readily. We may see the planets of the moon brilliantly illuminated by the sun's rays, but the surrounding space is dark, although we know that light must be passing there.

The passage of a beam of light through a darkened room is only visible on the dust in the air, and the cone of light seen when the sun shines through a small hole in a shutter is not visible, but only light reflected from the notes in the beam. This can be easily and simply demonstrated by placing in the beam a glass vessel from which the dust has been carefully removed. The beam then may be seen before and after entering the vessel, but is invisible within. A Bunsen burner or a red-hot poker held so as to destroy the notes will also render the beam invisible at that spot.

Light is only visible when it strikes on the retina of the eye, and it can only do so when it reaches it in a direct line or is turned by a reflection or refraction into a direct line. Just as the bullets from a gun do a man no harm unless aimed or turned in their course toward his body, so light is turned toward the retina.—Pearson's Weekly.

First Women on the English Stage. It is only with the restoration drama that the annals of actresses on the English stage begin. Queen Henrietta Maria, wife of Charles I, had early made a vain attempt to introduce the French fashion of female players into her adopted country by the establishment of a French company composed only of women in London. But the experiment was premature, and the performers were hissed and pelleted off the stage at their first performance.

Until 1690 the female parts had always been taken by boys, and the custom survived even after women had taken their place upon the stage, since some of the more famous of the boy actors (grown into men) continued occasionally to play their favorite roles as late as the end of the seventeenth century. Kynaston, the chief boy actor, survived till 1690, long after the ladies had ousted him from the principal parts, and in 1661 Pepys, who saw him in the "Silent Woman," speaks of him as "the liveliest lady of a boy" he had ever seen.

Advice. The best advice that can be given probably is: Take all the advice you can get and then do as you please. The crowd counts successful, is being constantly besieged with applications for advice how to succeed. He is generally incapable of giving it. The same advice, outside of a few maxims generally applicable, is seldom good for two persons. Advice, as a rule, is cheap and about as valuable as most cheap things. To be constantly following advice without stopping to consider its source is the plain mark of weakness. It is this trait of weak human nature which makes the business of the patent medicine maker so profitable. The person of power is the one who neither gives nor takes advice in generous quantities. The world would be better off if advice were much less plentiful. Then, perhaps, its quality might rise in proportion to its scarcity.—New London Telegraph.

Sleep. Sleep begins, in its first phase, by a state of distraction which brings on a state of absent mindedness accompanied always by numerous and often hallucinations closely connected with the length of the absent minded states. Immediately afterward, in a second phase, these states of distraction pass into a very delicate motor disturbance, due to the absence of parallelism in the axes of the eyes or by the deviation of their conjugate movements. Then, in a third and final phase, which gives rise to the very near approach of actual sleep, the vasomotor system seems to conform to laws very different from those that regulate its mechanism during waking hours.—Revue Scientifique.

Cracking an Actor. A brother actor famous for his pomposity and his inordinate ambition was regaling Sir Henry Irving with a forecast of his plans for the future.

"I shall begin the season," he announced, "with such and such a part, and after that I shall appear as Hamlet."

BLAKE, MOFFITT & TOWNE
...Straw and Bindele's Board...
Tel. Main 199. 20 SAN FRANCISCO.

INCURABLE.

That is What the Books Say of Chronic Kidney Disease. But the New Fulton Compounds Have a Record of 87% of Recoveries Among Chronic Cases Incurable by All Other Means.

Druggists know that kidney disease that has hung on eight or ten months has become chronic and that it is then regarded by physicians as incurable and that up to the advent of the Fulton Compounds that nothing on their shelves would touch it. It is a proven fact that nearly nine-tenths of all cases are now curable, and druggists themselves are taking the low Commission. One of the recoveries was Dr. Felix himself, the pioneer druggist of 808 Pacific street, San Francisco, and he gave it to over a dozen others who recovered. Here is another interesting recovery. We copy from the Sacramento News of November 16, 1907.

"After a serious illness of over a year Judge E. E. Allen of this city has recovered. He regards himself most fortunate in successfully battling with what is generally considered as a fatal malady, Bright's Disease of the kidneys. In speaking of his case Judge Allen said: 'I believe that the recovery was due to the Fulton Compounds I used in accordance with the best instructions in the book. I used the medicine faithfully for nearly a year and can now say with confidence that the disease is cured. I have gained seventeen pounds and will be able to do my usual work. I am a patient. Send for pamphlet. We are the exclusive agents for these Compounds in this city.'"

Save the Baby.

The mortality among babies during the three teething years is something frightful. The census of 1900 shows that about one in every seven succumb.

The cause is apparent. With baby's bones hardening, the stomach (the most delicate system) is crying out for more food material. Sweetman's Teething Food supplies it. It has saved the lives of thousands of babies. They begin to improve within forty-eight hours. Here is what physicians think of it.

234 Washington St., San Francisco, June 2, 1902. Gentlemen—I am prescribing your food in the teething period through the most dangerous period of child life. It renders lancing of the gums unnecessary. It is the safest plan and a blessing to wait for the first signs of symptoms but to commence giving it the fourth or fifth month. My babies who will come healthfully without pain, diarrhea or lancing. It is an auxiliary to their regular diet and easily taken. Price 25 cents (enough for six weeks), sent postpaid on receipt of price. Pacific Coast, Island Fruit Co., 21111 Building, San Francisco.

Walking Leaves. Nature's law being almost universal so far as the protection of the weak creatures is concerned, it is not at all wonderful to perceive that she has formed insects into perfect imitations of flowers, leaves, sticks, etc. Some of the "walking leaves," those which are natives of India, China and Japan are particularly large, grotesque looking creatures, their resemblance being strikingly like a bundle of yellow twigs joined together with faded, macerated leaves. The limbs of this species of insect are long, slender and very twiglike, the coloring being suited to that particular species of vegetation upon which they perform the deceptive mimicry subsists.

The "walking stick," like the walking leaf, is also very deceptive as far as looks go. The males have small, slender bodies, the legs or arms starting from it just as smaller limbs of a tree or weed start from larger ones.

The "walking thorn" of Java belongs to this curious order of insects, but does not resemble the "walking leaf" or the "walking stick." The "walking thorn" looks exactly like the large compound spine of our common honey locust tree, even in color and general contour.