TEN TO TWO.

A STORY OF THE JURY ROOM. BY STEPHEN FISKE.

It was Baby's birthday, and we had arranged to have two or three people to dinner, Grandma and Grandpa, of course, included—and to hold a small and early reception afterward, so that the Baby might be duly exhibited without being kept from her beauty sleep.

My wife had impressed upon me the necessity of not being late; and I left my office at five o'clock, in time to buy a few flowers to take home with me to decorate the table and the parlor. Among the friends invited was Judge Gedney, and it occurred to me, as a clever idea, to stop at his court-room for him and enjoy his

company during my car ride up-town.

The dusky court-room was almost deserted, I could make out the Judge upon the bench, and spec ators, like ghosts in the shadows. Business seemed to have come to a stand-still, and I expected to hear the crier announce an immediate adjournment. Judge Gedney recognized me with a nod, and I took a seat to wait for him. Presently the clerk reported that the jury-panel was exhausted, and the Judge ordered him to recruit a jury from the persons who happened to be in the room—reporters, lawyers not engaged in the case, spectators, anybody who was eligible. There was a general movement toward the door; but a court offinal ballot. But, to my astonishment, the merchant, moaning with neuralgia, procer closed it adroitly. As a disinterest- tested. ed observer, I had a quiet laugh at the impatience of some of the people who were thus detained.

"I ain't so sure about this case as I was," said he, "and I'd like to hear the other side—augh!—if anybody has anything to

To my surprise and amusement, I

"All right, Judge," I replied, with my usual readiness to oblige, and was forthwith duly sworn and took my seat with the other eleven recruits.

horizon. Instead of this artistic proceeding, the spectators of the first per-formance were treated to two moons, formance were treated to two moons, the revolving discs being worked wrongly and moving off in different directions when they should have contracted into a pale luminary. The designer told his story; the mechanic his; and then Steele Mackaye lectured the jury upon moons in general, but was cut short by his own lawyer. The counsel summed up years of the barroom opposite had tied to the string.

"I've been in this 'ere room afore," he said, looking around triumphantly, "and I know the ropes. This will make us comfortable and harmonious," and he hauled in a bottle of whisky, which the landlord of the barroom opposite had tied to the string.

"Let's get up a game of pinocle," cried a jovial juryman, taking a pack of cards from his pocket.

general, but was cut short by his own lawyer. The counsel summed up very briefly, and Judge Gedney charged us very sensibly and impartially.

"Gentlemen of the Jury," he said, "the plaintiff sues for compensation, under a written contract, for making a moon according to a certain design given him by Steele Mackaye. The contract is not denied. Neither is the design. The defence is that, at the first performance, the moon did not work properly. Whose fault was that? If you find that the moon was made according to the design in a sealed verdict.

"But, gentlemen!" I shouted, and then pictured to them my situation—the judge waiting for me—the Baby wa moon was made according to the design then the defence is all moonshine then the defence is all moonshine and the plaintiff is entitled to his pay for his work. To hold him responsible for the blunders of the designer or the stupidity of the property men, would be unjust. If, on the other hand, this moon was made out of green cheese, or in some other way not in accordance with the agreement, the plaintiff cannot recover, and his counsel must be a lunatic to press this suit. Gentlemen, you have heard the testimony of the plaintiff and the defendant, and have had an opportunity to surpass most astronomers of the designer or the student of the host, a prisoner, miles from my home, with a lot of stupid jurymen who stood ten to two upon the simplest case ever tried in a court! The thought was madness. I demanded another ballot.

"A dinner party."

A dinner party."

A dinner party. And here was I, the host, a prisoner, miles from my home, with a lot of stupid jurymen who stood ten to two upon the simplest case ever tried in a court! The thought was madness. I demanded another ballot.

"O, don't bother!" cried the pinocle players.

But I did bother, and plead, and argue, and worry, until another ballot was taken for my exclusive gratification.

"Count me—O, dear how my face hurt! with the majority," said the accursed neural provided in the highest Courts: therefore, beware of all initiations or anonymous schemes."

ONE DOLLAR is the price of the small initiations or anonymous schemes."

ONE DOLLAR is the price of the small initiations or anonymous schemes."

ONE DOLLAR is the price of the small initiations or anonymous schemes."

portunity to surpass most astronomers by examining the moon at close quarters.

The plain issue of fact the Court must leave to the jury; but I do not think it will take you long to discover the man in the moon."

It was just on the stroke of six o'clock when as a matter of form we noticed to the man in the moon."

With the majority, "said the accursed neuralgic patient.

"Ten for the plaintiff; two for the defendant," announced the foreman.

Lights had been brought. The pinocle players were enjoying themselves. The neuralgic wretch was trying to sleep, with his handkerchief over his face. The big

The jury-room was a small, bare, un-comfortable den, and, at first, nobody seemed to care to sit down in it, except

more experienced, and said, briskly, that the first thing to do was to take a vote for plaintiff or defendant. He tore up and passed around slips of paper, upon which we wrote our preference, and then collected them in his hat. The old merchant with the neuralgia would not vote. "Get your majority," he pleaded, "and then count me in."

Of course there was no doubt that the verdict would be unanimous, and some imp of mischief inspired me to vote for the defendant. It could do no harm. It would delay us only a moment. I would explain that it was one of my little jokes and change my ballot. No sooner thought than done. The foreman gravely took the pieces of paper out of the hat; examined them and announced the

"Nine for the plaintiff."
"Put me down for the plaintiff,

please," said the neuralgic merchant, with a groan of pain.

"All right, sir! Ten for the plaintiff and two for the defendant."

"Two for the defendant!" I exclaimed.

ralgia, "Count me with the majority."
"No, sir," replied the foreman, with official dignity, "you must vote like the rest of us had get it over."

Again the pieces of paper were dis-tributed, and written upon and put into the hat. I wrote "PLAINTIFF" very legibly upon my ballot and did the same service for the neuralgic merchant. Then the votes were counted.

"Gentlemen," announced the Foremen, "we stand ten for the plaintiff and two for the defendant—unless somebody has been joking again. I call the jury to order. We are ready to hear any ex-

two other practical jokers in the room? let me go to bed and not be distanced about a week, I think that I will get over I looked at my watch. Time was flying, and I knew that Judge Gedney was waiting for me—to say nothing of the little jury system is away below ing for me—to say nothing of the little company at my house. This verdict must be settled at once. Despair gave me eloquence. I rose to the occasion and be-gan a statement of the facts for the do you?—he was triumphantly defeated. plaintiff—which occupied at least ten

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heard my own name called out, as one of there be? Besides, it was getting awfully heard my own name called out, as one of the impromptu jurymen, and I rose, smilingly, and shook my head at Judge Gedney. He beckoned me to come to him, and, leaning over the bench, said, in his genial manner:

"Go into the box and help me out with this case. It is a very simple one and will not take ten minutes to try. Then I'll go home with you. You might as well wait for me here as anywhere else."

"All right, Judge," I replied, with my there impromptu jurymen, and I rose, smilingly, and shook my head at Judge close to my dinner hour.

The keen, wiry, lawyer-like man took the floor and proceeded to give his views of the evidence, and to reply to all my arguments, one after the other. He did it very cleverly; but I could see my way to refute him conclusively. No; there was no time for discussion. I would bite my lips and let the talk run dry. This maneuvre succeeded. After the keen, wiry man had concluded, nobody else had anything else to say. Another ballot was taken.

"All right, Judge," I replied, with my

"Ten for the plaintiff; two for the de fendant," said the foreman, The neuralgic merchant moaned that he had voted for the defendant this time, by

The case was, indeed, a very simple one, and a very funny one also. A mechanic had been employed to make a property moon for Steel Mackaye's theatrical company. The moon was intended to rise, showing red, contract, and become dead white as it climbed above the horizon. Instead of this artistic pro-

up a string.
"I've been in this 'ere room afore," he

"Let's get up a game of pinocle," cried a jovial juryman, taking a pack of cards from his pocket.

says that you can bring in a sealed verdict without sending for him. He's gone to a

when, as a matter of form, we retired to the jury-room, chuckling over Judge Gedney's charge. My dinner was to be at 6.30. There was just time to agree upon a verdict and record it in due form, while the Judge prepared to accompany me home.

II.

his handkerchief over his face. The big man was fishing from the window for another bottle. Several of the jurymen were smoking the worst cigars I ever smelled. I was obliged to smoke in self-defence. Then I grew hungry from thinking of the dinner. Sandwiches were fished for and caught, at my expense. Ha! Ha! This was a fine way to celebrate my Baby's highlay!

I draw a veil over my sufferings, my an old merchant, with a querulous voice, who held his handkerchief up to his face, threw himself upon a chair and said:

"Please settle this among yourselves, gentlemen, and count me with the majority. My face hurts so that I can't think about anything else"

I draw a veil over my sufferings, my imaginations, my schemes of vengeance upon all concerned in this nefarious affair. We took a ballot, by agreement, every hour, and always with the same result. As midnight approached, I had my last gleam of hope. It was to send up to Judge Gedney's house and ask him whether we might not leave a sealed statement of our Gedney's house and ask him whether we might not leave a sealed statement of our 100 Chests of well selected TEAS Miramichi

The reply was verbal. "Tell the jury," remarkably low prices. said Judge Gedney, "that such a course

"Deal me a hand in the next game," to the pinocle players, and "pass that bottle Cheese! this way," to the big man, were my only comments upon this message. Words fail sometimes. My only hope now was to forget that I had a home and a Baby, keep quiet until the morning, and then calmly assassinate Judge Gedney in open court.

We played cards; we drank; we smoked;
we ate sandwiches; we told stories; we we ate sandwiches; we told stories; we sang jolly songs, and we took formal ballots every hour; but we talked no more about the case. What case? It seemed ages ago that I, a happy father, had been sitting in the jury-box, laughing at the comical evidence about the moon. After a while we slept, by snatches, uncomfortably on chairs. A night of horrors never to be forgotten! A night that seemed endless.

The morning came, cold and raw and dismal. A breakfast of sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court officer at the sandwiches and hot coffee was supplied by the court of the sandwiches and hot coffee was supplied by the court of the sandwiches and hot coffee was supplied by the court of the sandwiches and hot coffee was supplied by the court of the sandwiches and hot coffee was supplied by the court of the sandwiches and hot coffee was supplied by the court of the sandwiches are sandwich

coffee was supplied by the court officer, at our expense. I had sunk into a sullen despair, and had a bad hadache. Ten o'clock, at last, and we were called "Why, I only voted once!"
"Well, how many votes did you expect to cast?" asked a keen, wiry, little man, with a lawyer-like look.

Ten o'clock, at last, and we were called into court. There sat Judge Gedney, fresh, bright, genial as ever. "Gentlemen," he said, "I am sorry and surprised that you have not been able to agree about so simple to come.

"But there were two votes for the de- a case. You are discharged for the term. fendant," I exclaimed, "and I only cast one, and I meant that as a joke—I beg your pardon, as a test."

"I don't see no joke in doin' juryduty," grumbled a big man, who had been sulkily staring out of the window.

"I do not want any more such jurymen on my panel. Call the next case!"

This was his gratitude—his friendship!

As I glared at him, red-eyed, my glances would have slain him had they been the daggers I desired. He leaned over to me as

been sulkily staring out of the window.

"Gentlemen," said the foreman, "we must take another ballot. Everybody must vote, this time, and I hope"—glancing at me significantly—"that there will be no joking,"

"Augh!" cried the merchant with neu"Augh!" cried the merchant with neu-

waehner? You asked that this case should be set down for to-day."

I limped out of the court room; took a Turkish bath; bought a clean collar and cuffs and presented myself at home in as respectable a condition as possible. The Baby was asleep—fortunately. The Mother of the Baby pouted at the sight of me and exclaimed:

Chatham, 19th Nev., 1889.

"What a shame for you to volunteer on an all-night jury when we expected you home and Baby's birthday, too. But

pressions of opinion."

Two for the defendant? I had voted plainly enough this time. Were there two other practical jokers in the room?

Thank you for not worrying, dear," I replied, "and thank Judge Gedney very much for his kindness. Now, if you will iet me go to bed and not be disturbed for It may be added that my respect for the

CURETHELAME The case seemed so clear—as, indeed, it was—and I seemed to have stated it so

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With the majority? Was there a difference of opinion, then, about so easy a case? I had never been on a jury before; but our foreman appeared to be fore; but our foreman appeared to be forema

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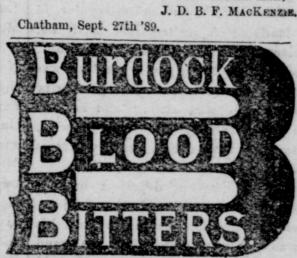
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