

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers* 2, 1886 – 1887 June 5, '86 to May 21, '87)

[editor's note: Glued to the first page of this story, is an edited newspaper version cut from the *Cincinnati Commercial*, December 26, 1886.]

Budget, Herron Editor
June 26, 1886

A Night with Judge Lynch

Although I had been a member of the – bar for a number of years, and knew all the distinguished judges of the state, and of the United States, I had never made the personal acquaintance of the most celebrated judge in the land, viz., Judge Lynch, – until I went to reside one year in a neighboring state where it was said that Judge Lynch was born and reared. The meeting came about this way. But first let me say a word or two about the pedigree of Judge Lynch. Rumor has it that he is a sort of judicial revenge, and spring up spontaneously in those parts where the judges are weak, the criminal lawyer unusually bloated, and abnormal, and the juries have the itch; i.e., “itching palms.” He is a kind of perambulating court of oyer and terminer, especially terminer, bearing the unsigned and unsealed commission of a mob, and considered as a warning to judges who dispense with justice! Now it so happened that in this town of K with its pretty courthouse of imitation sand stone, and the figure of Justice away up in the air, there had been a delightful series of legal farces performed, in which Justice was treated like the clown in a circus. The last farce was a grand set-to between the notorious criminal lawyer Mallory Jock, and (intellectually) little Judge Wiggle Waggle; and in which the judge was knocked clean off the bench into the lap of a comic newspaper; where I regret to add, he is still sprawling. They say that Mallory Jock's fee was \$5000, – but now I come to think of it, you do not yet know who Mallory Jock is. Well, all I can tell you is that he is a man who has saved more lives, human lives, than any Humane Life-Saving Society or apparatus in the world. He told me himself that he had rescued 25 murderers from the gallows, and besides he has saved a million of money for the state by keeping a hundred thieves, burglars, and footpads out of the penitentiary, and forced the culprits to be self-supporting. Now, as there were no theaters or concert halls in K, one of the permanent amusements of the place was, during the judicial season, to see Mallory Jock, cuff, (figuratively speaking) Judge Wiggle Waggle all around the court room, to the immense delight of the people who live without work.

In human affairs there is generally a tragedy following a farce. The gods seem to think that most people laugh in the wrong place, and to correct this they inflict an epidemic or a riot, in order that the subject of laughter may be washed away in tears. But to return to my meeting with Judge Lynch.

On this very day the great criminal lawyer Mallory Jock had saved the life of another human being. No less a life than that of Bill Bunghole who had shot and killed a street car conductor because he asked for the car-fair. In this notorious trial Mallory Jock not only “knocked out” the Judge on the law, but in a roaring Niagara of eloquence he

succeeded in persuading twelve men that his client Bill had mistaken the conductor's ticket-punch for a pistol, the conductor for a highway robber, and had shot the latter in self-defense. And he made Judge Wiggle Waggle charge that if the defendant really thought the ticket-punch a pistol, the conductor a robber, and that the punch was pointed in a menacing manner, they were bound to treat it as though in fact it was not a ticket-punch, but a veritable revolver with 42 calibre shot in it!

Bill was acquitted and the Judge and Mallory Jock walked home that evening arm in arm, amid the admiring glances of the bystanders. As may be expected, Bill was delighted at his escape, and he honored it with a roaring spree which lasted a week, and kept the town in an uproar. There was singing, drinking, and fighting in harmonious concord, until one night the bar-keeper, in a thoughtful moment asked Bill for payment and Bill, whose life had been saved at an expense to the County of \$1000, was naturally indignant, and knocked the thoughtful bar-keeper down with a beer jug. A brisk fight then took place all along the line, between the saloon-keeper and his men and Bill and his friends; and the battle raged and surged from the bar to the kitchen, and from the kitchen to the street. Finally a Constable jumped in and knocked the brawlers right and left, and, unfortunately, Bill among the rest. The latter jumped up, ran across the street, came back with a shot-gun, and poured the contents of both barrels into the Constable and killed him on the spot. This was the climax. The fighting ceased, and even Bill looked anxiously down at the now quiet Constable; then he gave the gun to a friend and some one said "Bill, you'd better git," and he walked out into the street, and slunk along under the cover of the houses.

But as he hurried along, he became aware that something was the matter with that town. People ran swiftly ahead of him, and others were slightly dogging in his footsteps. He listened, and he heard the fire bell ringing, and people shouting to each other; then came the tramp of men marching and just as he turned the corner he found himself surrounded with a huge mob of men, many of them masked and all armed. At the head stood the leader, dressed in a red shirt, pantaloons stuffed in his boots, a slouched hat, and under his arm a long, black barreled rifle. "Hello, Jim. Long Jim is that you?" asked Bill in a broken voice. "No," was the reply; "this is Judge Lynch! Step in here; hold up your hands; right about face: -March!"

Yes: this was Judge Lynch and his jury. When the distinguished jurist passed my door, I was smoking my evening cigar and wondering if the clouds that scudded across the moon meant rain or snow, when a fellow in his night-shirt and a mask beckoned me with his revolver, and I fell in line, and marched with the judicial train.

Bill, as he walks along looks eagerly into such faces as are not masked, and notes the difference between these men's glaring eyes and the pleasant looks of his friends, the late jury: no tears, no smiles; only anger, dark and vicious as the ocean. Once or twice Bill tried to speak, and he got as far as "Now Jim, now boys, by G — give a fellow a chance for his life" —when a revolver would be put to his head and the brutal order to "shut up" would close the appeal for a chance. If he could only see the please-everybody face of Judge Wiggle Waggle, or the truculent eye of Mallory Jock, —but no such gleams of hope were to be found. This was not a court of law, but a rough and ready tribunal for justice. On and on went the crowd, with the victim in front to a spot where a long strip of woods,

the remnants of an ancient forest, divided the commercial from the agricultural part of the town. Silently they passed beneath the trees to an open space, where a few saplings grew among the stumps of their gigantic predecessors, and here Judge Lynch held his court. The moon occasionally peeped through the clouds, and silvered the heads of the judges, and dulled the red light of the lanterns. Rapidly and deftly a rope was thrown over the top of a sapling, and brawny arms held it toward the Earth while a noose was adjusted, and Bill, on his knees cried out and begged for mercy. "See here," suddenly said the leader who was evidently the leader pro tem, as he blew a flake of snow off the barrel of his rifle: "there are two ways of doing a thing, and this is the wrong way. Has Bill confessed? If he hain't someone must take him back and identify him as the one as did the shooting." "What, Hell!" Shouted one who had charge of the gallows; "Do you suppose I am going to hold this tree down all night? Why, Tom saw him kill Berry, and the conductor; and Matt and Nate seed him shoot the Dutchman. Why, Long Jim, what is the matter with you?"

Oh! Yes, there was plenty of proof. How prompt and swift were the witnesses! Old friends and new ones, companions and enemies stood up and poured out their knowledge against the culprit, – and what a picture they drew of him! Mallory Jock was not there to bully or cross-examine them; nor Judge Wiggle Waggle to frown upon the stupid, and smile upon the impudent and bold; nor a crowd of gaping people to appreciate the legal jokes. The identification was perfect, and even Long Jim was satisfied, for he drew back, and motioned the executioners to advance with their struggling and pleading victim, which they did with a frenzied shout of joy.

But this was A night of surprises. For suddenly the cry of "The Sheriff The Sheriff" arose, and a fierce tussle ensued to complete the job before the arrival of that officer. Sure enough not only could the sound of a galloping horse upon the hard pike be heard coming, near and near, but in another moment the mounted sheriff road recklessly through the crowd and leaping down by the side of the prisoner shouted, as he waved his revolver "Hold on there! Stand back! I'll shoot the first man that moves. This is my meat. In the name of the Commonwealth by God, I arrest –" This was all he said, for the next moment there passed above his head a formidable piece of wood, and then the Sheriff, his hat, and his gun, went in three different directions and the stalwart officer fell with such a force upon the ground that it was fully a minute before he turned over, rose to his knees, rubbed his head and shoulder, and looked around for the thunderbolt which had struck him. "George, my boy," said one of the laughing bystanders to the dazed sheriff, picking the dirt out of his ear, "don't you know it is a contempt of court to interrupt the judge with your circus business? Be mum, old fellow, and shut your eyes or ye'll get worse nor that." But there was one man in that crowd who saw his opportunity, and he was the prisoner. The man who held him had been knocked down by the reckless rider, and the horse was standing within two feet of him. Bill saw his chance, and in a flash mounted the horse, threw himself flat on the horse's mane, and struck out boldly for liberty. As he plunged beneath the trees, a running fire of pistol shots followed him, scattering the bark and branches of the trees, but missing the fugitive, who kicked, tugged, and urged the steed forward with desperate eagerness.

As Bill reached the pike he rose up to see if the road was free, and as he did so, the

moonlight shone on his white shirt, –and then came the loud, sharp crack of rifle which cut the air like the thing of the whip. The horse stood suddenly still, the rider threw up his arms, and then fell backward to the ground with a thud that echoed through the wood and made even Judge Lynch tremble. Then they rushed up to the body, examined it, passed their lanterns around it, pick it out of the road and placed it just within the plank sidewalk. Yes, the trial and the execution was all over. The bullet had made a hole in his back and chest wide enough to let out Bill's wretched life; and the cold, cruel eyes half shut were crueler and colder than ever. Is he dead? Yes, thoroughly dead. Gradually the court of Judge Lynch dissolved and vanished, leaving only the rope on the sapling, the silent victim, the dazed sheriff and a couple of bystanders. The following dialog took place between the Sheriff and Long Jim.

Sheriff, (rubbing his hand and groping for his pistol: “yes, sneak away, all of you. But I know you, and damn me if I don't fill the County Jail with some people. This is murder in the first degree. I say Jim, did you hit me?”

Long Jim: “Not yet, George.”

Sheriff: “No, and you'd better not. Some fellow will get killed aforelong. Slink away all of you. This is murder, and don't you forget it. Bill was entitled to a fair trial and justice.”

Long Jim: (scornfully) “A fair trial and justice!

Sheriff (indignantly) “Yes, by God, justice.”

Long Jim “Where do you get it George? Not in your legal circus old boy! You get lawyers' jaw and Judge Wiggle Waggle! nary justice. Now jest close up your head and go git the coroner, and don't tell what yer don't know. Don't speak agin the judge either, do you mind.

I left them still disputing. This is the only time I ever met Judge Lynch; the meeting was short but impressive. I never see Judge Wiggle Waggle shuffling with the scales of justice – slipping his fingers down upon the beam but what I see behind him the court train of that other judge, the judge with the ready rope, the repeating rifle, and the mask. I mean Judge Lynch

Henry Hooper