

PRISON REFORM.

The Jury After Six Days Reports a Verdict.

HOW IT WAS OBTAINED.

The Most Remarkable and Unprecedented Outrage Ever Perpetrated by a Judge on the Bench—Visits the Jury Room and Seizes the Jurors into Compliance—The Hired Mob. The Incident of the G. A. R. Button.

PART II.

TWENTY-SECOND PAPER.

(The writer of the following was sentenced to life imprisonment in the Ohio Penitentiary for fighting a street duel in which the defamer of his family was killed. Pardoned after eight years imprisonment, he proposes in the columns of the Globe to tell "a plain, unvarnished tale" of life in a modern penitentiary.—EDITOR.)

The trial was concluded without any further incident, and the case given to the jury after the delivery, by Judge Pugh, of "a hanging charge." It was so viciously unfair that even the veteran lawyers at the bar were astounded at its ringing malice and determined purpose to secure a verdict for the highest grade charged. The usual exceptions were filed by my counsel, to not only the charge but to the refusal of the judge to lay certain matters before the jury which counsel for the defense offered. The jury retired, and the universal opinion, outside the newspaper offices appeared to be that the jury would disagree, my immediate friends alone hoping for an acquittal, while the radical among my enemies, led by Booth, of the prosecution, predicted a first degree verdict.

I had a line on the jury which I imparted to my counsel some days before the close of the trial, and on which they and myself relied for a disagreement. It was this: The foreman of the jury knew me favorably, as he was deputy sheriff under a preceding administration. He lived on his farm a few miles from the city and was what might be termed a professional juror. That is, his spare time from the farm was spent in the jury box, as his name was invariably drawn from the box or he was summoned when some juror disqualified. In my case he was selected by the judge in one of his made-up lists, and my counsel, knowing him to be a fair, honest man, agreed with me to let him qualify. His wife and daughter were acquaintances of my wife, and during the trial they became closer friends. This lady on several occasions took a seat near my wife, opposite the jury, to impress her husband with the friendship that existed. It must be stated that the jury was locked up each night at the court-room during the three months the trial lasted. Beds were provided, and the jurors were marched out three times daily to their meals, under guard of court bailiffs. Twice during the trial some of them were excused from Saturday until Monday to attend to their private business, after being instructed by the judge to neither discuss the case with anybody nor read the newspapers. The second time the foreman was excused the State had its case all in. While at home he discussed the case with his wife, who was anxious that for my wife's sake, I should be acquitted. The foreman imparted to his wife this information:

"About acquittal, I think it is a little doubtful, owing to the strong public opinion against him. I am satisfied, however, it will be a mistrial and the jury will disagree. The State has made a very weak case, so far as testimony is concerned, but it is strong enough in the newspapers, where the State has tried Mr. Elliott. He will never be convicted by this jury of any grade of murder. It was a street duel, and it is a question whether Osborne or himself fired the first shot. Osborne and Leving were out to kill him, and so informed numbers of witnesses whose testimony stands unimpeached. If Elliott hadn't fired quick he would have been killed sure by Osborne, who was a dead shot. You can tell Mrs. Elliott that the jury will disagree in my opinion, at least I will never vote to convict him."

It may easily be inferred with what pleasure I received this information, as a disagreement would be a practical acquittal. The judge would be forced to grant a change of venue, and I knew that in any other county in the State, outside of Columbus I could secure a fair and impartial trial, introduce the vile article of Osborne and be acquitted to a certainty, as my brother was subsequently acquitted on his second trial, in 15 minutes after the case was given to the jury. But Pugh was on deck and had his hand on the lever. When the jury remained out two days and gave no intimation of agreeing, the State took the alarm. The papers became more violent, by instruction from the judge and the State's counsel. Copies of these articles reached the jury. Still it held out. Finally, on Thursday, the foreman sent to the judge for an interpretation of the law on a minor point in the case. This is what the judge was waiting for. He sent for the jury and delivered a second charge of over an hour's duration, which he had prepared, and which left no choice for the jury but to bring in a verdict of guilty. Everybody looked for a verdict that night or Friday morning, but the jury still stuck. Now there was genuine alarm in the press and among counsel for the State. The Ohio State Journal led the assault, followed by the Evening Despatch and the black-mailing Press Post. A riot was threatened, and the burning down of the court-house, the same as had a few years previously occurred in Cincinnati in a murder trial. Copies of the newspapers mentioned, with scare headlines, containing these blood-curdling stories, found their way to the jury room, and on Sunday some of the pulpits came to the rescue. The Christian preachers expressed surprise that the jury should have taken a whole week and failed to agree "in such a plain case."

The jury was weakening, and under

this fresh impetus given the case by the pulpits, my friends gave me up for lost. All day Sunday my enemies beat up the bushes for toughs and rowdies to gather at the court-house and fill the corridors. A mob of these ruffians gathered under the windows of the room where the jury was deliberating and howled themselves hoarse, uttering the vilest threats and demanding my conviction at the peril of the jurors' lives and the wrecking of the court-house. When night set in the demonstration became violent, so much so that my brother and myself could distinctly hear in the jail the hoarse shouts and distinguish the threatening expressions.

But the most infamous outrage was to take place. At midnight Judge Pugh drove up in a hack to the court-house, and, ascending to the ante-room where the jury was deliberating, sent for and "consulted" with several of the jurors, including the foreman. Pugh called their attention to the excited condition of the city and the fear expressed by the business men that if a verdict of guilty of some grade of crime was not speedily returned the mob would burn down the court-house and the jurors' lives would pay the penalty. Pugh remained at the court-house until he had practically forced a verdict from the jury, through the fear for the lives of its members. He then re-entered the hack and drove to the Ohio State Journal office. He informed the Journal that the jury would report a verdict of second-degree murder at 10 a. m. Monday morning. The judge then went home to his wife and children!

Sure enough, long before daylight (it was in August) the newsboys were crying out "Ohio State Journal. The Elliott verdict. Murder in the second degree!" About 4 a. m. I arose, and through the night guard obtained a copy of the Journal. On the first page, first column, under the indicative head—

"MISSED THE NOOSE,"

I read to my amazement the fact that the jury had found me guilty of murder in the second degree! At first I thought it was a fake, inasmuch as I had never read or heard of a newspaper publishing a finding of a verdict before the jury had announced the same. But as I read the circumstantial account in this corporation newspaper, owned by the Pennsylvania Railroad Company, under the nominal proprietorship of a malicious and cowardly sneak named J. D. Ellison, of Cincinnati, I became convinced of the truth. Great was the astonishment of my counsel and friends, and, indeed, of the whole city, as much, it must be stated, at the fact that a newspaper had the verdict in its columns hours before the jury reported it in court, as at its palpable unjustness.

Court convened at 10 a. m., Monday morning, with Pugh on the bench, smiling and serene but showing evidences about the eyes of his almost all-night labors with the jury and the Journal. There was considerable delay about the jurors' entrance to the box, which was afterwards discovered to be caused by Juror Aubert. It appears Aubert was the last man to surrender his conscience and agree to the verdict. When the jury announced its readiness to report, and as the members were proceeding in single file to the door of the court-room to enter, Aubert halted and refused to proceed. The eleven jurors were panic-stricken. The court-house was packed, and the streets in front of the edifice. Aubert stated in reply to the question of the foreman why he halted:

"My conscience revolts at convicting this man who only did what you or I, or any other man, would have done or ought to have done under similar circumstances. I can not face him and announce this as my verdict. It is not!"

Here was a mess! All Pugh's labors to go for naught at the last moment. The jurors begged, pleaded and pointed to the mob, the hoarse murmurs of which ascended and penetrated through the court-room windows. The audience in the court-room became impatient, and their murmurs were distinctly heard by poor Aubert. He thought of his family and surrendered to the first law of nature—self-preservation, as assuredly he believed that if it was announced he alone was holding the jury the mob would tear him limb from limb, and his fellow-jurors excitedly informed him that they would put the blame on him. With the foreman in the lead, ghastly white in the face, and with eyes cast down, the 12 scared men filed in and took their seats in the box. The usual questions being asked and answered, the foreman handed the sealed verdict to the clerk. The juror sitting next in the box to the foreman wore in the lapel of his coat the G. A. R. button. When mustering officer of the District I had mustered into the G. A. R. the post to which he belonged and secured his selection as the first Post Commander. We had always been friendly, and I counted myself fortunate when he qualified as a juror, for I said to my counsel, "He is a man of sand and conscience and will not be intimidated." When the clerk, after opening the sealed envelope, was instructed by the sardonic grinning judge to read it, I had one of my little boys sitting on my lap. His aunt was on my left and my wife occupied the chair to the right, while the other children and a few near relatives sat in adjoining chairs. The clerk read, "We, the jury, find in the charge of first degree—just as these words left his lips my sister-in-law fainted, and after her removal to the consultation room, the clerk continued, "We, the jury, find the defendant 'not guilty.'" There was a pause, and Pugh's eyes snapped fire as the clerk proceeded, "On the charge of murder in the second degree we, the jury, find the prisoner 'guilty.'" The announcement was received with some hisses and other manifestations of disapproval by my friends, but the court-room was soon as quiet as the tomb, the immense concourse waiting breathlessly for the further proceedings. The judge asked counsel for the defense some question which I did not catch or comprehend, being busy trying to calm the little fellow I held on my lap who was sobbing without understanding the cause. Counsel turned to me and asked if I desired "a poll of the jury."

"Yes, emphatically," was my response.

I then watched each man as his name was called. When the foreman's name was called and he was asked, "Is this your verdict?" He answered, "Yes," in a flood of tears. Poor fellow, I knew he was forced against his conscience and his friendship to vote as he did. He was fully certain his life would pay the forfeit if he voted otherwise. As each juror answered his name I tried to catch his eyes, but each man hung his head and avoided looking at me. The spectators who looked on at this dramatic and impressive scene expressed themselves when it was over to the effect that it was the jurors and not the prisoner who looked the condemned criminal. When the name of my G. A. R. comrade was called he raised his head and answered "yes." As he did so I plucked the G. A. R. button from my coat and flung it at his face. It fell at his feet and rolled on the floor as I hissed between my teeth, "Traitor! perjurer!"

This was all; the show was over. My enemies had triumphed and I stood condemned by a verdict of my peers—or such peers as they were!

The usual motions for a new trial and arrest of sentence were filed and I was remanded for one week until the judge had time "to take the questions under advisement!" He grinned a little when he uttered the sarcasm. He knew that I understood him, and as I passed close to the bench I uttered in low but fierce tones my opinion of him in such words that his face flushed to the roots of his hair. No one else heard the remark, and I passed out to cross the "bridge of sighs to my cell in the jail."

(To be continued.)

THE OTHER SIDE.

Gen. John S. Mosby's War Record as Partisan

FROM THE OFFICIAL RECORDS

But Federal and Regular Ex-Confederates Repudiated Him in War—His Recognition by Secretary Hitchcock Over Gallant Ex-Federal and Confederate Soldiers—Globe Critics Fairly Answered.

The Globe has heretofore published in these columns several chapters on the famous Confederate partisan leader, Gen. John S. Mosby. From both Federal and Confederate correspondents we have been receiving criticism, from time to time, touching the tenor and sentiment of the articles published, and we have been challenged to publish the official war record of this rebel appointee of Secretary Hitchcock. The Globe, having no other interest in the matter than that of an ex-loyal soldier of the Union who has been raised with the conviction that everything else being equal, the ex-Federal should be preferred to the ex-Confederate soldier, by that Government the one helped to save and the other endeavored to destroy, for official positions in the gift of President, Cabinet officers and heads of Departments, lays the following before its readers. It will be seen even General Mosby does not come under the appellation of a recognized ex-Confederate regular soldier and that his own side repudiated him equally with the Government he did so much to destroy. And for the benefit of the A. A. P. A. (Anarchist American Protective Association) we desire to state that Gen. John S. Mosby is neither an Irishman nor Roman Catholic.

Here is the record:
"Government war reports and records, page 1241, series 1, Vol. xxxiii:
"March 26, 1864.

"MAJOR GENERAL STEWART:
"I would be glad if you would furnish me with \$2,000 secret service money, as with my present opportunities I could use greatly to the public advantage. In event of getting it, I propose investing it in tobacco and then converting it into greenbacks."
"Should you furnish it, my brother, William Mosby, the best I will take charge of it."
"Please grant no papers to any man coming to join my command unless he can furnish evidence to have been recruited by an agent of mine."
"You can very readily understand how necessary it is for success in my operations to have none but first-rate men."
JOHN S. MOSBY.

Series I, Vol. xxxiii:
"I had a good thing on them to-day, but my designs were frustrated by the escape of two prisoners."
"I have procured a fine electrician, who will be with me in a few days, which I am in hopes will add greatly to my facilities for procuring a knowledge of their movements."
"Very respectfully,
"Your obedient servant,
"JOHN S. MOSBY,
Lieutenant Colonel.

"In the event of a forward movement, either by our army or the enemy, I would like to be informed."
The above letter was to General Stewart, of C. S. A., and shows plainly the intentions of Mosby.

Series I, Vol. xxxiii:
"To inform those too young to remember the acts and deeds of Mosby, we will quote portions of letters as follows:

"January 4, 1864.
" * * * In the meantime the enemy had gone on toward Rectorstown, and I pressed, but came up just as Captain Smith, with about 35 men, had attacked and routed them (78 strong), killing, wounding and capturing 57."
"Respectfully,
"Your obedient servant,
"JOHN S. MOSBY,
"Major Commanding."

Series I, Vol. xxxiii:
"February 6, 1864.
" * * * The scouting party sent out yesterday returned this afternoon

from Aldie and Middleburg. Their rear-guard was attacked yesterday noon by eight of Mosby's men. Ormsby, who deserted from 2d Massachusetts cavalry on night of Jan. 24, was captured and is now being tried by drum-head court martial.

"Ormsby was executed Feb. 7, 1864." (See page 536, Series 1, Vol. xxxiii.)
"This was the class of men Mosby preferred rather than regular men of C. S. A. army.
Series I, Vol. xxxiii:
"Headquarters Valley District,
"January 11, 1864.

"General R. E. Lee:
"General: During the time that I have been in the valley I have had ample opportunity of judging of the efficiency and usefulness of the many irregular bodies of troops which occupy this country and known as partisans, etc. * * * Without discipline, order or organization, they roam broadcast over the county, a band of thieves, stealing, pillaging, plundering and doing every manner of mischief and crime. They are a terror to the citizens and an injury to the cause. They never fight; can't be made to fight. * * * It is almost impossible for one to manage the different companies of my brigade that are from Loudon, Farquhar, Fairfax, etc., the region occupied by Mosby. They see these men living at their ease and enjoying the comforts of home, allowed to possess all that they capture, and their duties mere pastime pleasure compared with their own arduous ones. * * * I am, general, most respectfully,

"Your obedient servant,
"THOMAS L. ROSSER,
"Brigadier General Commanding."
The above communication of General Thomas L. Rosser, C. S. A., to Gen. R. E. Lee, explains itself and how the regular troops of C. S. A. felt towards Mosby.
We will now see what the famous generals, J. E. B. Stuart, (of whom this man Mosby wanted \$2,000 secret service money to invest in tobacco—nit), R. E. Lee and others of the regular C. S. A. thought of the acts and deeds of John S. Mosby and his "band of outlaws, without discipline, order, or organization," as reported by Brigadier-General Thomas L. Rosser, of C. S. A.:

(First endorsement.)
"Headquarters Cavalry Corps,"
"January 18, 1864.

"Major Mosby's command is the only efficient band of rangers I know of, and he usually operates with only one-fourth of his nominal strength. Such organizations, as a rule, are detrimental to the best interests of the army at large.

"J. E. B. STEWART, . . .
"Major General."
(Second endorsement.)
"Headquarters Army of Northern Virginia,
"January 22, 1864.
"Respectfully forward, for the information of the War Department, as far as my knowledge and experience extends, there is much truth in the statement of General Rosser. I recommend that the law authorizing these partisan corps be abolished. The evil resulting from this organization more than counterbalances the good they accomplish."
"R. E. LEE,
"General."

(Third endorsement.)
"January 30, 1864.
"Respectfully referred to Hon. Wm. Miles, chairman of Military Committee.

"Please examine and return the papers to the Department."
"J. A. CAMPBELL,
"Assistant Secretary of War."
(Fourth endorsement.)
"House of Representatives,
"February 14, 1864.

"Respectfully returned the Honorable Assistant Secretary of War:
"The House has just passed the bill abolishing partisan rangers, as drafted by Mr. Seddon, at my request."
"WM. PORCHER MILES."
The above shows the feeling of regular soldiers of C. S. army, as well as their Congress towards John S. Mosby and command in 1864.
Page 55.

"July 4, 1864.
"Men in citizens' clothes are patrolling the Potomac, and when they find our men separated from their commands they bushwhack them."
"These men are supposed to belong to Lieutenant (Col.) Mosby's gang of outlaws, etc."
"E. B. TYLER,
"Brigadier General."
"July 5, 1864.

"Lieutenant-Colonel Laurence, Assistant Adjutant-General:
"The rebel cavalry left the Point of Rocks last evening after robbing the people and stores of money and such goods as they wanted to carry into Virginia. They were Mosby's men."
"E. B. TYLER,
"Brigadier General."

To verify the above and prove beyond a question of doubt the character of this man, John S. Mosby, and men under his command being pillagers, thieves and murderers, see pages 539, 539, 540 and 575, above reports, and in many other places. See Mosby's Report on page 2, Series 1, Part 1, Vol. xxxiii.
Where is this man, John S. Mosby, at this time?
Ask Secretary Ethan Allen Hitchcock. If he tells you correctly he will say: "I appointed John S. Mosby, the outlaw of 1863-4, special agent of the Interior Department and commissioned him July 5, 1901."

It is a well-known fact in the General Land Office, and all acquainted with the duties of a special agent, that John S. Mosby is wholly incompetent to hold or fill so responsible a position.
But that he will perform the work assigned him after the usual manner of employes of the Department of the Interior, under the present Secretary, The Globe hasn't the slightest doubt.
We hope in conclusion, that our critics are herewith convinced that The Sunday Globe plays no favorites—Federal or Confederate.

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