

C1887A



THE NEW RUG.

"Keep outen heah, missus; keep outen heah. Dars a monst'us Hydraphobium under de sofa. So long ez I eyes him straight he doan dare move, but yer better call marster, quick!"

Documentary Proof of Self-defense.

PROBABLY no legal phrase in common use is so little understood, and through this ignorance so fruitful of the long, tedious, and expensive litigation which it is said to be the object of law to prevent, as the two harmless-looking words "self defense." In law, the term embraces and describes "all the rights conferred upon the individual to protect by his own acts and agencies his property or his person against some injury unlawfully attempted to be inflicted by another." This definition should be committed to memory by every school-boy in the land. He will then have laid the foundation for a knowledge of the law of self-defense which may be of great value to him in after life.

But the chief difficulty in setting up and proving self-defense in a court is twofold.

First. We must be thoroughly convinced that a great injury to person or property is contemplated.

Second. We must be able to establish by proof that such injury to person or property was so contemplated by the assailant at the time of the self-defense alleged.

In other words, the identity of the assailant, and his sincere desire to do us great injury, either to person or property, must be proved beyond the possibility of a reasonable doubt in the minds of the highly intelligent jury. This is not so easy as at first appears. We must establish by some proof that is free from bias or prejudice that the defendant was just in the act of imbruing his hands in our gore or about to commit a felony when we smote him, as set up in our defense. Therefore the testimony of members of the family would have little weight with an average jury.

For these reasons, which I trust I have made quite clear, it has occurred to me that documentary evidence

would be the best. Supposing that I awake in the night from a sound and innocent slumber to find the bull's eye of a total stranger shining in my eyes. I see that he is ransacking the pockets of my pantaloons. I start suddenly as a wave of horror passes the entire length of the spinal column. The frenzied start squeaks the costly framework of the richly carved couch on which I recline. In an instant the gentleman whips out a small gun, tells me to move at my peril, and with his pockets full of stuff that I have toiled hard for years to accomplish, he slowly egresses. I realize that my wife would not be a competent witness on my behalf, and I have failed to provide other witnesses in my apartments. You know a man cannot think of everything. In fact thousands of men retire every night with absolutely no one as witness or to protect them but their wives, forgetting that as a protector a wife is almost worthless, and as a witness she is even more so.

So I have written out and had printed a large number of blanks, on which appear the following questions with spaces for answers. You wake up in the dead hours of night to find a party in the room engaged in the felony industry. You ask him to be seated, and taking from your writing-desk the blank alluded to, you propound the following conundrums to him, filling in the answers as he gives them :

1. What is your name ?
2. Where do you reside ?
3. What is your age ?
4. Your weight ?
5. Are you married or single; and if so, would your family be left destitute in case I should shoot you in self-defense ?
6. Do you die easy or do you generally cling to life ?
7. Are you a natural-born citizen of the United States or are you an alien ?
8. If an alien, please state whether it is a family characteristic ?
9. Do you use tobacco ?
10. Please state what disposition you would like to have made of your remains in case you should be shot in self-defense.
11. Do you drink ?
12. If so, why will you persist in so doing ?
13. What do you generally take ?
(Intermission.)
14. Do you contemplate the commission of a felony ?
15. If so, state what is your favorite style of felony and your reasons for dabbling in felony ?
16. Is this the first time you have ever taken part in a justifiable homicide ?
17. If not, please state fully where, when, and under what circumstances you took such a part, and whether or not you at that time took the offensive or the defensive.
18. Do you smoke cigarettes ?
19. Please breathe hard on the breath-tester, not necessarily for publication, but for future analysis.
20. Have you ever been insane ?
21. Are you insane now ?
22. Do you ever have microbes on your brain ?
23. If so, do you think that they tend to deteriorate

the brain tissue, or do you think that they improve it in your case ?

24. Have you any other clothes that you would prefer to be laid out in, aside from those you now wear ?
25. When did you first begin to toil up toward the pinnacle of felony ?
26. What amount of money would you be willing to take in order to forego and, as it were, omit this particular felony ?
27. Would mining stock or ninety-day paper be taken in such a deal ?
28. If unsatisfactory answers are made to both the above interrogations, will you please state fully what medical college you would prefer to endow with yourself ?
29. Is the idea of a personal devil repulsive to you ?
30. Would you please protrude your tongue as far as possible, and hold it there until a physician can be summoned ?
31. Are you an offensive partisan ?

(Sign here)

Signed in the presence
of

.....

The witnesses must be wholly disinterested parties, and in case either should be unable to sign his or her name, two witnesses to the making of the mark must be present and sign. The following oath and jurat should then be subscribed and sworn to before a notary public or court of record. The latter is preferable.

State of }
County of } ss.

On this ... day of A. D. 188... before me, a duly elected and qualified....., elected by..... majority on the..... ticket, appeared..... felony-specialist, who, being of sound mind, freely and voluntarily, being beyond the influence of his wife, doth depose and say that he is the felony-specialist above alluded to; that he signed the foregoing list of interrogatories and the answers thereto, and that he would cheerfully do it again if his life could be spared; that he is about to enter into an arrangement by which he will be enabled to grapple with the mysteries of justifiable homicide, and that he was shot in self-defense. He hopes that the jury will accept this ante-mortem statement as true, and that they will excuse all errors in spelling and a poor pen, and further deponent saith not.

(Signed)

Subscribed and sworn to before me, this.....day ofA. D. 188..

(Signature of)
notary or judge)

By using these blanks and using them intelligently, I believe that much tedious and exasperating litigation might be avoided, and that a great deal of brain fag, which is becoming so alarmingly prevalent among jurors, will be prevented. Should these lines be productive of such results, though it be in a slight degree only, I shall be proud and happy.

Bill Nye.