



Tim Bone said quietly, "There's one of your deputies, Bill. How many more we got to fight?"

THE closing arguments were finished and, after instructing the jury and watching it file out, Judge Morehead recessed the court and went over to the Stockman's House for a beer.

The courtroom spilled its crowd onto the hard-packed adobe yard. A March wind that had been pelting sand against the courtroom windows and shaking them was a wild thing out in that thin sunlight, and the crowd of ragged nesters hugged the sheltered east face of the adobe building, as silent and patient in waiting as their teams that lined the tie rails.

Ernie Manners, his worn jumper gray and paper-thin over his thick shoulders, walked with a solid and deliberate step as far as the cast-iron watering trough by the tie rail and sat on its edge. Beyond him across the road and under a leafless cottonwood, the Socorro stage was waiting. It had been there since court convened this morning, and it would leave as soon as the jury returned a verdict and Joe Williams was either freed or put aboard it for the journey north to Santa Fe.

Trouble had ridden Ernie Manners and gentled him, so that his square weather-scoured face was almost impassive as he looked at the stage. To the other small ranchers it was a token of their and Joe Williams' defeat, soon to be made public.

Tim Bone came down the walk and stopped by Ernie and said, "Don't look like anyone ever doubted that jury, does it?"

"No."

"Are those Spade riders with the driver?"

"Yes. Guards." Ernie murmured.

Tim Bone laughed shortly, without humor, and

Court Day

By Luke Short

Several exciting hours in a cattle town, where not all of the citizens could be bluffed

ILLUSTRATED BY JAMES LEWIS

fisted his hands in his hip pockets. He was a middle-aged man and wifeless, his face shaped with a strange violence that danced wicked little lights in his eyes and made his speech aggressive. "Don't look like Bill Friend had any doubts either," he observed, quietly for him.

A bailiff left the courthouse door and walked over to the Stockman's House, the crowd's murmur following him. Almost immediately, Judge Morehead came out before the others and crossed the dusty road ahead of a team, waving at the driver. The others followed, and to Ernie Manners and to all those small ranchers

of the San Jon basin it was a roll call of their victors.

There was young John Comer, the deputy sheriff, who walked alongside the Spade foreman, Ferd Willis, as far as the near walk, and then stopped and waited for old Bill Friend, the Spade owner, and Martha Friend, his daughter.

Comer didn't need to stop, Ernie knew. Ferd Willis knew it too. Where it would have been easy for Ferd to walk past that clot of hostile men and women, ignoring them, it was not easy to stand and face them. But it was a concession he made to John Comer's arrogance, and Ferd stood there, idly scraping a circle in the dirt with the toe of his boot, looking down at the ground to avoid the stares.

AFTERWARD, he fell in beside Bill Friend, while Martha Friend walked along with John Comer. Of those four, only Martha tried to greet the loose rank of nester men and women watching. Ernie saw her nod occasionally, saw the womenfolk nod in return and less often a man raise a hand to his worn hat. Bill Friend looked straight ahead, erect and unbending and implacable. John Comer whistled softly, his walk slow and unconcerned and somehow wary.

When they entered the door, Ernie looked down at his hand and then wiped it on his leg.

"Maybe we ain't ready yet," Tim Bone murmured. "Maybe we better wait and see what they do to Joe."

Ernie looked up quickly and Tim's glance slid away.

"Don't be a fool," Ernie said quietly. "This'll turn out short weight for us, but don't make the mistake of tryin' to fix it that way." (Continued on page 60)

Euthanasia: To Be or Not To Be

By Foster Kennedy, M.D., F.R.S. (Edinburgh)

HEAD OF THE NEUROLOGICAL DIVISION, BELLEVUE HOSPITAL

FOR many years it was my opinion that to legalize the shortening of life, from motives no matter how honorable or beneficent, was so dangerous that the faces of men of my profession should be set against it. I did not see how safeguards could be flung around this merciful proceeding to forbid its falling into the hands perhaps of fools, perhaps of wicked men. Many wise and kindly doctors, on their own responsibility, will always assuage those occasional cases where death is difficult. However, I came gradually to see that this voluntary exercise of power in mercy, by physicians, did not begin to touch the heart of the problem. And the heart of the problem is one that is seldom heard of, because it is little known.

The shortening of a life that is truly running out is not the most important consideration in this matter. What is truly important is permitting a life that is young, which is geared perhaps for six or seven decades of existence, to continue when that life is at once defective, without value and tortured.

Few laymen know the real tragedies housed in those institutions where we now segregate those unfit from birth: nature's mistakes—many incurably and constantly convulsed; many blind, with heads grotesquely misshaped by immense enlargement, or absurd reduction; many whose limbs writhe in uncontrollable contortions, incapable of intelligible speech or continuity of thought. All of these are unfit to be allowed to reproduce their kind; all such are incapable of the joy of work or the joy of play, nor can they even reach the calm dignity of the vegetable world. They have been hurried away from our sight, and properly so; but because we do not see them they are not extinguished in their existences, nor in their continuity of grief, and it is for them especially that I here would say a word.

We doctors do not always know when a disease in a previously healthy person has become entirely incurable. But there are thousands and tens of thousands of the congenitally unfit, about

whom no diagnostic error would be possible. I do not speak, except for a mere word, of the burden of the unfit placed upon the shoulders of those who are well. However, the stress of living for the honest and the hard-working and the intelligent has become, in our civilization, more and more difficult and, if good would come otherwise, it would be well for this stress to be, in a measure, lightened.

There's Always Some Hope

Further, in regarding the outcome of any progressive and apparently incurable disease, it is easier to make a mistake by overpessimism than to be mistaken in an optimistic outlook. Therefore, the granting of death to persons previously healthy and in whom disease has begun to burrow represents far and away the most difficult part of this problem, though such sufferers no doubt loom largest with the layman who thinks about this problem. And, too, knowledge marches swiftly, and an acquired disability that today seems incurable may, tomorrow by new discovery be cured.

Legal safeguards, weighty conference and great wisdom would be needed when considering the congenitally deformed, but there the problem is usually simple, the facts well-known, and the hopeless ultimate issue, prolonged for life, known without the peradventure of a doubt.

Are mercy killings common? Do doctors often help hopeless sufferers to die? Should they be given a legal right to do so? Dr. Foster Kennedy, a leading neurologist, discusses these questions and gives case histories. He argues for one kind of mercy killing—the release from living of those who should never have lived at all

ILLUSTRATED BY D. R. FITZPATRICK

Any layman who has seen a beloved person go slowly down with pain into the shadows is apt to feel that the kindness that one would give one's stricken horse should surely not be withheld from ourselves. And distinguished men and women, on both sides of the Atlantic, have advocated, eloquently and with vigor, the passage of laws allowing release to be given a sufferer who cries out that his bitter cup should be taken from him. It is rare, however, to find men whose lifework it is to take care of the sick in the company of those who advocate the legalization of such procedures. One needs experience, almost of a lifetime, in medicine to see the errors that might emerge from such procedure and the positively evil effects that would secondarily emerge also.

Swift and Sudden Disaster

To illustrate my meaning may I speak now of one or two battles I have known:

A woman of thirty-five, the wife of a university professor, a fine sculptor, a good horsewoman, a tennis player, with three young children, some ten years ago felt ill, had some fever, and within three days became stone-blind in the right eye and in another two days stone-blind also in the left. It was suspected that inflammation of the frontal sinuses might be responsible for this disaster. These were operated upon and nothing was found wrong with them. She

was sent from her home by night train to New York, and it was found that her lethargy of body, which had been thought due to exhaustion after the sinus operation, was in truth due to her being totally paralyzed from the nipples down.

The nature of the changes in skin sensation, combined with the inflammation of the optic nerves, made one believe that we were in the presence of an unusual condition implicating the central nervous system, the result of virus infection. Experience with such conditions made one feel that the future might, however, be better than the present catastrophic facts would seem to make probable. Treatment toward altering osmotic conditions was instituted on the theory that each of the isolated injuries of the nervous system represented isolated collections of fluid in the brain and spinal tissues. However, the level of the spinal-cord ailment ascended, with the result that the two arms in a fortnight also became completely paralyzed. At about the same time she became completely deaf. Two weeks later there were found slight signs of returning power in the toes. But while recovery was thus appearing in the spinal cord, a new trouble appeared in the brain stem by which both sides of the face became paralyzed, and also the tongue and throat.

Feeding, of course, had to be maintained by nasal tube. Speech, of course, was by then impossible. The eyes remained blind and to their paralysis of sight there was added, as a new catastrophe, total paralysis of the eyeballs in the head.

Weeks passed. The legs became slowly capable of poorly controlled and very feeble movement. The arms also could move weakly. Hearing began to return, though sight did not. In the third month of her illness, partial and localized recovery had taken place, in the arms and legs and tongue, so that a blurred and staccato speech had been resumed. Then came a new disaster in the left side of the brain, imposed on the



Physicians encourage hope because it helps heal where healing is possible, and sustains those who are marching to an inevitable end