

SOME COMMENT ON THE LAND-FRAUD CASES

A Technical Victory Does Not Establish Innocence—Uncle Sam, Roosevelt, Heney, the American Eagle, and the Mills of Justice.

(Written for The Journal.)

Interesting for the defendants and entertaining for the public as the land fraud cases have been, they have now reached the point where it becomes exciting.

The momentous question is, will the defendants permit their innocence to be established by a mere legal technicality? As long as it is possible for the innocence of the defendants to be established by a trial, a victory founded upon the qualifications of a grand jurymen hardly reaches the question involved and scores on a makeshift. Because a jurymen is not qualified technically, the legal guilt may not be proved, owing to the intricacies of the law and its practice, yet the law hardly dare boast of justice and potency when its straightening prohibits reasonable latitude to further the end for which it was designed. If Roosevelt's captain, F. J. Heney, has failed unintentionally to consider all the minute technicalities, it must be remembered, in view of the magnitude of the cases, that he is only human and his failure has in no way added any laurels to the brows which have ignored the law as laid down to Adam.

There are two kinds of right in this world, moral and legal. While the moral character of right frequently enters into legal right, yet the legal does not consider the moral establishment necessary. The law works from the idea that wrong springs from some right enjoyed. That, unless there first be a right to the thing enjoyed, there can be no wrong following, since a wrong is only a violation of some right. Therefore, we find the law a system of practices based upon a continuous string of legal maneuvers, each directly emanating from its preceding one. Every legal wrong is said to have a remedy, and the remedy follows the wrong. Hence, if there be found a cog missing, or a link missing, the whole structure falls to the ground. When this happens the guilt of a defendant has not been proven, therefore, according to law again, the defendant must be innocent; since every man is presumed to be innocent until proven guilty, and if any doubt exists the defendant must be given its benefit. Thus it is easy to see how the law plays its part in the affairs of men without really touching the root of the trouble. While the majesty of the law is not to be questioned, yet, by reason of its nature, it does not furnish mankind with a wholly adequate remedy, since it is so easily crippled as to make its channel uncertain of desired results. As it would be extremely dangerous to permit any departure for special occasions, or allow loop-holes to enter its processes, we must abide by its practices although we are all perfectly cognizant of the fact that a slight immaterial defect has made escape possible by preventing the issues being properly introduced. While civil law is satisfied if it can be prevented from facing its violator,

Women as Well as Men Are Made Miserable by Kidney and Bladder Trouble.

Kidney trouble preys upon the mind, discourages and lessens ambition; beauty, vigor and cheerfulness soon disappear when the kidneys are out of order or diseased.

Kidney trouble has become so prevalent that it is not uncommon for a child to be born afflicted with weak kidneys. If the child urinates too often, if the urine scalds the flesh, or if, when the child reaches an age when it should be able to control the passage, it is yet afflicted with bed-wetting, depend upon it, the cause of the difficulty is kidney trouble, and the first step should be towards the treatment of these important organs. This unpleasant trouble is due to a diseased condition of the kidneys and bladder and not to a habit as most people suppose.

Women as well as men are made miserable with kidney and bladder trouble, and both need the same great remedy. The mild and the immediate effect of Swamp-Root is soon realized. It is sold by druggists, in fifty-cent and one-dollar size bottles. You may have a sample bottle by mail free, also a pamphlet telling all about Swamp-Root, including many of the thousands of testimonial letters received from sufferers cured. In writing Dr. Kilmer & Co., Binghamton, N. Y., be sure you mention this paper. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

yet we see that it sometimes accomplishes no good, since the wrong has not been met, whereas the presumption of wrong was strong enough to invite its operation. It really, if ever, occurs that the defendant who secures release from accusation by right of technicality, presses his suit, in order that his innocence may be established in fact, after the issues have been met and reduced.

So, again we find the law inadequate since such legal victories have not established the facts of actual innocence, but leave the defendant untouched without removing the presumption of guilt. This would be a state of affairs not relished by an innocent man. The law has virtually denied him the opportunity of proving his innocence under the maxim that he is innocent until it finds him guilty, but through its inadequacy it does nothing to remove the stigma cast upon him. A battle won on technical grounds gives innocence no opportunity to unsheathe its sword.

Since so much bitterness has been manifested towards the representative of the government, it seems a pity that through means of a technicality, the defendants will not be permitted to make an open fight. Is it not strange that the attorneys for the defense are offering obstacles which will prevent the establishment of innocence by trial of fact? Stranger still is the action of the accused in permitting means to be employed which only further remove the chances for immediate trial, so recently demanded.

The United States is supposed to be the home of a people of no class distinction, yet the fact remains that there is as much distinction as in the old countries. Such condition is proven at this time by the frenzy with which the opportunity to criticize the important defendants is grasped by the so-called common run of people. The big politicians are displaying an eagerness, largely due, of course, to the political possibilities involved for them, in their comment on the fraud cases. The so-called lower classes of people have cause for comment on the usual grounds where class distinction appears. These grievances are, in the main, supposed or intentional slights which they experience from those politically favored. These things have led the common folk to think that a public position immediately removes an official from their midst, socially, and that "fat jobs" enforce a certain distance between him and the people who elected him, and from whose ranks he arose. Many a defeated candidate for a second term has found that the requirement that he become a very exclusive individual, which somehow went along with his job, and which requirement he tried so hard to fill, elected another to the office.

We have three national characters, two of whom seemed able to, and one who seems able to throttle this dangerous companion accompanying all public positions. Washington and Lincoln managed to keep their offices in front and official aristocracy behind—where the people could not see it. Roosevelt is the one man before the public today who does this as only Abraham Lincoln could. In short, the honors thrust in with the office do not estrange the holder from the common people, hence the popularity of Roosevelt. With such illustrious examples to pattern after, lesser lights in the political firmament could with profit find the people "a ready help in the time of trouble." No successful candidates have ever suffered who have taken pains to remember those who put them on their thrones. The cry of the common people against the defendants doubtless arises more from this sense of distinction than from personal enmity. It at least will force high pressure on the inferential valve in the absence of the exact truth regarding attitudes towards the defendants.

Passing the usual notion that an innocent man would prefer a trial to a technical victory, which in no way gives him opportunity of establishing his innocence, we see one man pitted against an army of legal talent. Uncle Sam may be stroking his gray whiskers and solemnly contemplating the scene, while he strokes the back of the American eagle, but Roosevelt, who backed his one man against an opposing army, flings care to the winds and leaves his David, with his sling of evidence to fight the giant Goliath of the defense. In villifying Heney remember he is only a repre-

sentative of the government and not the issue.

While political possibilities swarm their "bees," and the common people "get even" for their slights and broken promises, the heroes of the hour stand up before Uncle Sam as the ponderous mills of justice grind and separate the tall timber from the quest of the almighty dollar.

FRED R. WATERS.

Kenilworth Racing Stakes.

Buffalo, N. Y., April 22.—Entries closed today for the stakes to be run at the approaching meeting at Kenilworth park under the auspices of the Buffalo Racing association. The meeting is to last 31 days.

The chief stake feature will be the Buffalo derby for 3-year-olds, which has a guaranteed value of 6000. Besides this race there are the Niagara Serial handicaps, of 3750, for 3-year-olds and upwards; the Independence stake of \$1500; the international handicap of \$1000; the Ontario handicap of like values, and the Clinton and the Leather stocking—the latter sell-

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ing stakes—of \$1000 each.

For 3-year-olds the Bison City, of \$1000, and for 2-year-olds the Iroquois, of \$1500, and the Genesee and the Mohawk of \$1000 each, are announced. In steeplechasing the program includes the Lockport, the Hamilton and the Toronto, combined in serial of \$2500.

Plans Colonies in Mexico.

City of Mexico, April 22.—It is reported that G. C. Probasco of Los Angeles, Cal., has obtained from the Mexican government a concession to survey all public lands in the state of Sinaloa, aggregating more than 20,000,000 acres. The government, it is said, will grant to Mr. Probasco one-third of all lands he surveys. It is estimated he will get 7,000,000 acres, on which he proposes to establish a number of American colonies.

Hollister's Rocky Mountain Tea is positive, never nauseates or upsets the stomach. Cleanses and purifies the entire system. A great blessing to suffering humanity. 35 cents, Tea or Tablets. Stone's Drug Store.

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All surface cancers are now known to be curable by Bucklen's Arnica Salve. Jas. Walters, of Duffield, Va. writes: "I had a cancer on my leg for years, that seemed incurable, until Bucklen's Arnica Salve healed in, and now it is perfectly well." Guaranteed cure for cuts and burns. 25c. J. C. Perry's drug store.

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