

IN THE COURTS

Jury Again Hangs in Smith Rape Case.—County Court Doings.

In the circuit court the case of Harry Smith of Chaffee, charged with rape, was begun Friday morning before the following jurors: Chas. Martin, Hiram Norman, A. B. Williams, Geo. Buck, Brax. Nation, Robt. Joyce, Rube Greer, W. J. James, Wm. Minner, A. J. McFadden, L. K. McClanahan, Geo. Barnes.

The prosecuting witness was Lethia Yount, daughter of Mr. and Mrs. J. F. Yount of Chaffee. This was the second trial of the case and the jury again disagreed. The first trial was in August and the jury stood 8 for conviction and 4 for acquittal.

The case consumed all day Friday, and after being out all night the jury was evenly divided—six and six. It was said that later one more came to the side of acquittal, but it was evident that they could not agree and were discharged shortly before noon Saturday.

I don't believe any jury could ever agree on this case. The circumstances and testimony are so conflicting. The girl testified and told her story frank and open. The attorneys were unable to confuse her or cause her to contradict herself. But it is such an unreasonable story that it almost challenges belief.

The offense charged is a capital one, and when a girl takes the witness stand and tells a straight and reasonable story, the accused is almost helpless—especially when she holds the baby in her arms and says its his, as did Lethia.

In this case the question was probably the age of the girl. Unless it could be established that she was under 14 in May, 1912, it was not rape. That is the time the offense is alleged to have been committed.

The mother, father and grandmother of Lethia testified that Lethia was born at Grandin, Carter county, Mo., February 5, 1899. According to this she was thirteen years and three months old in May, 1912. It was also shown that in 1910 her age was given to the school enumerator of Chaffee as eleven years old.

To offset this the defense produced the school enumeration of 1911-12, showing that in 1911 her age was given at 13 and in 1912 at 14. Also that she gave a birthday party in 1912 and gave no invitation as 14.

Then came the family bible, of course that would settle it—but it didn't. At first glance it appears that the entry of Lethia's birth is Feb. 5, 1899. But a close inspection reveals that all is written in ink except the last "9," which is written with a pencil and a figure "8" under it written in ink, erased. A magnifying glass brings this out beyond dispute.

How could a jury ever agree on such conflicting evidence as that? The case will likely be dropped.

The other side tried over a quarrel among neighbors over a little property—property! Every fellow wants property and feels that some other fellow has something that he ought to have. But the court room is the last place a gambler should expect to win—especially if he is short on "chips." However, people insist on having their "rights," and continue to buck the tiger.

Court adjourned Saturday until Thursday of this week, when a ditch quarrel is to be heard.

County court was in session last week, and one of the matters pretty thoroughly discussed was the bill sent in by the state auditor for the recent alleged audit of the books of this county. There is no question among members of the court that the bill will have to be paid, for the law provides that upon a petition of 300 or more county men the bill must be paid and the county must foot the bill. And he sure acted—and then some.

It is true that the petitions were circulated by officers and ex-officers, and that the required number of signatures were obtained—although the people who signed did not understand the purpose of the petition to be to head off an investigation already contracted for by the court. The fellows who circulated the petitions did not tell the people THAT.

The court is agreed that the bill must be paid—something over fifteen hundred dollars—yet it is doubtful if anybody considers the audit worth fifteen cents, so far as straightening out affairs is concerned—for the men were inexperienced and went back but two years.

However, the difference of opinion among members of the court was over the payment of Clay—the man who reached the state auditor could have signed on the petitions, for the petitions were circulated on Saturday and could not have reached the auditor before Monday following. But Clay was here on the job to prevent the county court from getting the books, left as soon as court adjourned, and did no part of the work of auditing. I think he belongs to the bank examining department.

This man's claim is a few cents less than \$50—and all he did was to get everything in a muddle and into the appellate court. And the law provides only for the payment

of auditors for actual work. On this ground Judges Bowman and Thomas favor resisting payment, while Judge Frazer favors paying. An agreement was reached whereby the prosecuting attorney is directed to "hand down" a written opinion on the matter.

Another hitch occurred over the printing the circuit court docket for October. In August the court asked for bids to do this work. It had been costing the tax-payers \$50 per term. The Kicker offered to do the work for one year—three terms—for \$88.50, or \$29.50 per term to be paid each term. The other bid was that of the Democrat at \$40 per term. The court awarded the work to me and directed the circuit clerk to have the work done at the Kicker office. This order is of record.

But the clerk did not obey the order. This was a case where the order of court didn't hold—as it would on you or I. However, I had entered into contract with the court and presented a bill for \$29.50 as per contract of record. I did not expect to get it, but just wanted to see what would be done about it.

Thursday I was called before the court and asked about it. I said that I had prepared to do the work by buying special paper, and that I had taken from the former docket such cases as I knew had been continued and put several pages in type; that the first I knew that I would not get to do the work was when informed that the work was being done by another office; that the other had done the work for \$20—a saving of \$21—and that if the court would pay me \$11 for the trouble I had been to I would be satisfied.

So that you may understand, the dockets are of very little benefit except to lawyers and the law does not provide for their printing. At the outset the lawyers clipped in and paid for the printing, but later the cost was saddled on tax-payers by the circuit court certifying the account to the county court. This makes the circuit judge the boss over that particular printing. And it is his fault that the county court made a mistake in trying to save money for the tax-payers by letting it go to the lowest bidder.

Judges Bowman and Thomas seemed to think that my proposition to accept \$11 and call it square was reasonable, but Judge Frazer rebelled.

"Then what would you consider fair, doctor?" I asked.

The judge hesitated a bit and then went on: "Well, if the court PAYS YOU ANYTHING, I am in favor of that, by paying it out of their own pockets. I don't think the people ought to pay for our mistakes."

"Don't you think the court had better make some more mistakes like that?" I asked. "It has been costing \$50 per term to do this work. After you have paid me \$11 the county will still be ahead \$10 on this term and will save \$21 at each succeeding term."

The doctor grinned a little as he replied, "That might save the county conscience some."

I left and the matter was laid over.

What was expected to result in a "big time" was the charges filed against the Illinois saloons asking for a revocation of their license because of violations of the law. The hearing was set for Thursday, but the petitioners withdrew their petition and it was all off.

However, it is understood that the grand jury investigated the charges and it is probable that several indictments were returned. I hope not—for such indictments are generally used to further the interests of "the party." The indictments are held over the saloon men until after the primary and general elections. If the saloon men line up and produce the required results, the indictments are dismissed. If not, it is different. But they know what's what and produce the results. A few years ago some 200 indictments were returned against the various saloon keepers of the county. Nearly all of them vanished into thin air. The saloon keeper that has no stand-in with the administration is in a bad fix. They can put him out of business any time they go after him. He knows this—and acts accordingly.

Clarence Sanders of Oran was appointed ditch overseer at \$9 per day not exceeding \$1.50 per day for expenses.

A reduction of \$1,000 for Wm. Schitter on assessment.

For the care of our insane the hospital at Farmington was allowed \$1,485.88 and the Fulton hospital \$165.90.

Change of road petitioned by Mary Menz et al granted.

Road petitioned by Leo Dohogne et al granted at expense of petitioners.

Sheriff Ellis was directed to dispose of the wooden structure attached to the jail and the old barn south of the sheriff's residence.

Road petitioned by J. E. Marshall et al ordered opened at expense of petitioners.

Other road petitions continued. J. W. Utley relieved of \$2,120 erroneous assessment.

Dram shop license granted to John Davis, Sikeston; J. R. Gill, Forneit; Levi Bechel, Chaffee; Lester Beggs, Himo. Application of R. A. Norrid, Sikeston, continued.

Surveyor instructed to purchase a strip of land for road purposes near Prices Landing and \$150 appropriated.

The usual allowances were made to road overseers, paupers, pie counter patriots, etc.

Tuesday of this week court met again and most of its time was occupied in settling differences between land-owners in drain district 10 and the sewer—J. E. Warner. It seems that the land owners thought Mr. Warner was getting too much money for too little service rendered. The matter was finally adjusted to the satisfaction of all.

Claims against drain ditch 6, that have been held up for some time, amounting to \$417, were allowed to M. G. Gresham, attorney for Charles, Joe and Clarence Boardman, Sam Harrison, Chas. Sturgeon, A. W. and Laura Wright, E. A. Dodson, Chas. Grace, W. L. Grigsby, Joe W. Robertson and Joe Lawson.

Petitions for dramshop licenses of Peter Welter, Ancell, and Louis Hinkle, Sikeston, to be heard Dec. 1.

Dramshop license granted to R. A. Norrid, Sikeston. Sheriff Ellis was allowed \$230.20 fees for October term of circuit court, and the Kicker was allowed the \$11 of what it did to ward printing the docket.

KICKER WANTS TO KNOW. There is a great stir over in Stoddard county about a recent decision of the Supreme court concerning land titles in Southeast Missouri. I have not seen the decision and have watched Stoddard county papers in the hope of getting some information, but in vain. All I can get out of these papers is that this particular decision is that the county court points in the same direction.

Webb Watkins, of the Dexter Messenger, is a pretty fair fellow and I appeal to him for information. As I understand it, the court held that all public lands sold prior to 1868 for less than \$1.00 per acre, and all since that time for less than \$1.25 per acre, reverts back to the people. Am I correct, Webb?

In defense of the present owners of the land you and your county court fall back on a law put through by the landholders in 1909, to "quiet titles." Don't you suppose that your supreme court knew of the existence of this law, and was as familiar with it as your county court? If so, then that law is held to be null and void, isn't it?

If the titles were good, and all was done "on the square," then why the necessity of the law of 1909 to quiet titles?

In your last issue you say "Bloomfield has been the Mecca for land seekers who want to get something valuable for a pittance." How long ago, got this land for fifty cents an acre—and perhaps didn't even pay the 50 cents?

You further say: "The applicants have been made to believe that under the Simpson case handed down from the Supreme court that the county courts in the several swamp land counties must throw every acre open to sale and settlement where \$1.25 was not originally paid when the patent was granted."

Well, if these applicants have been misinformed, then why don't you inform them. Tell us just what that decision meant. So far I have seen no explanation further than that the supreme court overlooked the law of 1909 to quiet titles.

The county clerk of Stoddard county used up a page of a Sikeston paper last week in what was evidently intended as an explanation, but I knew no more after I had read it than before.

But the rush in Bloomfield shows how land hungry the people are. God evidently made a mistake when he created these people without some place to squat without paying rent. Somebody ought to telephone God to quit creating people until he recovers title to his earth—so that all of His children will have an equal chance to live on it.

However, returning to the Stoddard county muddle, I don't believe there is anything in this "filling in the land," by agreeing to pay \$1.25 an acre for it. Should it develop that the title to the land is still in the people of Stoddard county, this land would, no doubt, be sold to the highest bidder under the direction of the county court.

AN UNHEALTHY CALLING. A traveling man in Maine met a middle-aged farmer who told him his father, aged 90, was still on the farm where he was born.

"Ninety years old, eh?"

"Yes; pop's close to 90."

"Is his health good?"

"Taint much now. He's been complainin' for a few months back."

"What's the matter with him?"

"I dunno, sometimes I think farmin don't agree with him!"

AND YOU CAN'T SEE IT. Constable Scully some days ago brought two prisoners out from the Cape. One is Dan Foley, charged with burglary and larceny, as he is under suspicion of having burglarized several houses. The other one, James Henry, got 30 days for beating a board bill—Jackson Items.

You don't notice anything very strange in the above item, do you? In all ages the people's liberties have been gradually undermined in a way that they did not notice it.

Read it again. "James Henry got 30 days for beating a board bill."

Very likely you will approve of that and say it served him right. You do not see in it the first step toward penance—the condition that has destroyed Mexico.

Imprisonment for debt was abolished in this country more than a century ago. But that "democratic" legislature of last winter re-established it in Missouri—so far as board bills are concerned.

Is there any more harm in beating a board bill than in beating a grocery bill or any other just debt?

Let me tell you just how it will be worked. The hotel keepers are well organized and caused this law to be passed. Next the grocers and other interests will ask for a similar law—and get it. Then imprisonment for debt will be re-established.

There would be no room in the already overflowing jails to care for the prisoners. The only way out would be to bind the debtor to the creditor as his slave until he had worked out the debt. If the debtor died in service his heirs would inherit the debt. That is penance.

Of course many sap-heads will say that the constitution would prohibit this. The constitution don't amount to a d—, it is the army and the policeman's club that governs us. Mexico has a better written constitution than we have. Yet see what has happened to those unfortunate people who followed "the church" and "the party."

AW, SHUT UP! The county court, the circuit clerk, the probate clerk and the county school superintendent could distribute the county papers to all the papers in the county. The other papers are getting mighty tired of this one paper business at Benton, and something is liable to drop soon.—Chaffee Signal.

Aw, shut up. You voted for it, and will vote for it again. They know you are "easy," that's why they ignore you.

Next year Mr. Patriot will come around, hand you a dollar, compliment you on the good paper you are getting out and tell you he couldn't get along without it, and you will "fall" for the dope and tell everybody what a great and good and accommodating official he is.

Later he will come around and hand you the customary "announcement fee," and you will sloop over for weeks after telling about his "efficiency" and "honesty" as an official.

The average editor eats pretty regular during a campaign, but after the patriots have landed their jobs they let "ye editors" stomach become attached to his back—home until next time.

And by that time "ye editor" is so hungry that the gift of a few dollars will make the donor appear to him as an angel.

JUST WAIT. Into the depth of the darkness and prejudice that beclouds justice, in many of the courts of this land, a bright ray of light and human kindness has penetrated.

For perhaps the first time in the history of jurisprudence the high cost of living has been taken into consideration by judges rendering a decision, in a widow's suit against a railroad, and she has been awarded \$25,000 for the death of her husband. And it happened in Kentucky too.—Carterville Democrat.

That sure ought to sound good to the working class—for it was a railroad fireman that got killed. It takes such "decisions" occasionally to keep the work mules contented.

But wait! The widow hasn't got the \$25,000 yet. Nor will she ever get it. There are courts higher than the appellate court. And it is to the higher courts that "Big Business" looks for protection.

We will now hear a great deal about this decision in order to bolster up the waning strength of the courts. But when the widow finally dies with her case still salted down in some higher court, no mention will be made of it.

Either that, or a compromise will be effected by which the widow will get the tail and the lawyers the hide.

ADVOCATES "FREE LOVE." We commend the bill introduced in the National House of Representatives by Mr. Bailey of Pennsylvania which provides for free delivery of mail in all towns of 1000 or more inhabitants.

Most rural communities now have daily free delivery; why not the towns?—Bloomfield Vindicator.

What's wrong with you over there? Ain't you afraid that you'd break up the home? Why don't you be consistent and advocate a privately owned postal service?

CONTEMPT OF COURT. The biggest case of "contempt of court" on record was pulled off in New York last week. So that you may understand it, I will relate the story.

Gov. Sulzer of New York was of Tammany creation. People always imagine that they elect the governors and so on, but they do not. Tammany was supreme in New York just as the Big C in St. Louis is supreme in Missouri, and as the Chicago Traction ring, with its Roger Sullivan, is boss in Illinois. Every state has its political ring that dictates nominations of candidates and sees to their election. These rings are subdivided into smaller parts, called county rings. It is only occasionally, when the people get next and become aroused that the rings suffer.

Well, Tammany, Democratic and rotten to the core, created Sulzer governor. Mind you, the men in office are not the real rulers. As Charles Edward Russel puts it, there is an "invisible government" behind these that exercises the real power.

But Sulzer did not seem to like this arrangement. He thought he was the governor and refused to take orders from the Tammany "Boss" Charles Murphy. Behind Murphy are the big financial interests of New York. Here is the way it works—

Murphy gets his orders from Big Business and conveys these orders to the governor, the legislature, the courts, and so on. Any official who refuses to obey must suffer the consequences.

Gov. Sulzer refused to obey orders. As a result impeachment proceedings were instituted against him to oust him from office. Of course the High Court kicked Sulzer out. It had to—or get kicked out itself.

Yet Sulzer was about the cleanest official of the whole bunch—and the people seemed to understand this.

There was an election in New York last week, but not for governor. Hence Sulzer could not run for governor, but announced as a candidate for the legislature from his district. He did not run on the Democratic ticket, but on the Fusion ticket. Tammany has a monopoly on the Democratic ticket in New York.

The result was that Sulzer was overwhelmingly elected, the Fusion candidate for mayor of New York was elected by a majority of over one hundred thousand, and the state was carried by the Fusionist.

The issue was Sulzer vs. Tammany, and Sulzer won—this showing the people's contempt for the courts that unseated him.

You can't fool people with court decisions as you once could.

For an official to be impeached 50 years ago was considered a deep disgrace. Today people look on such proceedings with suspicion and look for the offended interests behind the job.

We are progressing some.

HOW IT WORKS. Charles Teller, inventor of the cold storage process which first enabled American packers to export fresh meat, died in Paris. He died in poverty, tardy assistance being too late in reaching him. Mr. Teller was 86 years old and his chief concern was not for himself, but for a delicate son who faces an uncertain future because of inability to work.—Benton Star.

The foregoing illustrates how genius is rewarded by our present so-called civilization. The real beneficiaries of mankind often die in poverty—or in very moderate circumstances.

Edison is the greatest benefactor of modern times—yet you do not hear his name mentioned as a "captain of industry."

What have Morgan, Rockefeller, Busch, Ryan, Hill, Carnegie and that tribe ever done for humanity except rob it?

The accumulator of great wealth has the make-up of the hog. He sees and knows nothing but self. Only the accumulation of his brain have been developed with a dollar-mark, all things used in a good citizen, a good father, a good husband. With him wealth is above all else.

And so long as man's superiority over others is gauged by dollars there will be little peace on this earth. Dollar rule means bullet rule.

THE PROPER DOPE. Judge E. H. Gary, chairman of the United States Steel corporation, in an address at Chicago closing the conference of the American Iron and Steel Institute, advised his hearers that "whatever happens that is displeasing to you be loyal to the government."—Carterville Democrat.

Sure! And Judge Gary and his associate pirates are the "government." Be "patriotic." Shoulder a gun, if necessary, in defense of their property. They will furnish chaplains to ask "divine guidance" while you butcher your brother. Read this dispatch:

Newport News, Va., Nov. 10.—Neglect of religion by the United States in its navy is a reproach to the republic. Secretary Daniels declared today. He announced that he would ask congress immediately to provide chaplains and welfare secretaries proportionate to the navy's personnel.

More soft jobs for henchmen at the people's expense.

IN THE SOUTHEAST.

What the People are Doing in Other Counties that are Near.

Jackson Items.—John Clippard and a half-dozen of colored people he was taking over to the Cape last Thursday night, comprising one party, and Dr. D. E. Crites, and John Davis, the other party, had a narrow escape from death when the automobile of Crites ran into the team hitched to the back. The collision occurred on the gravel road at the Jesse Hill place, four miles east of Jackson. How a smashup occurred at such a place is not easily explained. Clippard claims, and is corroborated by witnesses, that he was driving on the right side of the road, and as close to its edge as possible, while the auto, coming from the Cape, also used that side of the road, and Crites seems to not have noticed the back until he was almost on it, and then tried to swerve to the right side of the road, but too late, striking a horse so that it fell across the machine. The auto was damaged about \$150. Crites was badly shaken up while the horse broke a leg and was hurt otherwise, so that it had to be put out of misery. Clippard says he had a burning lantern hanging in the back, but he sounded no horn to warn approaching autos.

Nothing is ailing Southeast Missouri except landlording. When you compel people to pay for the God-given right to live on the earth, there is something out of joint. I thought we had a pretty good sized circuit court docket for a "civilized" community, but the counties south of us are even in a worse fix. Because of our hills that are not profitable to landlords, we are in better shape than Pemisot county. The Argus says: "Our docket for the November term is the largest ever known here, embracing nearly two hundred criminal cases and more than three hundred civil actions. It would take two months or more of actual work to clean up the docket. Really, the conditions are alarming in that respect, and the expense to the county are piling up in such a manner that the criminal cost bill will be staggering when the people see its items."

Last week Cape Girardeau people voted \$25,000 bonds of themselves to build a new school building and enlarge others. The vote in favor of the bond issue was 8 to 1. That looks good. There is no better investment parents can make than to give their children a good education. Build school houses—but to thunder with your court houses, jails, poor houses, asylums and other adjuncts of capitalism. Abolish the cause and the need for these will disappear. The Indians had none of these when the white man found and robbed them.

We now begin to see familiar items in the county exchanges that read like this: "Ain Cook, of Arbor, was accidentally shot Thursday evening about dark, when a gun in the hands of another of a hunting party was accidentally discharged and the load entered Mr. Cook's leg near the ankle breaking the small bone."

Frank Unnerstall, well known to many of the older citizens of this county, died at his home in Cape Girardeau last week, aged 72 years. Mr. Unnerstall was born in Germany and came to the United States at the age of 18. In 1865 he married Miss Katie Vollmer at Cape Girardeau who with seven children, survive him.

Near Hayti, in Pemisot county, Willis Young shot and killed Brad Meatte. The trouble originated over some pecans that Meatte's son had gathered from under the trees of Young. Young is a large land owner and was drunk. Press reports without provocation, the murder was without provocation.

Subscribe for the only Kicker.

Potosi Journal.—The Bonne Terre Register speaks of a piece of catalpa wood that has been received by the high school there from New Madrid, which was cut from a stump that had been under water since the forming of a lake by the earthquake of 1811, the wood still being sound. This recalls to mind a walnut log that sticks out of an earth bank down on Bates Creek, near Potosi that must discount this catalpa wood story many ages, for the memory of man runneth not when this bank was formed. The alluvial deposit which covers this walnut log could not possibly have been formed less than 500 years ago and it might easily go back twice that far. Some years ago we cut a silver from the log and found the wood as black as ebony and still so hard and sound that it took polish like ebony.

That the people are land hungry is made evident at every apparent opportunity to get land. Andy Belies was here from Stoddard county last week and said people were flocking into Bloomfield in droves to file on land that they hope to get, owing to the middle in land titles over there. The Vindicator says: "Bloomfield has presented this week much the appearance of a filing town out West where an Indian reservation was being opened and we understand that more than 500 applications have been filed, only about thirty being from this county." The court again went on record saying the county had no title to the land and instructed the clerk to receive no further applications.

The Kicker requested the secretary of the Scott County Farmers Mutual Insurance Co. to send in a report of the annual meeting held on Nov. 1, but he evidently forgot it. The Cape county mutual reports 1,385 members and the insurance in force amounts to \$2,040,000. During the past year 24 losses occurred, of which eleven were caused by lightning. The receipts amounted to \$9430.35, the expenditures to \$8647.40, leaving a balance of \$782.95.

Jackson Items.—J. W. Preston of McBride in Perry county, came into this city Tuesday with a whole wagon load of genuine bee honey, which he produced in his apiary in the hills on the Frisco railroad. Mr. Preston has the largest apiary in this part of the state, perhaps the largest in Missouri so far as is known here. He has now over 400 stands of bees, and they produce 1,800 gallons of extracted honey.

The warrants against the president, vice-president and other officials of the Pemisot county bank, charging them with receiving deposits at a time when they knew the bank was insolvent, have been withdrawn. The rich can do no wrong.

Paul Homes, 16 or 17 years old, is in Jackson jail charged with stealing a horse. The boys parents live in St. Louis and are separated. He has no home and started to take advantage of the great opportunities that are offered the young.

Sam Doss, a former gambler and all-around "bad man," has gone and got religion and is now an "ordained minister." Which causes me to wonder if I would be accepted as a "spiritual adviser" and banker for the Lord should I become "good."

The 2-year-old daughter of Mr. and Mrs. Dave McClanahan of Pemisot county was burned to death last week. The mother was washing and the child got so close to the fire that her clothes caught.

A sudden rise in the St. Francis river washed away 20,000 ties for the Carter Co. near Greenville.

Every Worker

Who earns Bread in the Sweat of his face should be a patron of

The Kicker

Subscribe for the only Kicker.