

### A FUNDAMENTAL PRINCIPLE

By EMERSON TROWBRIDGE

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A mass meeting was called in the mining town of Tenderfoot to take measures for organizing a city government. The citizens had got tired of lawlessness and Judge Lynch. A lawyer named Jenkins, from the east, was the instigator of the movement.

A case came up before the court the very day after the organization. John Decker had an altercation with Silas Green about a mining claim and shot him dead. Decker was arrested and tried. Jenkins had given the judge a few elementary law points for his guidance. "The fundamental principle," said the lawyer, "is that an accused person is to be considered innocent till he is proved guilty." The judge did not even grasp this idea, and when the trial commenced the lawyer discovered that he would have a hard time keeping his honor on the judicial track. No sooner had Decker been brought into the court than the court itself seemed inclined to follow the path to which he had been accustomed.

"You, John Decker, you're goin' to have a legal trial. You're goin' to be considered innocent of this shootin' till you're proved guilty. Now, the first thing I want to know is whether you shot Si Green accidentally or a purpose."

"One moment, your honor," the lawyer interrupted. "The accused is not bound to answer any question that would incriminate him."

"You mean," said the judge, looking at the speaker, surprised, "that if I shoot any one that's interfering with me wrongfully I can't stand up like a man and say I done it?"

The lawyer was puzzled. He wished to explain the matter to the judge, but didn't know how to get so technical a point through his honor's thick skull. So he simply said:

"No, you can't. I, as public prosecutor, must prove that this prisoner is guilty under the law. If I choose to put him on the stand to speak in his own defense I may do so, but I am not compelled to do so."

"Well, you go right on and do the provin'. That's what you're here for."

It so happened that there were no witnesses of the actual shooting. Jenkins adhered to legal customs, explaining to the court that it was a case of circumstantial evidence and he must convince the jury by certain matters closely connected with the affair that Decker killed Green. If he could not do this Decker must go free. The judge told the attorney to "fire away." Jenkins produced the ball that did the murder, showed that it was of the same caliber as Decker's revolver, proved that but one shot was fired by Decker and there was but one chamber of his weapon empty immediately after the shooting. This being all the actual evidence he had to bring forward, he was obliged to be content with it.

A young man named Stiggs, who had copied letters in a law office, had been appointed attorney for the defense. He proved that the revolver on which Jenkins had framed his theory of the prisoner's guilt was not the one used in the fray. This took the prosecutor flat-a-back, and he didn't know what to say.

"What's the next thing to do?" asked the judge.

"Why, the next thing is for you to charge the jury. You must tell them that if they think that according to the evidence, mind you, Decker killed Green; they must bring in a verdict of guilty; if not they are to acquit him."

"What does the jury think about it?" asked the judge. "According to the evidence, did John Decker kill Si Green or not?"

"According to the evidence," said the foreman, "John Decker didn't kill nobody."

The trial had come to a standstill. Everybody looked at Jenkins, who had inaugurated the new order of judicial proceeding, and Jenkins looked embarrassed. The judge came to his relief.

"This very trial," he said, "has been on the theory that the prisoner is innocent till he has been proved guilty. Is there any other way o' doin' it?"

"In some countries," stammered the lawyer, "they reverse the process. The accused is regarded guilty till he has proved himself innocent."

"All right," replied his honor. "Now we'll try John Decker on that air theory. You, John Decker, how y' goin' to prove y' didn't kill Si Green?"

"I hain't a-goin' to prove no sitch thing," replied the prisoner. "I done it, and if Si Green was livin' and tried to beat me some more I'd do it ag'in."

The eyes of the judge and the spectators were turned once more upon Jenkins in inquiry as the next step.

"The prisoner confesses his guilt and declines to put in a defense, which is equivalent to putting in a plea of guilty. This saves the town the expense of a trial, and in such cases the guilty one usually expects a lighter sentence."

"Is there any lighter way o' killin' the prisoner than hangin'?" asked the judge.

Jenkins smiled a sickly smile and said he didn't know of any unless shooting might not be so objectionable.

"Take him out and shoot him," were his honor's final words.

After that in Tenderfoot criminals were considered guilty till proved innocent.

Ends Winter's Troubles.

To many, winter is a season of trouble. The frost-bitten toes and fingers, chapped hands and lips, chilblains, cold sores, red and rough skins, prove this. But such troubles fly before Buckler's Arnica Salva. A trial convinces. Greatest healer of burns, boils, piles, cuts, sores, bruises, eczema and sprains. Only 25c at the Red Cross Pharmacy.

### Consumption

Anyone interested in the cure of Consumption should get one of the booklets telling of recoveries by the use of Eckman's Alternative.

Consumption, Croup, Colds and Pneumonia may be the beginning of more serious troubles—Eckman's Alternative is the effective remedy. Read Mr. Kanny's statement:—

"Gentlemen: For five or six years I was troubled with cough and expectoration. I also had a high fever. My case was declared Consumption by my physician. I was given Cod Liver Oil, Cresote and other no. medicines, all without benefit."

"At Christmas time, 1908, I was not expected to live. Calling Dr. J. H. McCarty, he advised the use of Eckman's Alternative, which I took with excellent results and was entirely cured."

"During the past year I have gained 15 lbs. I go out in all weathers and have had no cough or cold whatever. I give these facts to encourage others to use Eckman's Alternative."

(Signed) AMY J. KANNY, Eckman's Alternative is effective in Bronchitis, Asthma, Hay Fever, Throat and Lung Troubles, and in sprouting the system. Does not contain poisons, opiates or habit-forming drugs. Ask for booklet of cured cases and write to Eckman's Laboratory, Philadelphia, Pa., for more evidence. For sale by all leading druggists and Burt H. Wells, Barre, Vt.

### CAR HURLED OFF TRACK AND SEVERAL HURT

Accident Last Evening on the St. Johnsbury & Lake Champlain—Freight Bunted Central Vermont Passenger Train.

Swanton, Dec. 19.—A cross-frog collision occurred at the east station here last evening at about 15 minutes of eight, when an extra freight, No. 770, of the St. Johnsbury & Lake Champlain road ran into passenger train No. 4, of the Central Vermont, just as the last coach was going over the crossing.

The coach was thrown to one side with great force and seven persons were more or less seriously injured. Conductor John Mond and Trainman Dessault were on the car platform and saw the impending collision, but had no time to jump and were both thrown into the ditch and badly injured. The conductor, however, superintended the rescue of the injured passengers in the overturned car, which fortunately did not catch fire.

Those injured are: Dr. Edmund Melville of St. Albans, cut about the face and head; Miss Jennie M. Saxby of Waterlo, P. V., cut about the face, neck and head and left arm injured; Mrs. Thomas Blackwood of Boston, her sister, cut about the face and slightly bruised. Mrs. Charles B. Soule, wife of the superintendent of the Central Vermont, and her son, of St. Albans, more or less injured, but returned home without medical attention. Dr. Melville, Miss Saxby and Mrs. Blackwood were removed to Dr. E. B. Lape's of Grand avenue, but the former returned to St. Albans later in the evening.

Amos Watson, a hackman, and his brother-in-law, James McLeod, were on the platform between the wrecked car and the station, in a pocket formed by the projecting window of the office and the depot wall. Both were struck by the car roof and one knocked down.

It is said that the brakes of the freight failed to hold on account of the icy rails. Had either train been under much headway, loss of life would surely have occurred, as the coach was overturned and the engine twisted from the track.

Seven years ago the same sort of an accident occurred, when the Central Vermont ran into the St. J. & L. C. train.

### THE USE OF TOBACCO.

Cut It Out One Day Each Week Is the Advice of a Doctor.

If a man who uses tobacco will give it up for one day each week he will keep himself from becoming a "tobacco fiend." This is the advice of a well known doctor, who says that quite a number of men, including himself, have adopted this plan.

"By leaving off tobacco for one day a week you give your system time to get rid of the effects of the drug," he said.

"You will then enjoy your tobacco far more, for, because you have become unaccustomed to the favor, and it is therefore more enjoyable when you resume smoking."

"The effect of tobacco is a general sedative action on the nervous system, which diminishes the power of taste and smell. That is why tea tastes sordid or never smoke."

"Leave it off for a day, and the sense of taste recovers. Not only that, but leaving off tobacco for one day voluntarily breaks the tobacco habit, exercises the self control and prevents one from becoming a slave to the habit."

"Slaves to the tobacco habit suffer from irritable hearts, loss of appetite for breakfast, eye trouble, sometimes going as far as blindness, chronic catarrh of the throat and nervous depression."—New York American.

### AN ALBATROSS IN FLIGHT.

The Camera Caught a Motion the Eye Could Not Discern.

An interesting application of photography to settle a disputed point in natural history was made by a naturalist on a voyage from British Columbia to San Francisco.

A large albatross had been following the steamer and keeping pace with her for several hours, and the wonder grew among the watchers on board the ship as to how the bird was able to fly so swiftly while apparently keeping its wings extended without flapping them. As this is a common method of flight with the albatross, the explanation used to be offered that the bird took advantage of slight winds and air currents and was so able to glide upon what might be called atmospheric slopes.

As the albatross sailed alongside the ship, about fifteen feet away, the naturalist snapped his camera at it and obtained a photograph that astonished him and his fellow passengers.

The photograph revealed, what no eye had caught, the wings of the albatross, each some five feet long, raised high above its back, in the act of making a downward stroke. The explanation naturally suggested was that more or less frequently the bird must have made a stroke of this kind with its wings, although the eye could not detect the motion, and that the camera chance to be snapped at just the right moment.—Boston Globe.

### CITY MUST PAY FOR RIOTS

Held Responsible for a Mob's Damage

### VALIDITY OF THE ILLINOIS

Legislation Is Affirmed—"Intermountain" Rate Case Is Advanced—Argument to Be Heard by the Supreme Court in February.

Washington, Dec. 19.—The constitutionality of the Illinois statute to indemnify the owners of the property from damages occasioned by mobs or riots was upheld yesterday by the supreme court of the United States. Several cases brought under the law are said to be pending in the Illinois state courts, involving claims for damages aggregating many millions of dollars.

### INDIANA RAILROAD LAW UPHOLD.

"Full Crew" Measure's Validity Is Affirmed.

The constitutionality of the "full crew" act of Indiana, regulating the size of crews on freight, passenger and mail trains, was upheld yesterday by the supreme court.

### "INTERMOUNTAIN" RATE CASE.

Commerce Commission vs. the Commerce Court on Feb. 19.

"The intermountain rate case, involving the constitutionality of the long and short haul amendment in 1910 to the interstate commerce laws, was yesterday advanced by the supreme court of the United States for hearing on Monday, February 19.

### OBLIGING CRABS.

Present Their Claws to Fishers Who Shake Hands With Them.

Visitors in Seville see women carrying baskets full of crabs' claws. The claws are cooked, and people nibble at them more for fun than sustenance. Just as Russians nibble sunflower seeds. What becomes of the rest of this crustacean, especially if he is a crawfish, of his tail?

As a matter of fact the crawfish has no part in the business. The claws are taken from a salt water crab which lives along the shores of Morocco, Spain and Portugal. Each little crab, with its one little mate, has a cave for a home, and, adopting the eastern estimate of the other sex, he usually keeps his wife shut inside the cave, meanwhile staying about the threshold himself and making a brave show with his big claws.

When the tide runs out the crab fishers prowl along the beach looking for crab holes. Either the crab is stalking up and down seeking what he may devour and thus showing whether he has fine claws or he is still at home, and the size of his door-way indicates the size of the householder. In one case the fisherman cuts off his retreat by blocking his front door with mud; in the other case he digs him out. Anyway, he deprives him of his pincers and sets him at liberty to grow some more.

Right here appears the quaintest feature of the whole affair, for the pincers are not torn away from the crab at all. Instead he presents them to the fisherman, perhaps even with his compliments. It is a fact easily demonstrable that the crab can detach his claw by muscular effort, thus making no hemorrhage, but leaving the stump in such condition that a new claw is soon grown. The fishermen simply take the crab by the hand, whereupon it lets go, leaves the claw with them and romps off home with it.—Chicago Record-Herald.

### Washington Monument Bent by Heat.

The towering Washington monument, solid as it is, cannot resist the heat of the sun poured on its southern side on a midsummer's day without a slight bending of the gigantic shaft, which is rendered perceptible by means of a copper wire 174 feet long hanging in the center of the structure and carrying a plummet suspended in a vessel of water. At noon in summer the apex of the monument, 550 feet above the ground, is shifted by expansion of the stone a few hundredths of an inch toward the north. High winds cause perceptible motions of the plummet, and in still weather delicate vibrations of the crust of the earth otherwise unperceived are registered by it.

### Blood Thicker Than Some Water.

"Blood is thicker than water"—though not much thicker—and not so thick as sea water. The water of the ocean contains thirty-five parts of saline material a thousand, while the vital fluid of the human body contains but seven parts a thousand or one-fifth as much. In the human body each of its myriads of cells is bathed with this seven-tenths per cent saline fluid.—Dietetic and Hygienic Gazette.

### MOTHER GRAY'S SWEET POWDERS FOR CHILDREN.

A Certain Relief for Fever, Cough, Colic, Stomach Troubles, Teething, Diarrhoea, and Destructive Worms. Sample mailed FREE. Trade Mark. Don't accept any substitute. A. S. OLNEY, Le Roy, N. Y.

### ARE YOU FREE FROM—

Headaches, Colds, Indigestion, Pains, Constipation, Sour Stomach, Dizziness? If you are not, the most effective, prompt and pleasant method of getting rid of them is to take, now and then, a desertspoonful of the ever refreshing and truly beneficial laxative remedy—Syrup of Figs and Elixir of Senna. It is well known throughout the world as the best of family laxative remedies, because it acts so gently and strengthens naturally without irritating the system in any way.

To get its beneficial effects it is always necessary to buy the genuine, manufactured by the California Fig Syrup Co., bearing the name of the Company, plainly printed on the front of every package.

### WABASH R. R. PLACED IN RECEIVERS' HANDS

This Course Is Said to Have Been Taken in Friendly Spirit to Place the Railroad on Its Feet.

St. Louis, Dec. 19.—On the application of the Westinghouse Air Brake company, Judge Elmer B. Adams in the United States circuit court yesterday appointed Frederick J. Delano, Edward B. Pryor and W. K. Bixby receivers of the Wabash Railroad company. The receivers' bond was fixed at \$300,000 each to be given in ten days. Wells H. Blodgett, who has been general counsel of the road, was appointed counsel for the receivers.

F. J. Delano is president of the road now and Mr. Pryor until recently was a director.

New York, Dec. 19.—The appointment of a receiver for the Wabash Railroad company is the result of the appointment here about two weeks ago at a meeting of directors of a committee to readjust the finances of the road, which for several months past has been the subject of grave concern to the road's various security holders.

The receivership is said here to be of an entirely friendly nature and to have been the outcome of the committee's deliberations as to the best possible way of placing the Wabash on its feet. This committee consisted of Winslow S. Pierce, chairman, Edwin Hawley, Robert Goodlet, Alvin W. Kreech and Gen. Thos. H. Hubbard, of whom the first four were elected directors at the meeting. These four men are also directors of the Equitable Trust company; trustees of the railroad's \$400,000 first refunding and extension four per cent mortgage bonds, the semi-annual interest on which is due January 1, next. This amounts to \$800,000 and it was the company's lack of funds to provide for its payment that precipitated it, it is understood, the present situation.

### LONDON BANKER JAILED.

Alfred Carpenter of Charing Cross Bank, Which Failed, Gets Two Years.

London, Dec. 18.—Alfred W. Carpenter, proprietor and manager of the Charing Cross bank, who was arrested on April 25 last on a charge of obtaining money through fraud and false pretenses, was found guilty at the London sessions at the Old Bailey yesterday and sentenced to a term of two years' imprisonment. The Charing Cross bank, a private institution, failed on Oct. 17, 1910. Its headquarters were in London, but it had forty country branches. The deposits amounted to about \$3,000,000, and the entire liabilities were estimated to reach a total of \$12,500,000.

### RECEIVERS FOR WABASH.

Three Appointed on Application of the Westinghouse Airbrake Company.

St. Louis, Mo., Dec. 19.—On the application of the Westinghouse Airbrake company, Frederick J. Delano, Edward B. Pryor and W. T. Bixby yesterday afternoon were appointed receivers of the Wabash Railroad Co.

### In Boston.

Teacher—Waldo, name one of the best known characters of fiction. Waldo (5 years old, superciliously)—Santa Claus!—Puck.

### SIX DAYS TO CHRISTMAS

### Dec. 19

Time to Plan Your Christmas Dinner, Order in Advance

### Wherever there is Pain

Apply an Allcock's PLASTER

The World's Greatest External Remedy.

### Merry Christmas

This store of good outfitting extends the "season's best" to all its friends! By the way! If you haven't selected "hims" present yet, we'll be glad to help you out if you'll come in. We've provided for a whole army of "hims" and no better selections could have been made. There are so many things here just right for a man's or a boy's Christmas that there's no difficulty in making a fine selection. Our Clothing, Hat and Toggery Department is full of things suitable for "hims" of all ages. Just come, see!

Lamorey Clothing Co. The Outfitters

### AN INCENTIVE TO MARRIAGE

By DOROTHEA HALE

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There is something about the portal of matrimony that seems to require new conditions. A set humdrum state is not likely to be conducive to wedlock. This is especially true of those who are passing out of the heyday of youth. If a man growing into bachelorhood or a woman into spinsterhood wishes to change their condition their best chance is to take an ocean voyage at a season when they will meet other travelers. Probably there are more marriages contracted on shipboard in proportion to the size of the passenger list than in any other community. But after a couple have mutually resolved to cast their lot together let them not take any more such trips separately or what has been accomplished may be undone.

William Martindale had come to his thirty-fifth year without being mated and was looking forward to a lonely old age with horror. Not being very closely tied down to business he resolved to take a trip abroad in order to relieve that ennui which begins to show itself in bachelors and spinsters while they are crossing life's equinoctial line. Miss Susan Eldridge, aged thirty, had given up trying to make up her mind to marry some one of the single men she had long known and concluded that if she could not be interested in a household she might at least enjoy a change of scene.

Mr. Martindale and Miss Eldridge met on a steamer running from New York to Naples. They left the American coast in chilly weather and found the contrast on reaching the balmy atmosphere of the gulf stream delightful. They sat on deck most of the day and occasionally in the evening, rising and falling with the swell, listening to the wail and the wessel and each other's chat, now watching a bird sailing above and wondering how it dare fly so far from land, and found it all delightful.

"What an interesting woman!" remarked Mr. Martindale to himself. "If I had before met a girl like that I would by this time have been the father of a family." "Had the young men I have known so long," remarked Miss Eldridge, "had a tenth part of the soul this man possesses I would not now have the prospect before me of finishing my life an old maid."

On the Mediterranean trip the steamer usually stops at the island of Madeira. Mr. Martindale and Miss Eldridge went ashore together and entered a garden filled with tropical plants redolent of flowery perfumes. When they came out of that garden they were engaged.

The rest of the voyage was like sailing in the heavens on a balmy moonlight night. The critical fashion in which they had previously viewed members of the opposite sexes from a matrimonial point of view was replaced by an ideal appreciation of each other induced by an atmosphere entirely different from any to which they had been accustomed. They landed at Naples, strolled together through the exhumed streets of Pompeii, sat on the cliff overlooking the Mediterranean at Corrento and drove together to Amalfi. And it seemed to each that the other resembled some divinity perpetuated in marble in the galleries they frequented.

They separated at Rome to meet later in America, where they were to make arrangements for their wedding. The intervening time had passed. Mr. Martindale had arrived at home, and Miss Eldridge was sailing up New York bay. She paced the deck with a brow which lowered a mental disturbance. Mr. Martindale, she knew, was on the dock waiting for her. Why did she not wear a happy expression at the expected meeting?

And Mr. Martindale—why did he walk through the long dock house with a perplexed look on his face and shudder as he caught a glimpse of the ship on which stood his fiancée? They met. Each strove to put on a smile of wel-

come, expression of heaven born love. The effort was a failure. Each retained a secret which must be sooner or later broken to the other.

"I can endure this no longer," said Miss Eldridge as they rolled over the stony streets in a carriage. "I could never accept a part. I must confess at once."

"Confess?" "Yes. I thought I loved you. I was mistaken. On the return voyage I met the man who at once I felt was born for me and for whom I was born. Forgive me for the wrong I have done you. I couldn't help it."

A long sigh—a sigh of relief—escaped from Mr. Martindale.

"Your confession," he said, "has taken a great load from my mind. I, too, on my return voyage met a girl who charmed me and, I blush to say, won me from you."

For a moment that amour propre, that dislike for being supplanted, to which we are all subject kept her silent, but when she thought of the complication she had escaped she said smiling:

"Oh, how fortunate!" Both of these persons had met others

with whom they might have mated, but it needed that something furnished by a voyage to induce union—something that is as common on the ocean as seasickness, though much pleasanter. Unfortunately all persons who desire to be mated cannot try it, because it is expensive.

The Elbe Going Dry. The river Elbe is going dry, says a report from Tetschen-Bodenbach, in Bohemia. The "famine rocks" in the river bed, called so because they were never seen except when great droughts caused much suffering, are now visible. A part of the Tetschen bridge, which in normal water conditions is submerged, now stands high and dry, and the low water marks bearing the dates 1616, 1636, 1707, 1716 and 1842 can be seen.

Use of Water. "There's no use talking," said Dr. Dustin Stax, "this corporation of ours will have to dissolve."

"How will you go about it?" "I don't know. The only way I know of to dissolve things is to keep putting plenty of water into them."

Ask Your Doctor You could not please us better than to ask your doctor about Ayer's Cherry Pectoral for coughs, colds, croup, bronchitis. Thousands of families always keep it in the house. The approval of their physician and the experience of many years have given them great confidence in this cough medicine.



### No More Cold Hands

PERFECTION SMOKELESS OIL HEATER

A woman often does not notice what a cold day it is so long as she is bustling around the house. But when she sits down to her sewing and mending, she soon feels chilly.

It is then she needs a Perfection Smokeless Oil Heater. Its quick, glowing heat warms up a room in next to no time.

That is the beauty of a Perfection Smokeless Oil Heater. It is always ready for use; you can carry it wherever you please; and you light it only when you want it.

The Perfection Oil Heater is smokeless and odorless—a patented automatic device insures that. It is reliable, safe and economical—burns nine hours on one filling. Handsome, too—drums finished either in blue enamel or plain steel, with nickel trimmings.

Dealers everywhere; or write for descriptive circular to any agency of Standard Oil Company (Incorporated)

### Good Health is the Target

of your aim—or should be—and first in importance. Get and keep good health and you can work with hope—and find life worth living—rise after nights of restful sleep—have energy and ambition—know content. If you are out of health, or in poor condition, see what

### BEECHAM'S PILLS

can do for you. Your food will taste right and nourish you better—your bowels will be regular and your nervous system corrected. Your blood will be purer and you will feel more cheerful. Your whole system will be benefited and you will know why so many thousands have found that Beecham's Pills hit the target and

Hit Right Every Time