# THE COMMERCIAL

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## SUNDAY'S FLOOD.

### Heavy Rains Wash Away Bridges and Damage Crops.

From Mayor John D. Killion we learn that Protemus was under water last Sunday morning. The water was eighteen inches deep in the residence of Mr. Killion's mother, and the household and kitchen furniture was damaged to considerable extent. Mr. Killion also reports the loss of old corn and new corn in the field and a damage by the flood of about two thousand dollars altogether. Protemus is situated on a small rivulet twelve miles west of Union City, and the little stream was swollen to such extent that the entire surface for hundreds of yards looked like an immense lake. John Matt Caldwell is also a resident of that village, and his outbuildings and crops were also greatly damaged. Many other residents sustained losses.

It is also learned that the bridge over Davidson Creek on the road entering Troy from the north was washed away. No similar occurrence has taken place as far as can be remembered by many citizens. The bridge, however, was an old one, and it is probable that it was dangerous. It is altogether reasonable to suppose that the county needs a new iron bridge there anyway.

The iron bridge over the stream on the road leading from this city to Troy, approaching the Clark lane, was reported to be washed away, but that report was altogether a mistake. It is a sample of what is needed all over the county. The bridge is a substantial structure with abutments of concrete, so constructed as to resist any such floods as the one Sunday morning, and that is the worst in the memory of the present citizens.

## NEWS ITEMS.

The final brief of John G. Carlisle and Edmund W. Taylor in behalf of the "straight" whiskey men will be filed with the President.

Wall street rumor has it that the Union Pacific is to absorb the Illinois Central as soon as Harriman returns from Europe. Officials of both roads deny the rumor.

A hurricane did much damage to property at Panama. Telegraphic communication has been interrupted, and it is feared that interior and coast towns have suffered considerably.

During a quarrel at their home at Waco, Texas, J. M. Parkes, 50 years old, attacked his wife with a club and inflicted wounds that will probably cause her death. He then hanged himself to a tree in the backyard.

The Sheriff at Mobile has placed men at "near beer" stands to take the names of customers. It is said the proceeding is under the Prohibition law. It is claimed that only two Mobile saloons have closed, and that the consumption of liquor is as great as ever.

Gen. T. S. Sharretts, the veteran tariff expert who assisted the Democrats in rigging up the Wilson Tariff bill, is authority for the statement that the recent tariff bill passed by the Senate shows a 2 per cent. reduction from the rates of the Dingley law, and a material reduction from the House rates.

A bronze tablet, presented by the Chicago Congregational Club in commemoration of the arrival of the Pilgrim fathers in Amsterdam in 1609, and in recognition of the hospitality of the City of Amsterdam, was unveiled in the English Reformed Church of that city. Since the year 1607 English-speaking people have worshipped in this church, including many of the Pilgrims and others who in the Seventeenth century became colonists in America.

### Want Hangings in Prison.

Nashville, Tenn., July 9.—The Supreme Court, at a meeting here to-day, heard a motion by Attorney-General Cates to amend former judgments in the cases of Cecil Palmer, Wilson County; Virgil Lee, Wayne County, and Wm. Marshall, Rutherford County, so that these men, under sentence of death, may be executed at the main prison in Nashville, instead of in the counties where their crimes were committed. Attorney John E. Turney opposed the motion insofar as it affected Cecil Palmer. The court took the motion under advisement.

The attorney-general also called the attention of the court to differences in the caption and provisions of the act requiring the execution of all criminals convicted of capital offenses at the main prison. The court will also consider this and decide at an adjourned meeting to be held in Nashville July 27.

### Rev. Jerry M. Moss.

Fulton, Ky., July 9.—Rev. Jerry M. Moss, one of the oldest and best loved citizens of Fulton, died this morning at 2 o'clock at his home in West Fulton. Yesterday morning, while sitting in his room, Mr. Moss was stricken with paralysis and fell to the floor. Physicians were hastily summoned and all that medical skill could do was done for him, but his condition was hopeless from the start. For years Rev. Mr. Moss was regarded as one of the leading ministers of the Methodist Church, but the infirmities of age forced him to quit the ministry a few years ago.

### George Oliver.

George Oliver, an aged citizen of the country north of Harris, died on Thursday of last week, July 8. Deceased was one of the oldest citizens of the county, and was survived by a number of children and grandchildren.

## MR. VERTREES ON REASONING

### Able Attorney Comments on Recent Court Decision.

### Mr. Vertrees Pleads for Freedom in the Administration of the Law for Those Entrusted With Its Interpretation---Good Healthy Signs for State.

"It is openly advocated that accused persons be convicted first and the law for it found afterward, but Judges with oaths upon their consciences cannot stand for that. They are not street-talkers, but men with duties to do."

" . . . The killing was inexcusable, intimidating to the people of Obion, and deliberate. The inquiry was not 'Are the perpetrators guilty of a crime?' but it was merely 'Are the accused the guilty parties?' "

"Rules of criminal law are not established alone to try GUILTY people. They are established for the trial of ACCUSED persons. They are established because innocent persons are often accused as well as guilty ones; and they are established for the innocent and the guilty equally and alike, to prevent favoritism and to give a square deal."

John J. Vertrees, Tennessee's eminent attorney, writes The American a most interesting communication regarding the recent Supreme Court decision in the Nightrider case. The American took occasion to express opinion on the action of the court several days ago. It is gratifying to note we are sustained in the position taken by so wise a councillor as Mr. Vertrees. He writes as follows:

To The American:

The strictures, under the guise of criticism, which newspapers have passed upon the recent decision of the Supreme Court in the Reelfoot Lake Nightrider cases call for special notice.

It is the right of every citizen to discuss the opinions of the courts, to criticise their reasoning, and expose by argument the unsoundness of their conclusions. The newspaper or the citizen who undertakes to show that the Supreme Court has erred, in all decency, ought to be reasonably learned and fairly qualified to perform that self-imposed task.

It is the right of any citizen to charge that the Judges of the Supreme Court are foolish or dishonest, but plainly no man with proper ideas as to civic duty and the public welfare will make such charge unless it can clearly be established.

I am not familiar with the record in these Nightrider cases, and have no knowledge of the facts beyond the loose and distempered reports which newspapers usually give, but upon the knowledge I have, I wish as a citizen, and a member of the bar of Tennessee, to congratulate the people of this State upon the sense of duty-doing which this judgment shows characterizes our Supreme Court.

**Public Opinion Is Strong for Punishment.**

The murder of Capt. Rankin was so atrocious that the case attracted great public interest. When it was made to appear that there was an oath-bound band organized for lawlessness and violence, and that the military strength of the State was invoked to maintain order and enforce the law, the public interest increased and newspapers throughout the country not only published everything that would influence the excited and indulgent public, but clamored for blood and punishment. There appeared to be but one side to the case. The killing was inexcusable, intimidating to the people of Obion, and deliberate. The inquiry was not, "Are the perpetrators guilty of a crime?" but it was merely, "Are the accused the guilty persons?" Public opinion outside of Tennessee, and in Tennessee, was, and is strong for punishment. The sentence of death pronounced by the trial court received a great deal of printed commendation.

Under the circumstances of that situation the case was heard by the Supreme Court. I assume that there is not a member of the court who is ever eager to hang any man; but it is common knowledge, by reason of the number of sentences of death that are inflicted by the court at every term, that it never shrinks from the duty of pronouncing the judgment of death, when in the opinion of the Judges the law demands that the accused thould die. There were no circumstances, so far as I have seen, in connection with the crime, to mitigate the severest judgment of the law—nothing which appealed to the court to deal lightly with the accused, if they were shown to be guilty men.

**Constitutional Trial Not Given the Accused.**

When, therefore, in a case of peculiar atrocity and extraordinary public interest, a case in which the law-abiding called for judgment and the morbid, newspaper-fed public clamored for blood, the court, regardless of the question of guilt or innocence, reversed the case because the accused had not been given a constitutional trial—had not been brought to the scaffold in accordance with the sane and orderly rules of procedure and justice, established by the people themselves, when calm and deliberate—it seems to me they rendered a judgment that will meet the approbation of disinterested persons who stop and think.

The rules of criminal law are not established alone to try guilty people. They are established for the trial of accused persons. They are established because innocent persons are often accused as well as guilty ones; and they are established for the guilty and the innocent equally and alike, to prevent favoritism and to give a square deal.

The Constitution was not made for the majority. Majorities can always take care of themselves. It was made for the minority—for the man accused. It was made by the majority in an hour of sober deliberation, that the minority may be protected against the majority themselves in the day of excitement and passion and rage.

**Rules of Criminal Law Are Not Technicalities.**

The rules of criminal law and procedure which the people, when sane and sober, have established for themselves are not "technicalities," as some are flippantly saying, but laws which the Judges of the Supreme Court of Tennessee took office oaths to administer and regard.

When a guilty miscreant is railroaded or bayonetted through to his death it is easy to feel that after all no great harm has been done; and probably not, so far as he is concerned. But the practice is one that begets lawlessness and contempt of courts and increase of crime, and which, therefore, does immense harm to the community at large.

If it shall ever come to pass that our Judges are deterred from administering the laws which they are sworn to administer, because in a particular case by reason of the highly-advertised and atrocious guilt of the accused, they will be denounced by the press and insulted by the multitude, who will be safe against the rage of the many?

If it shall ever come to be understood that when the evidence shows guilt and the community is against the accused, the Supreme Court will disregard all rules of law and procedure as "technicalities" and affirm and convict, it will also then come to be understood that the accused can not under any circumstances allow himself to be convicted below; that is, that he can not rely upon the law for a fair trial, but must look to the jury and the witnesses.

**Principal Comfort is Confidence in Law's Reign.**

The principal comfort which the citizen has is the confidence that he is under the reign of law, and there is a department of government represented by judges and courts where he can have a fair and impartial trial according to general rules of law—a fair and square deal. And nothing can take away that consolation like a loss of confidence in the courage, and duty-doing sense of the courts.

It is openly advocated that accused persons be convicted first and the law for it found afterward, but judges with oaths upon their consciences cannot stand for that. They are not street-talkers, but men with duties to do.

It does not follow that these accused persons will escape. Whether they do or not is a matter for the community in which they dwell, the people of Obion County, Tennessee, and not for the Supreme Court. The question for that Appellate Court was whether the sentence of death had been pronounced upon these men according to the demands of the law.

When the court found it had not, its duty was plain and that it discharged that duty, regardless of what persons not charged with that duty may say, is good and healthy for the people of Tennessee.

Under our elective short-term system the judges are hampered and trammeled sufficiently. Let us not add to those restraints. Let them be free to administer the law as under their oaths they see fit, and not as those whom the people have not invited to be judges may wish it to be. At any rate, let those who are off the bench not denounce those who are on the bench for administering sane, ancient, and established laws. Laws do not become "Technicalities" through calling them "technicalities," and many technicalities are good.

JOHN J. VERTREES.

Nashville, July 8, 1909.

## WHERE LAW, LOGIC AND JUSTICE WERE CONSIDERED.

"The day for escaping the consequences of crime on mere technicalities not going to the protection of essential right has gone by, and violators of law had as well accept the fact and act accordingly."

In our criticisms of the decision of the Supreme Court in the Nightriders' case, we have said nothing more than what is quoted above. If the Supreme Court of the State of Tennessee had acted under this proposition, all would have been well. Justice would have been done, and the murderers of Rankin would not have escaped.

Some of our sapient case lawyers who have no idea of right or wrong further than courts' decisions, reading the above proposition, and not knowing whence it came, would condemn us if we demanded that it be applied in ruling on the Nightrider cases.

It makes an absolute cleavage between right and wrong. It goes to the heart of things, of the issue rather than to the accidents of the issue.

The proposition is good logic. Those lawyers who have written us, objecting to our grounds of criticism of the court, would hardly accept it as a fundamental rule for drawing a distinction between right and wrong. But in order that we may ease their souls, we beg to state it is good law as well as good logic. The proposition is taken from the case of the State vs. Staley, 71 Tennessee, page 567. Decided by the Supreme Court of Tennessee in the December term of 1879, and the lawyer who kindly cited us to it is one of the most eminent in this country.

The language is not ours. It is the language of the court—the same court that in 1909 decided the Nightrider cases on alleged incorrect methods of selecting jurors without going into the merits of the case at all.

To all other objectors to our position as to the Supreme Court's decision, we merely state that former members of this court give us warrant in truth and in law for all that we have said.—Commercial Appeal.



## PIANO RECEIVED.

### Popular Girl Premium Piano at Union City Bank and Trust Building.

### Contestants Very Busy

Contest is in Full Swing and the Spirit Increasing—The Piano is a Fne One—Call and See It.

We take much pride in calling attention to the work being done by the girls of Union City and Obion County in The Commercial Popular Girl Piano Contest. Not only the girls, but many of their friends are awakening to the importance of securing one of our big $400 pianos or other special prizes. Bear in mind that every premium we have named will be given away just as we have advertised them. On Saturday night of this week, we will give to some of these girls a beautiful gold locket and necklace. It is now at our office and will be handed to the winner not later than 7 o'clock Saturday night. Be sure and get all the money in you can this week in order to get the benefit of the big extra fine vote on every $10 on subscriptions turned in at one time on or before Saturday evening, July 17, at 6 o'clock.

There are several earnest workers now in both the city and county contests, and the race bids fair to be one of keen interest and much enthusiasm to all interested, and we are glad to note that all rivalry is of a friendly nature. We guarantee a fair, square deal to all. The ones who secure the most votes will win the prizes. One of these pianos is now here, and has been examined and endorsed by one of our leading musicians, who declares it a fine instrument of unmistakable value and merit. The other will be here in a short time. All the contestants and their friends are invited to call and see them and play on them. Both are shortly to be given away to popular girls of Union City and Obion County. The closing date of the contest is not far off, but we will give due notice of same in these columns.

### Arthur Cloar Here.

Arthur Cloar, one of the eight Reelfoot Lake Nightriders, who has been confined in the Madison County jail for several months and who has been quite ill for the past fifteen days or more with something like typhoid-bilious fever, was taken Friday night by Sheriff T. J. Easterwood, of Obion County, and a brother of the prisoner to Union City, where he was placed in the jail at that place.

The prisoner was taken on an order from the Obion County Court, which was issued by Judge Jones, who tried the Nightrider cases.

Hon. Rice A. Pierce, leading counsel for the Nightriders, made application to the Obion County Court to have the sick prisoner removed to Union City, where he would be nearer his relatives who could better assist in taking care of him at that place.

The prisoner, looking pale and showing the effects of his long confinement, was taken from the local jail to the union depot in a hack.

During his illness every possible attention was shown him by Sheriff Pearsons and his assistants as well as by Dr. C. C. Drake, the county health officer. —Jackson Sun.

### Roach-Black.

Fulton, Ky., July 9.—Announcement of the marriage of Henry Muncey Roach to Miss Pearl Black, which occurred Sunday, July 4, in Princeton, Ky., has just been received in Fulton. The bride is the accomplished daughter of John W. Black, a leading business man of Princeton. The groom was born and reared here, but has for several months been living in Eddyville, Ky., where he holds a position as guard in the penitentiary.