

THE COMMERCIAL

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ONE DOLLAR A YEAR

FRIDAY, OCTOBER 7, 1910.

Democratic Ticket.

For Congress,
FINIS J. GARRETT,
of Weakley.
State Senator,
F. J. CALDWELL,
of Lake.
Floater,
S. F. HOWARD,
of Obion.
Representative,
E. N. MOORE.

Would Amend Jury Laws.

The following interview published in Friday's Commercial Appeal is sound, logical and along correct lines. The Judge, Attorney General and every other official may read and know all about the cause on trial and yet be competent to officiate and discharge their respective duties according to the law and the evidence. The competent juror, however, must be totally ignorant of the case on trial. According to the construction of the present law, the oath subscribed to by the jurymen amounts to naught. The present system probably did very well back in the forties but fails to meet the requirements of the present by a jugful. Gen. Estes is on the right track and we hope to see his amendments become laws.

Amendment of the laws governing the procedure of courts is the theme that has occupied the constant thoughts of Z. N. Estes, Attorney-General of Shelby County, ever since his return from summer vacation.

He has in mind a number of amendments to existing laws that, he believes, will go far to assist in the conviction of criminal persons and will stop up many of the loopholes through which guilty persons so often escape the penalty of their misdeeds. During his journeyings in the East and North this summer he has observed the modus operandi in other States. He has seen criminals convicted, he has seen the courts working swiftly, and he has seen the result of this enforcement of the law in the relatively small number of crimes. He has reached the conclusion that the same results can be attained in Memphis, but to do so it is necessary that the law officers shall have the support and co-operation of the public, and that there shall be some changes in the laws regulating the procedure of the criminal courts.

The jury is finally the decisive factor in a criminal trial, and therefore it is necessary that good juries shall be obtained. Gen. Bates, in an interview yesterday, bemoaned the fact that the difficulty in obtaining satisfactory juries here lies to a great extent in the fact that good men, who profess to want the laws enforced and who stand on the street corners grumbling because the laws are not enforced, and who are the very men who are wanted on the juries to bring about convictions, are the very men who always sidestep jury service whenever possible.

They escape service on trivial grounds. They are the people who read the newspapers, and when they are brought into court it is found they have formed opinions and are therefore ineligible for the jury box.

It is the ignoramus who never reads the papers, and who never forms an opinion, or who says he never forms an opinion in order to get into the jury box, who is finally accepted as the proper person to sit on the trial.

Gen. Estes thinks that some discretion should be exercised by the jury commissioners in drawing the venires. The law should give them a considerable scope of discretion. It might provide for advisory boards from each district to tell them of the character and qualifications of the voters who otherwise are suitable for jury material.

The law should permit persons who are not householders or freeholders to sit on juries. There are many young men in the city, says the Attorney-General, who are clerks or otherwise employed, who have fresh minds and are intelligent, but who, by reason of property qualifications, are barred from the jury box.

The law should place some limit on the examination of veniremen by lawyers for the defense. At present the operations of lawyers in this behalf are carried to an absurd length. For instance, relates the Attorney-General, in a recent case a venireman was asked if he had read of the circumstances of a tragedy that was about to be brought out in the trial. The man replied that

he had read the story in the newspapers long ago, but had forgotten all about it. "Did you form an opinion on what you had read?"

"No, I guess not."
"Do you mean to say that you read the paper and do not form opinions of your own on what you read?"

The venireman, finding the proposition up to him in a shape that places his intelligence in issue, admits that maybe he did form an opinion, but he has forgotten what that opinion was.

So far the venireman is eligible for jury service, but the indefatigable lawyer perseveres.

"But in the course of this trial, when the evidence of the witnesses brought back to your recollection the circumstances of the tragedy, is it not possible that your old opinion in the case would be revived?"

"Yes, it is possible."
"Why, yes, of course. We challenge for cause."

Challenge is sustained and the venireman goes.

A man excused from jury service on such a remote psychological possibility as that, says the Attorney-General, might be excused on the ground that in the course of the trial he might be attacked with a case of colic that would divert his attention from the evidence.

Finally, related the Attorney-General, the prosecution of the high-grade criminals is embarrassed by the qualms of good men who have scruples and prejudices. There is the man who is so conscientious that he cannot stand for capital punishment. He has to be considered. But, on the other hand, there is the man who has a prejudice against murderers. To illustrate, the lawyer for the defense in a recent murder trial had exhausted every other line of catechism that he thought might disqualify the venireman, but without effect, and finally he asked him:

"Have you any prejudice against the crime of murder?"

"Yes, I have," responded the venireman emphatically. "I was always taught to abhor murder."

"We challenge for cause," exclaimed the counsel jubilantly.

And the man was dismissed.

Gen. Estes believes he can remove many of these difficulties in the path of criminal convictions by acts of the Legislature, and he is now formulating a series of bills or amendments that will lead to that result.

Obion Indorses Jones.

The mass meeting of Democrats called by Committeeman Davis met at the courthouse Monday, there being a large crowd of Democrats from the different sections of the county present. Chancery and County Courts were in session and there was the usual first Monday crowd in town. The court-room was comfortably filled, Committeeman Davis presiding.

Speeches advocating harmony and calling on all Democrats to get together to fight their common enemy were made by Hon. Rice A. Pierce, Judge Felix W. Moore and John H. McDowell. These speeches brought forth much applause and the temper of those present was for harmony.

Hon. Joseph E. Jones received the indorsement for Governor, J. H. McDowell casting the only dissenting vote.

About two hundred delegates were appointed from the different civil districts of the county to attend the Nashville convention, care being taken to appoint an equal number of "independents" and "regulars."

Weakley, Benton and other counties also indorsed Jones for Governor. Wednesday the delegates headed for Nashville and assembled in convention yesterday at 1 o'clock to name a Democratic standard-bearer, but The Commercial goes to press too early to even forecast the result, there being at least a half dozen prominent politicians over the State anxious for the job.

Puzzle! Where Does Sen. Frazier Stand?

Nashville, Tenn., Oct. 2.—Where is Senator Frazier? That is a question that is agitating the local political minds.

Physically, of course, the Senator is busy with the Lorimer investigation, but when his private secretary, Rutledge Smith introduced Hooper at Cookeville a question arose as to where he was in the fight. Either he is out of the fight for re-election entirely, and will not be a candidate before the next Legislature, or he has joined the alliance. These are the general conclusions.

Every mail that comes in to Senator Taylor's headquarters brings more encouraging news. To-day he said:

I am receiving hundreds of bright and beautiful letters. In every letter there is rainbow of hope. The flood has receded for the olive branch is passing around.

NATIONAL POLITICAL NOTES.

The Republican Administration has so many troubles that only a few could be even considered by the Cabinet.

Since France increased her protective tariff the cost of living has greatly increased, and the number of trusts or combines is being rapidly augmented.

Representative Payne declares that he has "no apologies to make" for the tariff bill; but a good many other Republicans by force of public opinion think it requires amending.

Jim Tawney, the standpatter Minnesota Congressman, has met his fate at the hands of an unknown young lawyer with insurgent proclivities, who in turn, will be beaten by a Democrat—Buck, of Winona.

Boss Brayton, of Rhode Island, is dead, and the railroads and the trusts will have to select some other Republican to buy the voters with their money in order to protect their interests. Such is Aldrichism.

Quite a number of Republican "lame ducks"—standpatters—gathered in Washington when the President was there. What a flock of them there will be after election, and what a job it will be for President Taft to mend all their broken political bones.

The machine Republicans of New York, who are high-class Federal office holders are mostly lined up for Mr. Roosevelt as delegates to the convention, and civil service traditions have been thrown to the winds. The Colonel is, of course, a civil service reformer, but—

The total estimates for the appropriations necessary for the naval service during the next fiscal year were announced Monday to be \$128,300,000. This stands against appropriations of \$137,913,000 for the fiscal year ended last July and \$132,384,000 for the present fiscal year.

Champ Clark in his speech to the Illinois Democratic Convention completely demolished what was left of Uncle Joe and his standpat Republican associates—their extravagance, their protection to the trusts, their pork bills, and other measures of plundering the people. Turn on the light!

Republican politicians soon lose all interest in politics if patronage vanishes. All the pretext of patriotism is based on "the old flag and an appropriation," or the equivalent of a good fat office with little or no work. Membership in Republican clubs is but a hoped-for stepping-stone to office-holding.

Mrs. Hearst is reported to have said that her husband needs rest from the worry of attending to the large business cares of his newspapers. Judging by his hitting Judge Gaynor when he—for physical reasons—can't reply, and calling him crazy, it is fair to conclude that he is more than tired, and that it is not amiss to inquire "Who is looney now?"

The receipts of the Federal government from all sources for the fiscal year to September 21 have been \$152,055,763, and the total disbursements \$171,967,374, which makes a deficit of \$19,911,611 for that period. In spite of this fact, Republican newspapers and spellbinders are declaring that the new tariff law is such a good revenue producer that it has wiped out the deficit.

A State convention that will probably go in political history as one of the most remarkable in the history of the Democratic party closed Saturday morning at Rochester, N. Y., by nominating John A. Dix, chairman of the party's State committee and a wealthy Washington County business man, to run on a "progressive" platform of the widest type. The platform framed to cover the issues which the Democratic leaders believe were inadequately met by the Republican convention at Saratoga, gained no less attention and approval than the candidate. Regarding the platform there was from the first little or no division of opinion. But the candidate was not chosen until Charles F. Murphy, leader of Tammany Hall, who, by virtue of his 213 delegates, was in a position to control the convention, had canvassed the merits of no less than fourteen others. "I said I would give them an up-State candidate and I have done it," was Mr. Murphy's comment on the nomination.

A Hopeless Struggle.

Parishioner—I heah dat de camp meetin' is done been discontinued, Mistah Whaleback. What war de matter? Rev. Mr. Whaleback—Wat wif tree white men jes' outside de grounds a-peddlin' hard cider, watahmillions and lottery tickets hit war impossible foh me to keep up de religious fervor ob de congregation sab.

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No. 53...11.15 p.m.

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No. 52...6.44 a.m. No. 4...12.46 p.m.

No. 54...7.52 p.m.

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No. 6—Accom. (daily), ar. 7.10 p.m.

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No. 1—Express (daily), ar. 3.55 p.m.

No. 3—Express (daily), lv. 3.32 a.m.

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No. 1...8.08 p.m. No. 105...3.46 p.m.

No. 3...15.38 a.m. No. 133...5.51 a.m.

Trains Nos. 105 and 133 are accommodations and stop at Gibbs to receive or discharge passengers.

GIBBS—NORTHBOUND.

No. 4...9.40 a.m. No. 106...12.07 p.m.

No. 4...11.48 p.m. No. 134...8.15 p.m.

*Flag stop under special orders. See agent.

*Stops on flag only to receive passengers holding tickets for points north of Carbondale where 2 or 4 stop.

Trains Nos. 134 and 106 are accommodations. Tickets and particulars as to specific rates, limits and train time of your home ticket agent at Gibbs.

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