Was It Justifiable?

HE killing of a human being in self-defense is not murcide. Unintentional killing rail. resulting from carelessness is manslaughter. Properly speaking, murder is the premeditated and deliberate killing of one or more human beings by some person who is at the time responsible for his actions-1, e., sane. The penalty fixed by law is death or fm-

prisonment for life, Law recognizes no such thing as justifiable murder, Elmer Ware was not threatened; he was not attacked; his life was not leopardized by the man he killed, nor did he feel any animosity toward him. The killing was dellberate and premeditated, though only for a few seconds.

The jury before which the case was tried had no authority to judge whether the premeditated killing of an unoffending man could be justifiable or not; the jurymen's duty was simply to decide whether or no Elmer Ware was guilty of the crime of murder as charged; but the verdict ren-dered was "Not guilty," It was justice versus law.

Through a certain mountainous region in the west runs a branch line of well known railroad. At one end of the branch is a city of some 20,000 inhabitants, and at the other end the junction with the main line. For fifty miles from the junction the branch is all curves, grades, tunnels and bridges, and then comes twelve miles of nearly level track, all laid on a gradual downward slope.

At the beginning of the slope there is a long curve, and sycamore trees grow thickly on both sides of the track. A few hundred yards beyond the grove of sycamores there is a short spur, on which six or seven flat cars can stand at a time. A long shed stands near, and blocks of brownstone are scattered about.

Both shed and spur are on the wrong side of the track, as the quarries, three mlies away, from which the rock is hauled, are on the opposite side: this is because the ground, being a little higher on the east side, required less filling for the spur,

The trains on the branch road consisted of two coaches, a baggage, mail and express car, all in one, and an eight-wheel engine built for speed South-bound, these trains whizzed past the stonecutters' shed at sixty miles an hour, for that piece of track afforded an opportunity to make up time. The short trains never lost time themselves, barring accidents, but they had to walt at the junction for the arrival of the overland mail, which was often

Besides the two passenger trainsnorth bound and south bound-there was a freight every day; going up one day and down the next, The north bound passenger passed the stone-shipping spur at 8 o'clock in the morning and always on time to the minute: but the south bound train, due at 3.50 o'clock in the afternoon, was often as much as an hour late.

As she whistled for the crossing only on leaving the sycamore grove, it would not give the rock hauters sufficient notice if they happened to be crossing at the time, and for reason the teamster who reached the crossing after the 'passenger" was dus would stop his team and listen for the train.

One evening the overland mail was more than two hours late at the junc tion, and this was the primary indirect cause of Richard Young's death. The lessness in taking too much for granted, and his lack of presence of mind at the last moment; the third cause was the heroism and coolness, under the mest frightful strain, of Engineer

Young reached the crossing late that evening. He was in a hurry to get his wagon to the shed, so that he could unhitch and go home. It was more than two hours after train time, and the train had never been so late, so Young did not leave his wagon as usual and walk forward to listen at the track.

Young's wagon, weighing two tons itself, was loaded with seven tons of rock. The six horses pulled it but slowly along the level road, and when crossing, they seemed hardly to crawl. To lash the horses at such a time is worse than useless, for then they will plunge wildly, while the wagon tops dead; only a steady pull will keep it

When Young's leaders were on the track his ear caught the sound of the



Going to bed to tumble and toss and to pursue in vain the phantom sleep through long weary hours and rise That is the way with many a woman, who is tormented by the aches and pains resulting from female weakness, and other diseases of the delicate organs of woman, Pierce's Favorite Prescription made to cure just such cases and it does what it was made for. It heals ulceration and inflammation, dries debilitating drains, cures female weakness, strength ens the body, soothes the nerves and enriches the blood. It gives lasting strength for the day and sound sleep

for the night.

"For three years I suffered continually," writes Mrs. I. J. Pennis, of 828 East College St., Jacksonville, Illa. "I sought relief among the medical profession and found none, until induced to try Dr. Piecre's Favorite Prescription. When I commenced taking this medicine I weighed ninety-five pounds. It built me up antil now I weigh one hundred and fifty-six pounds—more than I ever weighed before. I was so bad I would lie from day to day and long for death to come and relieve my suffering. I had internal inflammation, a disagreeable drain, bearing down pains and such distress every month. But now I never have a pais—de all my own work and am a strong and healthy woman. Thanks to your medicine."

Biliousness is banished by the use of

Biliousness is banished by the use of Dr Pierce's Pleasant Pellets.

ers; this delayed his progress,

the engine whistled for the crossing. sat staring at the gleaming lines. The der; it is justifiable homi- front of the wagon was over the first five cent chips in those days.

There came a single sharp blast from great leap forward, crashed into the arrival in Washington I had lost as front end of the wagon, now half way the pointers dragged against the side

the gioom, The train seemed hardly to have

Under the wreckage of his wagen camster, dead.

Public indignation ran high in Black no so much that he had killed a man; ther engineers had done such things, and it might have been unavoidable; out Ware had not made the slightest effort to save Young's life; he had not eversed or called for brakes; on the the game, contrary, he had opened the throttle . The ser yide and the engine was going at vagon nearly a mile behind.

That the wagon must have been but if Ware had reversed his engine vel at his ever-increasing pile.

save his life. Those who felt inclined to seek exuses for the engineer advanced the theory that he had been excited, and ill agreed that he should be punishedhat is, all but the railroad men; they tated and deliberate killing, and they also knew that Engineer Ware had

The engineer was charged by the oroner's jury at first with man-streak. ad made a statement admitting that he had expected to kill the teamser, nd he was indicted for murder, Actng on his lawyer's instruction, he declined to give his reasons for killing Young.

The courtroom was crowded on the lay of the trial and full of an air of if I should mention the size of the suppressed excitement.

The first witnesses heard were two stonecutters who had been at the spur. Their evidence showed that no effort had been made to slow downthat the train was going much faster when the engine struck the wagon the curve. The defense walved the right of cross-examination, and the

estimony of those witnesses stood. "Poor devil! Knows he's gone!"
"Poor fellow! He takes it hard!" Such were the whispered remarks in the courtroom when the prisoner took the stand to speak in his own defense, His ghastly face, eloquent in its agony, gained him much sympathy. He

began excitedly; had to do it.

"When I saw the wagon first I startaw that they would be of no use, and lecided to do what I could with the ever. I was about to reverse when flashed upon me that the wagon was oaded with rock-that it would be truck it if I tried to slow down." He had been speaking excitedly, but now fit myself or my family." his voice fell.

"I had two coaches and the mail between the other two, and in that one were more than thirty people; to strike that load of rock was to telescope that middle car"-his voice had risen; he spoke wildly:-"yes and to rush it like an egg shell and everything in it."

"What could I do? I threw the lever ver; we plunged forward; I killed that man. Oh, my God! I didn't want

o kill him!" Ware paused, with his arms stretched out as if in appeal to those before him, plending with them to tell him if he had done wrong to sacrifice a human life, and the answer came in a

choking cheer. Now followed expert testimony to prove that reversing would have clescoped the car. "His own life was in danger," said

the counsel for the defense. "A man has the right to protect his life." Ware made a deprecatory gesture. The law-

"Do you think a man can delight in cilling people for whom he has no disike? Look at him! He has saved many lives by his unselfish devotion, et the memory of the life he was reed to take has preyed upon him ill he is a wreck. The people in that car trusted themselves to his care; ould you have him kill them all? No; his first duty was to them and te saved them at a cost of more than

The district attorney did his duty in spite of the angry mattering in the courtroom. He pointed out the fact that the teamster was not in any way threatening the engineer, and that the latter had killed him deliberately. He did his best, but he knew the case for

the people was lost, The presiding judge summed up the ase on legal grounds, giving no indication of his opinion. Perhaps he knew there was no need.

The jury was out five minutes and found a verdict: "Not guilty." Clondesley Jones in the Chicago Record.

THE SENATOR'S LUCK

Wanted to Lose \$5 in Return for His Meal, but Had to Win Thousands. From the Washington Post.

"I came here with the first senator from Minneasota after the Territory was admitted as a state," said Colonel Cole Martin to a group of listeners one

evening the past week. "Henry N. Rice served one term as United States senator, and I, being a resident of St. Paul when he was elected by the legislature, and taking part in the fight, concluded to some on to Washington, as in those days, 1858, Washte " was a wide-open town, is no fine then as a beer among the sports, and ttor I crected my topee in

RECENCE OF THE PROPERTY SINGLES SINGLES OF the rails. It fascinated him invited him into Pringle's. Pringle's and caused a sort of paralysis to seize at this time was the finest gambling apon his every muscle; even his brain house in Washington. The proprietor was numb; but he was acutely con- served three elegant meals a day to cious of one thing through it all- his guests and patrons without charge the fiendish humming of the steel rails. It was a rendezvous for all manner Something of the numbness left the and kinds of men with money. You camster's limbs; he alternately tug- could meet there in groups a foreign ged at the lines and lashed the wheel- ambassador, a United States senator judges, generals, and, of course, mer Suddenly the rails glowed with yellow light in the gathering dusk and cloth as a profession. I was then in or about my thirtieth year, Young became motionless again and thought no more of 'win or lose' \$5,000 than I would now of a single five-dollar bill. There were no ten or twenty 'whites' cost \$1, the very lowest price for them. Nobody thought of buying the whistle; it was the first note of a stack of chips under \$50, and play "down brakes," but the signal was was high, I was as high a roller as the never finished. The engine gave a best of them, for just previous to my

'banker' in two nights over \$30,000. ncross, and hurled it back. The "Well, Senator Rice and myself en-wheelers were crushed to pulp, and joyed Pringle's fine spread. I introduced the senator, and as he had nevof the engine and killed, while the er played a card, like old Matt Carleaders, torn loose, dashed snorting into penter, he knew all the 'boys' and was gracious and democratic in his associations with them; he felt embarrassed struck ere it disappeared, rocking and over eating such an elegant meal and plunging into the distance. not having to pay for it. Passing a fare 'lay-out' in the next room, he and its load of rock lay Dick Young, threw down a five-dollar gold piece on a card, expecting to lose it. To his surprise and chagrin, however, he won, ounty against Engineer Ware. It was This made the matter was se than ever, as he did not want to win, but to lose the \$5 as an indirect payment for the meal he had eaten. While he was in a quandary I bought a stack of chips and soon became absorbed in

"The senator's bets were placed haphazard, he not knowing whether they such speed that it could not be were placed right or not, and not car-stopped until it had left the shattered ing, except that he wanted to lose, and get out of the place. But lose he couldn't and I soon dropped out, bestruck in any case all were agreed, ing broke, to watch his play and mar-Young might have jumped in time to soon had a crowd around him, which added to his embarrassment, and he appealed to me to help him get broke, as he wanted to get out, and did not want to take any of the bank's money lid not know what he was doing, but with him. Well, this was the funniest snap I have ever experienced in my life of over seventy years. There sat knew that it was a case of premedi- the senator and myself playing for all we were worth to reduce his winn rs, and play any way we chose the pile lone a glorious deed, and not for gain of chips increased. I, who had been so unlucky, caught the lever of the senator's good luck, and won in a

"The senator's face was as white as his shirt, and he was as scared a man as ever I saw in my life. But the play went on, and owing to the fact that at that time there was no limit at Pringle's, the bets were so high, that the modern twenty-five cent chip player would get the grip

"Finally, Mr. Pringle called me to one side, and told me that his partners objected to the game without a limit. He was willing himself to play the bank without it, but he was ompelled to defer to the wishes of than when it first appeared around his partners, and would place the

limit at \$250 a bet, "He said it was all right to have me day on, as he liked me and all that, out I was the first man who ever forced him to put a limit on the game. When I returned to the table I quietly informed the Senator and he looked listressed, as he saw no chance, from his point of view, in getting rid of his winnings at a \$250 limit. We played until midnight, and the Senator at last yielded to fatigue, and ordered me to each in. When he counted the roll in Bleomington Panta Galera Gazette his room, our joint winnings were just ed to call for brakes, but I instantly \$31,300, of which sum he staked me, as my share, to \$10,000. Said he, when he

gave me the money: " Martin, I never played a card in my life before this afternoon, and I will never play another one as long as straight across the track when I I live. This money I will do something with which shall not immediately bene-

"I visited St. Paul twenty years after this occurrence and met the Senator. and baggage car; the lightest car was True to his word, he had never touched a card, and I learned from others who got wind of the play in Washington that the Senator's winnings were expended in helping struggling young fellows to get a start in life, accompanied in every case by the condition that they should never play in a gam-

ing house. "I venture to say, that this is the most remarkable case on record of a man's unexpected and undesired large winnings turning him against gambling and card playing and scaring him atmost to death. I was then so reckless with money that it made no sort of difference to me whether I won or lost \$20,000, so you can imagine how I regarded the Schator's squeamishness, But you see he was right after all, and took the proper view of the matter, for money which comes easy in a winning at faro, goes easy the same way; in a week I had lost the \$10,000 and thought no more of it than I do now of losing

THE SCARE CROW OF "IMPE-RIALISM."

By David J. Hill, First Assistant Scenetary of State.)

islism, when no advocate of "imperlatism" exats, cannot be other than elusive. resilients his approval of the treaty of Paris, by which the Phillippine islands became territory of the United States. Even before the ratificaon of the treaty the government found itself had accomplished their liberation from the op-pression of Spain. This insurrection, inspired a part by misrepresentations of the intentions of this government, was led by a self-consti-tuted dictator who assumed authority, not only over the Tagalog tribe, to which he belo but over the entire Philippine archipelago which the United States, with Mr. Bryan's ap proval, had legally acquired by treaty. Article VI of the constitution declares that "all treaties made under the authority of the United States shall be the supreme law of the land." The tivaty of Paris provides that "the civil rights and political status of the native inhabitants e territory hereby coded to the United tes, shall be determined by the congress." Upon the ratification of the treaty, therefore it Upon the ratingation of the president, as the chief executive, to enforce the rights and powers of congress, which were secured by the on, to protect the lives and property of peaat le inhabitants intrusted to the guardianship of this government, and sustain the American so diers who had been violently attacked while maintaining the honor and defending the flag of their country. The course of the president and of congress has not only been legal, but just and business at every step in their difficult task of suppressing bloodshed and restoring peace and order. The only "imperialism" justly at-tributable to the present administration is that of the constitution itself, which requires the president to "take care that the laws he faith-fully executed." Had he permitted a self-apow. Of course, I had an ac- phinted dietator to usurp the powers of congress to destroy the lives and property of innocent inhabitants, or to drive American troops out the card if the senator invited me to while making the rounds had a more potent battle-cry than the false, ma-One afternoon we got hungry, and I licious, and empty slogan of "imperialism."

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and is not a dye, and does not discolor the
skin nor rub off. Perfectly barmless and
always gives satisfaction.

Mmc. Ruppert's Depliatory removes
superfluous hair in five minutes, without
pain; will not injure the most delicate
skin.

skin.

Ame. Ruppert's Egyptian Balm for softening and healing the face and hands.

Ame. Ruppert's Hair Tonic positively
removes dandrufi. all scalp diseases, stops
falling hair, and in many cases restores Mme. Puppert's Aimond Oil Complexion

Seep, made of pure almond oil and wax-benghtful for the complexion and war-ranted not to chap the most delicate skin. ways kept in stock and can be had from or socal agent. Mme. A. Ruppert's Celebrated Com-

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