

# The President's Special Message

President Roosevelt sent to congress on April 18 a special message, as follows:

"To the Senate and House of Representatives: I submit herewith a letter of the attorney general, enclosing a statement of the proceedings by the United States against the individuals and corporations commonly known as the 'beef packers' and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice. It clearly appears from the letter of the attorney general that no criticism whatever attaches to Commissioner Garfield; what he did was in strict accordance with the law and in pursuance of a duty imposed on him by congress, which could not be avoided; and, of course, congress in passing the Martin resolution could not possibly have foreseen the decision of Judge Humphrey.

"But this interpretation by Judge Humphrey of the will of the congress as expressed in legislation is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the government has the right of appeal from this decision of the district judge.

"The case well illustrates the desirability of conferring upon the government the same right of appeal in criminal cases, on question of law, which the defendant now has, in all cases where the defendant had not been put in jeopardy by a trial upon the merits of the charge made against him. The laws of many of the states, and the law of the District of Columbia, recently enacted by the congress, give the government the right of appeal. A general law of the character indicated should certainly be enacted.

"Furthermore, it is very desirable to enact a law declaring the true construction of the existing legislation so far as it affects immunity. I can hardly believe that the ruling of Judge Humphrey will be followed by other judges, but if it should be followed the result would be either completely to nullify very much, and possibly the major part of the good to be obtained from the interstate commerce law and from the law creating the bureau of corporations in the department of commerce and labor; or else frequently to obstruct an appeal to the criminal laws by the department of justice.

"There seems to be no good reason why the department of justice, the department of commerce and labor, the interstate commerce commission, each should not, for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary under the constitution and

the laws that persons who give testimony or produce evidence as witnesses, should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons, who, being subpoenaed, had given testimony or produced evidence, as witnesses, relating to any offense with which they were, or might be charged. But Judge Humphrey's decision is, in effect, that if either the commissioner of corporations does his duty or the interstate commerce commission does it, by making the investigations which they by law are required to make, though they issue no subpoena and receive no testimony, or evidence, within the proper meaning of those words, the very fact of the investigation may of itself operate to prevent the prosecution of any offender for any offense which may have been developed in even the most indirect manner during the course of the investigation or even for any offense which may have been detected by investigations conducted by the department of justice, entirely independently of the labors of the interstate commerce commission or of the commissioner of corporations—the only condition of immunity being that the offender should have given, or directed to be given information which related to the subject out of which the offense has grown.

"In offenses of this kind, it is at the best hard enough to execute justice upon offenders. Our system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have his right adequately preserved, and it is admirably framed to meet this danger, but at present the danger is just the reverse; that is, the danger nowadays is, not that innocent men will be convicted of crime, but that the guilty man will go scot free. This is especially the case where the crime is one of greed and cunning, perpetrated by a man of wealth in the course of those business operations where the code of conduct is at variance, not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but much less effective, to proceed against a corporation than to proceed against the individuals in that corporation who are themselves responsible for the wrong-doings.

"Very naturally outside persons who have no knowledge of the facts and no responsibility for the success of the proceedings are apt to clamor for action against the individuals. The department of justice has most wisely invariably refused thus to proceed against individuals unless it was convinced both that they were in fact guilty and that there was at least a reasonable chance of establishing this fact of their guilt. These beef packing cases offered one of the very few instances where there was not only the moral certainty that the accused men were guilty, but what seemed and now seems sufficient legal evidence of the fact.

"But in obedience to the explicit order of the congress the commissioner of corporations had investigated the beef-packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the attorney general:

"Mr. Moody: I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether there is any evidence of such a promise or not, I do not know, and I do not care."

"Mr. Miller (the counsel for the beef packers): There is no claim to it."

"Mr. Moody: Then I was mistaken

and I will not even say that word." "But Judge Humphrey holds that if the commissioner of corporations, and therefore if the interstate commerce commission in the course of any investigation prescribed by congress asks any questions of a person not called as a witness, or asks any questions of an officer of a corporation not called as a witness with regard to the action of the corporation on a subject out of which prosecutions may subsequently arise, then the fact of such questions having been asked operates as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measurably near making the law a farce; and I therefore recommend that the congress pass a declaratory act stating its real intention.

"THEODORE ROOSEVELT,  
"The White House, April 17, 1906."

## OUT-DOOR LIFE

The magic breath of spring is in the air, even though it be a little chilly for the passing moment, and beauty is budding and blooming everywhere. The outdoor season is at hand. Good Health, an excellent publication, suggests that as soon as the weather will permit everybody should live on the porch, do their reading, sewing, eating, lounging and napping there. There is nothing more healthful than living in the open air. Condensing Good Health's suggestions the Baltimore Sun says:

"The parlor ought to be deserted in summer for the open air, and the dining room likewise. With hammocks and easy chairs a delightful existence there is practicable, and a stay there is much more health-giving than in the contaminated air of a bed room. Many persons nowadays spend the night on the porch in summer, and not a few find the air better there in winter also. There are porches and porches. A bare, bleak porch exposed to the sun has its drawbacks, but it can be made attractive by planting around it in the spring quick-growing vines. Clematis, woodbine, trumpet flower, ivy and honeysuckle can be planted later for perennial shade. The morning-glory is a rapid grower and will give in a few weeks the desired privacy and shade. The scarlet creeping bean is said to grow six and three-quarter inches in one night. One of its merits is that it attracts hummingbirds all the summer long. Porch furniture is now made in many styles, including the indispensable table for books, magazines, etc. Hanging baskets with flowers and ferns have a decorative effect. Everything is to be added that will charm the household from the house into the open air."

Outdoor life, exercise, is better than medicine. It is good for the body, the mind and the soul. The approach of the outdoor season should be also the cleaning season. The spade and the hoe, the broom and the paint brush should be brought into activity. Nature always does her part; let man do his. Clean yards and lawns, rear as well as front, clean streets and sidewalks, trees, grass, flowers, vines, these are necessary to cleanliness and beauty such as give satisfaction to the eye and repose to the mind. There are many ways of living. Some do not live; they merely exist. Some persons of wealth only half live. To labor to live may be a necessity, but to live to labor is a duty. There is a wealth of beauty and loveliness that may be enjoyed by all. But there is no beauty without cleanliness, and outdoor life with dirty surroundings can not be attractive.—Nashville American.

The attorney general of Wisconsin is collecting evidence for the purpose of annulling the Standard Oil trust's charter in that state.

**\$50 if It Suits Nothing if it Doesn't**



That's how we sell our Split Hickory Special Top Buggy. Though it's the buggy known for merit in every section of the country, and you know what you buy, still you can have one to use for 30 days before you decide. We make good, first-class Top Buggies \$35.00 up to our famous \$50.00 Split Hickory Special. And all other kinds of vehicles, and harness too. It takes 150 big pages to show all these in our new 1906 catalogue. We tell you this book will save you money and we want to

**SEND YOU ONE FREE**

But we must have your name and address, where we can reach you—let us know today. This in headquarters. We make vehicles and harness and ship direct to you to try. You can't get a more liberal proposition and you save middlemen's profit of a third to half by dealing with headquarters. Our guarantee is a legally binding one between you and us. You know the value of experience and long successful business behind it. Now we want to send you that catalogue so you can pick out what you want to try—then it's up to the gods. Your address, please, at once.

**THE OHIO CARRIAGE MFG. CO.,**  
H. O. PHELPS, Pres.,  
Station 12 Cincinnati, O.

**PATENTS that PROTECT**  
Our 3 books for inventors mailed on receipt of 6 cts. stamps  
R. S. & A. B. LACEY, Washington, D. C. Estab. 1869.

Good Positions as salesmen now open in every state. Experience unnecessary if hustler. Steady work, good pay and promotion. Apply at once to Morlock Tobacco Works, Box D14, Danville, Va.

**PATENTS GUARANTEED**  
Handsome Guide Book Free  
I save money and time. Patent Expert.  
E. E. VROOMAN, Box 58, Washington, D. C.

**This ELEGANT Watch \$3.75**

Before you buy a watch send this out and send to us with your name and address, and we will send you by express for examination a handsome WATCH AND CHAIN C. O. D. \$3.75. Double hunting case, beautifully engraved, stem wind and stem set, fitted with a finely jeweled movement and guaranteed a correct timekeeper, with long Gold plated chain for ladies or vest chain for Gents. If you consider it equal to any \$25 GOLD FILLED WATCH Warranted 20 YEARS pay the express agent \$3.75 and it is yours. Our 20 year guarantee sent with each watch. Mention if you want Gents' or Ladies' case. Address  
H. FARRER & CO., 257, 259 Quincy St., CHICAGO.

**CREAM SEPARATOR FREE**

This is a genuine offer made to introduce the PEOPLES CREAM SEPARATOR in every neighborhood. It is the best and simplest in the world. We ask that you show it to your neighbors who have cows. Send your name and the name of the nearest freight office. Address  
**PEOPLES SUPPLY CO.**  
Dept. 177 Kansas City, Mo.

**CHICAGO GREAT WESTERN RAILWAY**

MAPLE LEAF ROUTE

**"The Right Road"**

BETWEEN  
Chicago, St. Paul,  
Minneapolis,  
Des Moines, St. Joseph,  
Kansas City,  
Council Bluffs and  
Omaha.

EQUIPMENT RIGHT,  
TIME RIGHT,  
SERVICE RIGHT.  
IT'S ALL RIGHT.

J. P. Elmer, G. P. A., St. Paul, Minn.

# Can't Do It

Heart affections will not get well of themselves; neither do they remain inactive. If the cause is not removed, they continue to grow in number and severity.

They are the outgrowth of exhausted nerve force, and the heart cannot stop to rest, as do the other organs, but must continue to struggle until completely disabled, and—that's the end.

On the very first indication of heart trouble, you can stop all progress and effect a cure by the use of

## Dr. Miles' Heart Cure

the most effective heart remedy known. It builds up, feeds and strengthens the nerves and muscles of the heart, and restores it to perfect health.

"I had serious heart trouble; for two months my life seemed to hang by a thread, when my attention was called to Dr. Miles' Heart Cure. I commenced taking the Heart Cure, and Nervine, and in two months they restored me to comparative good health."

REV. W. A. ROBINS, Port Elgin, Ont.  
The first bottle will benefit, if not, the druggist will return your money.