

The Oregonian

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TODAY'S WEATHER.—Showers and warmer, easterly winds.

PORTLAND, THURSDAY, MAY 23.

LABOR AND TARIFF.

The rhetorical skill and abounding literary resources enjoyed by Mr. Edward Atkinson served him well in the testimony he last week submitted to the Industrial Commission on the relation of high wages to industrial efficiency.

It was one of the clever sayings of Daniel Webster that "we can't afford to do ourselves what foreign paupers can do so well for"—referring to the importation of goods that are landed here more cheaply than we can make them.

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AN ASTORIA GEM.

The Astorian, desiring to present the Columbia River and its commerce in the best possible light, prints the following in its edition of the Tacoma Evening News, that city has within one as many ships regularly engaged in the Oriental trade as all other ports on the Pacific Coast combined.

about the 11,000-ton Glenroy, of the Tacoma-Oriental line. "Figures never lie," but the use of them does enough of it to make up the deficiency.

It will probably strike the visiting Ohioans, who are searching for information regarding the Columbia River, as strange that a Columbia River paper would be obliged to print Tacoma figures regarding Columbia River steamships. The Tacoma News printed the above figures with the deliberate intention of misrepresenting the comparative tonnage of the Glenroy and Indrapura. The Astorian repeated the figures through ignorance and stupidity, aided and abetted by a feverish desire to get in a whack at Portland and the Columbia River at a time when we were entertaining guests who would never suspect the motive for the publication of such a piece of misrepresentation.

The Oregonian has this "to say about the 11,000-ton Glenroy, of the Tacoma-Oriental line": She is smaller in net tonnage and under-deck capacity than the 800-ton steamers of the Portland-Tacoma line, and she carries only 10,000 tons, but are usually called 8000-ton steamers on account of their dead-weight capacity. It may be a matter of news to the Tacoma News and the Astoria Knocker that some of the steamships which the Tacoma papers are classing as regular Oriental liners were actually offering wheat-loading in Portland.

THAT LOST \$31,000.

It has now been three months since a Legislative investigating committee reported a defalcation of \$31,000 in the management of the school funds under the administration of George W. Davis as clerk, and not a step has been taken toward the recovery of that large sum. Why this inaction and how long it will continue, are questions that are uppermost in the minds of the people. The Oregonian, entertaining as it does the highest regard for the integrity and ability of the state officials whose duty it is to care for the state's interests, has waited long and patiently for the announcement of proceedings for the recovery of the money which was stolen from the school funds in 1884.

George W. Davis was elected Clerk of the School Land Board when that board was organized in 1884. He was Secretary of State McBride and State Treasurer Mettschan. That board is charged by the constitution with the management of the school funds, and it is as much the duty of these officials to perform this work as it is their duty to perform any other work connected with their offices. They were authorized to employ a clerk who was subject to their orders, and who could be discharged by them at any time. They were empowered to fix the amount of his bond at any sum not less than \$5000. They fixed his bond at the minimum amount, and failed to require him to obey that portion of the law which directs him to make immediate payment to the State Treasurer of all moneys collected by him. The result was a defalcation of \$31,000, for which the state has only \$5000 security, so far as the clerk is concerned. Whether the state has recourse upon the members of the board is a question that is not settled, but ought to be. The official terms of Penney, McBride and Mettschan expired at the close of 1891, and their successors were not elected until the board composed of Governor Lord, Secretary Kincaid and Treasurer Mettschan. The defalcation was not discovered until February 20, when the Legislative committee reported a full statement of the facts to the Legislature. On the following day the Legislature adopted Senate concurrent resolution No. 23, directing Attorney-General Blackburn to continue the investigation, and authorizing him to employ clerical aid for that purpose. An appropriation of \$1000 was made to cover the expenses of the Attorney-General's investigation. The resolution also contained the following instruction to Judge Blackburn:

That the Attorney-General is instructed in any mismanagement or misappropriation of the state funds discovered to exist, to prosecute the wrong-doer or wrong-doers to the full extent of the law, and to use his best efforts in the protection of the interests of the State of Oregon as aforesaid.

Instead of immediately beginning the work of completing the examination of the books of George W. Davis, where a defalcation had been discovered, the Attorney-General has been engaged in the prosecution of some of the books of Napoleon Davis, whose term of office began so long ago that any misfeasance in office would be outlawed, both civilly and criminally. After the expiration of three months and the expenditure of nearly \$1000, nothing new was developed concerning the defalcation, and nothing has been done to recover the money. Had some satisfactory blow been broken into the State Land Office and robbed its vault of \$31,000, it is safe to say that no three months would have elapsed after the discovery of the crime without some steps being taken for the arrest and conviction of the criminal. Is one kind of robbery less culpable than another? Can friendship or political associations shield a man from prosecution for crimes the commission of which is tacitly admitted?

duty of those officials to order the commencement of proceedings to recover the same. It is not enough to say that the Legislature placed this duty upon the Attorney-General. The constitution placed the duty of managing the school funds upon the State Land Board, and it is now patent to every one that there are \$31,000 of school funds which the board is not managing, but should be. The last Legislature passed an act making it the duty of the Attorney-General, "when requested by any state board," to appear, prosecute or defend any action, suit or proceeding in any court in which the state is a party or is interested. The State Land Board has the power to require the Attorney-General to begin a suit against the old board and against Davis and his bondsmen. If the Attorney-General refuses to comply with the instructions given him in the Legislative resolution, let the board direct the commencement of a suit, and thus put the Attorney-General and the present State Land Board may be of the opinion that Penney, Mettschan and McBride are not liable for the default of their clerk. Then let them say so. But the people of this state believe these gentlemen are liable, and that the state can recover from them. The questions involved are few, and can be readily decided with but little expense. Let the board begin a suit, whatever its own opinion may be, and let the Supreme Court say whether state officials can escape responsibility imposed upon them by the constitution. The money used in examining the books of Napoleon Davis would have paid the expenses of a suit against Penney, Mettschan and McBride. So far as moral obligation is concerned, the duty of the old board to make good the shortage is beyond question. The board allowed Davis to retain large sums of money for periods extending during his own pleasure. His books were not expert by the board, and no one inquired whether all the funds had been accounted for. More than that, State Treasurer Mettschan, the only member of the board who served during the subsequent administration, used every effort to have Davis retained as clerk under the new board, and stood out for him when Lord and Kincaid voted in voting for General Odell. Since Mettschan occupied the office of State Treasurer which gave him a good opportunity to learn of any shortage, and by reason of his holding over until Davis went out of office had every chance to learn of the false entries in the books, he, at least, can have no excuse for failing to see that Davis did his duty. But whatever the liability of the old board, let some action be taken toward the recovery of the money. The state's chances of recovery are not increased by delay. If no action is to be taken, if official bonds mean nothing, let the board say so, in order that the people may know where their interests stand.

Though the Legislature directed the Attorney-General to prosecute Davis to the full extent of the law, the Governor announces that he will leave criminal proceedings to District Attorney Hart, of the third judicial district. The District Attorney has no evidence regarding the commission of the crime. Attorney-General Blackburn has spent nearly \$1900 collecting evidence, and should be in possession of all the facts necessary to prosecute the wrong-doers. The Oregonian believes that the duty of bringing offenders to justice and of recovering money due the state should not be shifted from one official to another, for what is everybody's business is nobody's business. Let this unexplained delay cease, and let state officials perform their duties or resign their offices.

AN UNDESERVED STIGMA.

The death of General Fitz John Porter recalls the fact that in December, 1862, General Grant, in a general order, announced that he will leave criminal proceedings to District Attorney Hart, of the third judicial district. The District Attorney has no evidence regarding the commission of the crime. Attorney-General Blackburn has spent nearly \$1900 collecting evidence, and should be in possession of all the facts necessary to prosecute the wrong-doers. The Oregonian believes that the duty of bringing offenders to justice and of recovering money due the state should not be shifted from one official to another, for what is everybody's business is nobody's business. Let this unexplained delay cease, and let state officials perform their duties or resign their offices.

It seems that President Andrew Johnson, while "swinging around the circle," crossed over to Canadian soil while at Niagara. This was early in September, 1866, when Mr. Johnson, accompanied by Secretary of War Schuchert, and others, was journeying westward by way of Albany and Buffalo. The party while at Niagara was met by Canadian officials and invited to visit them on the other side. This was refused, but later President Johnson and the others, the newspaper accounts of the day have it, crossed over to Table Rock, in the Niagara gorge, and there, and that placed them under British jurisdiction for the time being. It is said also that General Grant while President was again driven across to the Canada side while on a visit to the falls, but immediately turned back. No constitutional provision and no law or written regulation were violated by the crossing of the Niagara river. Grant had occasion to look carefully into the matter when the House in 1876 adopted a resolution questioning the President's right to transact public business while away from Washington during considerable periods of time. In his reply President Grant said, among other things:

His presidential civil powers are no limited by any capable of limitation, as of the place where they shall be exercised, than those which he might be required to discharge in the exercise of his powers as President of the United States. It is evident, he might be called upon to exercise possibly even without the limits of the United States.

did not reach Beaver Dam Creek in time on the 25th to save Hill from repulse, but on the morning of the 27th of June crossed the creek and moved forward to John Lee. Relying on the arrival of Jackson, Hill early in the afternoon assaulted Porter's left flank center, but was badly repulsed. Longstreet came to Hill's assistance at 4 P. M., and about the same hour Jackson, with his four divisions, attacked Porter's right. Lee's 60,000 troops were thus engaged in a determined effort to drive Porter's 35,000 men from their position. While Porter, with 35,000 men, stood off the assault of 60,000 Confederates, McClellan's left wing, 50,000 strong, on the right bank of the Chickahominy, did nothing to relieve Porter until 4 P. M., when only two brigades of Slocum's division of Franklin's Sixth Corps arrived. Two brigades of the Second Corps came up too late to affect the fortunes of the day. The lives of Porter, and the lives of 7000 men, were had lost nearly 7000 men killed and wounded, and made so stiff a resistance that "Stonewall" Jackson refused to believe that only Porter's corps was engaged on the Union side, and in his report refers to the superior numbers of the Federals.

General Porter was due the disastrous repulse suffered by General Lee July 1, 1862, at Malvern Hill. Porter selected the position, posted the artillery which commanded its slope, placed the Union Infantry in position, was in supreme command during the whole day, and personally led a charge upon the enemy. In Pope's campaign Porter was repulsed at Manassas, but on the morning of August 23, 1862, because by the time the order reached him he found his further advance opposed by Longstreet's whole corps of 30,000 men, which had already joined "Stonewall" Jackson. In the battle of August 30 it was due to the skill and gallantry of General Porter and his corps that the Federal army was saved from annihilation. It was Porter that reinforced the Pennsylvania Reserves and enabled them to hold the Henry House hill and ridge against the victorious Confederates. At Antietam Porter commanded the center of the Army, 30,000 strong. He was placed on trial before a court-martial November 27, 1862, charged with disobedience of orders. In June, 1869, for treason, he was acquitted. He was cashiered from the Army. General Porter in vain appealed for a reversal of the decision until President Hayes granted a court of inquiry composed of Generals Schofield, Getty and Terry, who, on the testimony of General Longstreet, ordered in June, 1869, that Porter's corps on the day that he did not execute the order to attack, completely exonerated General Porter from all blame and recommended his restoration to his rank of Colonel in the regular Army.

This board of inquiry held that when an important order for attack requires the cooperation of a subordinate commander, the corps commander who is present on the distant field must act in accordance with the changed circumstances before him. The order was given him by Pope on the theory that an attack by Porter would strike Jackson before Longstreet could join him, but by the time the order reached Porter the situation had changed. Porter's corps was not to be sent to attack, but to hold the Henry House hill and ridge against the victorious Confederates. At Antietam Porter commanded the center of the Army, 30,000 strong. He was placed on trial before a court-martial November 27, 1862, charged with disobedience of orders. In June, 1869, for treason, he was acquitted. He was cashiered from the Army. General Porter in vain appealed for a reversal of the decision until President Hayes granted a court of inquiry composed of Generals Schofield, Getty and Terry, who, on the testimony of General Longstreet, ordered in June, 1869, that Porter's corps on the day that he did not execute the order to attack, completely exonerated General Porter from all blame and recommended his restoration to his rank of Colonel in the regular Army.

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Certain students at West Point Military Academy have long needed discipline. They appear at last to have gotten it. It may now be hoped that undesired sympathy and persistent favoritism will not interfere to keep these young bullies out of the academy, the first principles of the code of which they have violated—first by their unmanly and unmanly conduct, and second by their insubordination. It is unwise to temporize with lawlessness wherever it is found, and particularly hazardous to do so in an institution which, above all others, is supposed to exact cheerful obedience to orders and to foster a spirit of justice and manly self-control in those who partake of its benefits. Superintendent Mills, perhaps, as well as some of the cadets, has learned a salutary lesson.

There will be a corner-stone in the new Federal building at Salem—several, in fact—but not the specially cut and carved piece of masonry that was to have been placed with imposing ceremonies had President McKinley's visit materialized. It is gratifying to reflect that the structure will not lose anything, either in beauty or durability, by this omission, and since the disappointment of the multitude that expected to witness the ceremonies of laying this stone has already abated, the matter may be regarded as a closed incident that leaves in its passing nothing to be desired.

The University of Oregon vanquished the University of Washington in debate and athletics. The young men from swift-moving Seattle were really "nice" fellows, but not speedy enough for steady old Oregon. The press and many rash enthusiasts of the Queenly City boasted of the prowess of the northern collegians. Since they attended the pleasure of winning beforehand and the Oregon students enjoy it now, things are evidently evened up.

growth cannot climb trees, the half-dollars will jingle merrily over the plank shelf at the entrance to the groves.

Every American who admires a true sportsman, who would rather lose fairly than win by a "fluke," and who places gritty determination at its proper value, will join in a feeling of deepest sympathy for Sir Thomas Lipton, the only man who ever lost the America's cup without grumbling, and the only man who could have lifted it without also lifting a deal of hard feeling on this side of the water. Lipton's square, open race for the cup two years ago won for him thousands of friends in America, and not one of them but has felt keenly disappointed to know that his second cup challenger has fallen short of the hopes of her game builder. It does not seem to be much of a mystery, after all. The principals were the young man Ayres, a clerk in the Census Bureau, 20 years old, and his "friend," a married woman of 22. Incidents were a quarrel between the two, a reconciliation, her visit to his room at an unseemly hour of the night on pretense that he was sick and called her; he descended to her own room by means of the fire escape, and the finding of his body pierced with pistol shots in his room a short time after. No mystery in all in all of this. It is simply the rehearsal of an old chapter in human wickedness, passion and folly, with new names to catch the attention of the public. An illustration so old that it is new, of the lesson of untrustfulness and wantonness, the sequel of which is death and dishonor, the latter unfortunately involving more than the principal figures in the presentment.

The "Serbian situation," so-called, is a combination of the absurd and the pathetic. Since the world is not able to enter into the feelings of a King and Queen distracted in their desire for at her, but unable to compass it, it were better if it were shut out from a knowledge of their disappointment. One of the most ludicrous and at the same time most sympathetic of the side chapters in history is that which discloses the vain longings, pretenses and sham expectations of Queen Mary of England for motherhood. Shuddering at the possibilities in human cruelty that the fulfillment of this desire might have produced, a certain measure of sympathy yet goes out for this unhappy Queen, defrauded of her dearest wish and held in contempt by her husband and the nobles of her realm because it was not fulfilled. The "Serbian situation" recalls this and similar incidents in history at which the "poor man's blessing" mocks while it pities.

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THE MANILA COMMISSARY FRAUDS

MANILA, May 22.—The correspondent of the Associated Press learns that the following approved sentences will be soon promulgated: Captain Frederick J. Barrows, Thirtieth Volunteer Infantry, ex-Depot Quartermaster of the Department of Southern Luzon, who was charged with embezzlement and selling Government property, to be dishonorably discharged and to undergo five years' imprisonment; Lieutenant Frederick Boyette, Thirty-ninth Infantry, ex-Depot Commissary at Cataba, on Bay Lake, on similar charges, to be dishonorably discharged and to undergo a year's imprisonment. Both Barrows and Boyette will eventually be removed to Leavenworth prison, Kan. The Philippine Commission has passed the weather bureau act, and has also voted a loan of \$250 for each province to help pay the expenses until the land taxes are available. The commission has imposed a registration tax of one peso annually on every citizen of the Philippines, and a tax of five pesos on every soldier. Non-payment of the tax disqualifies from voting and involves a penalty of 100 pesos, which can be enforced by the sale of the delinquent's goods and chattels.

Assigned to Townley's Place. WASHINGTON, May 22.—Lieutenant John J. Klapp has been detached from the Wompatuck and assigned to the Naval School at Manila, taking the place of Lieutenant Richard H. Townley, ordered to appear before the court-martial for alleged complicity in commissary frauds.

General Corbin's Trip. WASHINGTON, May 22.—Major-General Henry C. Corbin, Adjutant-General of the Army, will sail for the Philippines on the transport Hank, which will leave San Francisco June 23. He intends to make a general inspection of the military conditions in the islands.

WANT NO INTERFERENCE. Alabama Democrats Propose to Deal With Negro Question Themselves. MONTGOMERY, Ala., May 22.—The constitutional convention of the Alabama Democrats, convened at the Hotel Hamilton, elected John B. Knox, of Cahoon, president. In accepting the gavel, Mr. Knox said the white men of the North would not submit to negro rule any more than would those of the South.

"This is our problem," he said, "and we should be left to deal with it with our own sense of responsibility and recognition of the relation of the conduct of government. We do not hear of any threatened outside interference with any Northern states in efforts to provide for purity of government and the abolition of negro rule. It has not been so much the elevation of the black man as it has been the humiliation of the white man that characterized the conduct of the past, but much of it has been mollified by the statesmanlike and wise conservative course of the present Chief Executive. We do not hear of any threatened outside interference with any Northern states in efforts to provide for purity of government and the abolition of negro rule. 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