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SAPOLIO

CLASH AT THE PEN

Strings on Superintendent Lee's Authority.

WARDEN HAD MUCH TO SAY

The Superintendent, Therefore, Thinks the Law Should Be Changed so as to Carry Authority With Responsibility.

Tracy and Merrill's escape have resulted in employment of untested penitentiaries at the Oregon State Penitentiary, at Salem. Hereafter guns cannot be smuggled over the wall at night, piles of boxes will not be accumulated for escaping convicts to use, or ladders left around handy for them to climb. Guards, also, may be expected to shoot upon proper occasion. The discipline at the penitentiary seems to suffer from divided authority, and Andy Gilbert's vigorous methods are approvingly recalled.

SALEM, Aug. 24.—(Special.)—In the quiet which has succeeded the pursuit and capture of Outlaw Tracy there is a disposition upon the part of men interested in public affairs to consider calmly the questions that have arisen regarding prison organization and management. The escape and flight of Tracy and Merrill in a manner unequalled in the annals of crime have directed attention to the institution which is provided for the punishment and safekeeping of those who violate the law. At the time of the escape, and during the flight of the convicts, there was everywhere a disposition to charge the outbreak to the incompetency of officials and carelessness in attention to equipment. With the two outlaws in their graves and quiet restored within the prison walls, there is abundant opportunity to discuss without feeling the theory and practice of prison management as it obtains in Oregon.

Why Escape Was Possible.

There are some matters relating to the escape which are already settled, and upon which the public is pretty well informed. One of these is that the placing of rifles within the prison walls at night was not made possible by a degree of negligence which can be charged against this administration, although, as everybody knows, the prison walls have never been guarded at night, for the reason that no one thought it necessary and no appropriation was made for that purpose. There has not been time in the last 30 years when rifles could not have been taken into the prison yard at night. As eastern rifles could have been taken in almost as easily as western ones, the reason why this means of effecting an escape was not attempted during earlier administrations was either that no one thought of the plan, or that no one had the hardihood to attempt it.

The prison was well guarded against a break from within, under ordinary circumstances, but scarcely any provision was made to prevent an outsider from scaling the wall at night. It is also true, though not generally known, that the prison guards were at a decided disadvantage in the battle with the convicts. The guards stood in a wall where they must expose their heads and shoulders in order to shoot. The convicts were hidden in the shops or behind piles of boxes so that they could not be seen except for a short time, when placing the ladder against the wall and climbing over. That they were not shot at this time was the fault of the wall guards whose posts were within range. One of the guards had jumped from the wall, two others were on the wall, but making no effort to shoot the desperadoes, and it was not until now how the fourth was engaged at the time the other three wall guards were out of range. It has been stated repeatedly that the rifles in the hands of the guards were old, out-of-date, and unreliable. The fact is they were purchased eight years ago, and they were the latest make at that time and they have seen no service that could render them inefficient. Superintendent Lee says that he has used the rifles himself in shooting at a target and that he knows they were in serviceable condition. That question may therefore be taken as settled.

The facts above stated constitute the important features and circumstances in the sensational escape, the full story of which is well known to the people of Oregon. It is generally believed that this and previous administrations should have seen and provided against the possibility of the introduction of arms into the prison wall at night, that the management, foreseeing the possibility of an outbreak with the aid of arms, should not have permitted piles of boxes to have accumulated in such a manner as to furnish protection to a rebellious prisoner, that it was carelessness to keep within the prison yard a ladder, by means of which the prisoners could scale the wall, and the wall guards were at fault in not shooting the convicts as they were going over the wall.

Escape Led to Reforms.

But these are all matters of the past and have been remedied. In the place of a feeling of security there is a constant realization that another outbreak may take place at any moment and in a manner entirely different from that of last June. The lessons learned at so costly a price will prove of value to this and all succeeding administrations, and as a result more serious difficulties may be averted. The state penitentiary is an institution concerning which the people have known little, and perhaps cared less, for the reason that very seldom does anything happen which calls attention to its organization or the method of its management. The escape of Tracy and Merrill, and the controversy over the rewards, have created an interest in these matters and given rise to discussion and comment, much of which is based upon incorrect ideas regarding the actual conditions which exist and the problems which the penitentiary officials have to meet.

The penitentiary, as its name implies, is a place of punishment and reformation, the primary idea being to mete out punishment to the offender with a view to accomplishing his reform. It is provided in the constitution that "laws for the punishment of crime shall be founded upon the principle of reformation and

not of vindictive justice." The intention of the law is to make the way of the transgressor so hard that he will turn from his evil ways and obey the laws of society. Discipline among both officers and prisoners is therefore one of the essential features of the institution, and with that in view the organization of the prison force is of great importance.

Appointment of Officers.

By the statutes of this state it is provided that the Governor shall appoint a superintendent of the penitentiary, who shall hold his office until removed by the Governor. The superintendent is required by law to appoint the warden and assistant warden and all overseers and guards, and is vested with authority to remove them at pleasure. The Superintendent is given general supervision of the penitentiary and its inmates, is required to purchase all supplies to employ the prisoners in accordance with rules that may be prescribed by the Governor, to make quarterly reports to the Secretary of State and to make biennial reports to the Governor. The warden is required to receive and safely keep all prisoners according to law and such rules and regulations as may be prescribed by the superintendent. The second warden assists the warden and performs such other duties as may be prescribed for him by the superintendent. Both of the wardens are under bonds the

NAVAL GAME ENDED

Attacking Squadron Forced to Surrender.

FOURTH NIGHT OF MANEUVERING

Washington Authorities Expected This Outcome on Account of the Restrictions on White Fleet—Experience Deemed Valuable.

ROCKPORT, Mass., Aug. 24.—The naval search problem on the New England Coast was terminated at 2:40 o'clock this morning by the signal, "Surrender; demand un-

sequence of many complicated developments. The capture came at the end of a night filled with rumors as to the location of the attacking squadron. At 9:30 o'clock last night three battle-ships of the blue squadron got under way in a hurry, and sailed to the eastward. The intention was to move on to Portland, and it that had been carried out Admiral Higginson, as it later developed, would have swung the balance of his fighting force to that end of the coast line, as Pillsbury had intended to do, but which was not done on account of heavy seas running outside Cape Elizabeth. Higginson, however, deflected his course back to Gloucester after a swing seaward in response to a report that the enemy had not been sighted, when it was believed he had been, but in the last hours of the night Pillsbury sailed toward Cape Ann from the outside, and as it proved, right under the very guns of the defending squadron.

Commander Pillsbury, when still out to sea, after maneuvering, headed straight for Salem harbor. But the desired vantage point was never reached. When his boats had arrived off Magnolia they were sighted by the signal station on Baker's Island. A message was sent to the station at Rockport, here, and the torpedo-boat was sent out to notify the blue squadron. The station here had been in-

APPEAL TO CONGRESS

President Roosevelt Asked to Call Special Session.

TO END COALMINERS' STRIKE

Representatives of 250,000 Workmen Start the Move—Other Meetings Will Carry It Forward—Senators Urged to Help.

NEW YORK, Aug. 24.—President Roosevelt will be asked to call a special session of Congress to take action to end the coal strike. This was decided at a meeting today of the Central Federated Union, representing 250,000 workmen.

A mass-meeting under the auspices of labor unions of New York City and vicinity will be held, at which resolutions will be adopted urging President Roosevelt to convene Congress immediately and decide upon plans which will bring the strike to a speedy termination.

HANNA IS DISCOURAGED.

Believes Operators Should Meet Miners on Arbitration.

BUFFALO, N. Y., Aug. 24.—Senator Hanna arrived in Buffalo today from Niagara Falls, accompanied by his daughter, Miss Ruth Hanna, and her friend, Miss Phelps, of Cleveland. They were on their way home to Cleveland from Niagara Falls. After a drive around the city, they went to Cleveland tonight on the boat.

For the first time Senator Hanna stated his abandonment finally of efforts to end the coal strike. He believes that the operators should meet the miners in arbitration.

"I have exhausted my efforts," said Senator Hanna. "I have done all in my power, and can do no more. I will make no further attempts, for it would be useless."

He said there was no chance of arbitration, so long as only one side, the miners, was willing to arbitrate. He gave it as his opinion that the miners will not give in so long as they are able to fight. "It will not be a short fight," said he. "It will be prolonged, and such prolongation will mean not only hardships for the miners and the women and children dependent on them, but it will have its effect on the American people. The longer the struggle continues the greater will be the increase in the price of coal."

He said he considered the refusal of the operators to arbitrate as final. "I talked with Mr. Morgan before he went to Europe," continued the Senator, "and before the strike was fully underway. He deplored the situation, but would take no active part toward a settlement. His attitude, in my opinion, is unchanged."

SEE QUAY AND PENROSE.

Pennsylvania Senators Urged to Try to Settle Strike.

WILKESBARRE, Pa., Aug. 24.—The committee from the Public Alliance of this city, which waited on Senators Quay and Penrose at Atlantic City last week, and urged them to use their good offices to bring about arbitration in the coal strike, performed a like mission in this city today, when they called upon President Mitchell and requested him to co-operate with the Pennsylvania Senators to bring about a settlement of the strike. Mr. Mitchell said he would do anything that was honorable to bring about an adjustment of the strike. The committee with the statistics of the strike from the miners' point of view. These were forwarded to Senator Quay tonight.

It has been learned that President Mitchell was shaken up in a railroad wreck at Reising, Ill., last Monday. The train ran into a wash-out and Mr. Mitchell was thrown with much force from his berth.

Mines to Go Into Operation.

THURMONT, W. Va., Aug. 24.—The striking miners held meetings at various points throughout New and Kanawha River coal fields today. Nothing has been made public as to what was done. Some of the operators, or the greater part of them, are in favor of resuming work, and it is expected that before the end of the week practically all the mines in the Chesapeake & Ohio territory will be in operation.

Planning to End the Strike.

HAZLETON, Pa., Aug. 24.—D. J. McCarthy, chairman, and Matthew Long and Harry Silverman, members of the executive committee of the People's Alliance of Hazleton, went to New York today to endeavor to put into operation some plan looking to a termination of the strike. They decline to make public their plan or say whom they hope to see in the metropolis.

CONTENTS OF TODAY'S PAPER.**Foreign.**

The Sultan has issued an imperial order commanding that demands made by United States be conceded. Page 2.

Insurgents make progress in Colombia. Page 2.

Domestic.

In naval maneuvers off Massachusetts coast the attacking squadron was "destroyed" by defending fleet. Page 1.

President Roosevelt was golfing at the Chanler lobby; greeting at Nahant. Page 2.

Governor Taft testifies that ex-Filipino Generals make good civil officers. Page 2.

Labor representatives appeal to President Roosevelt to call special session of Congress to end coalminers' strike. Page 1.

Pacific Coast.

Harmfulness of divided authority at the Oregon Penitentiary. Page 1.

Some of the measures to be introduced in Oregon Legislature. Page 2.

Five gubernatorial candidates are striving for favor of California Republican convention. Page 9.

Commercial.

Professor Jacob, special commissioner, says our trade standing in the Orient is excellent. Page 2.

Berlin stock market hears stories about Morgan and Schwab. Page 2.

Portland and Vicinity.

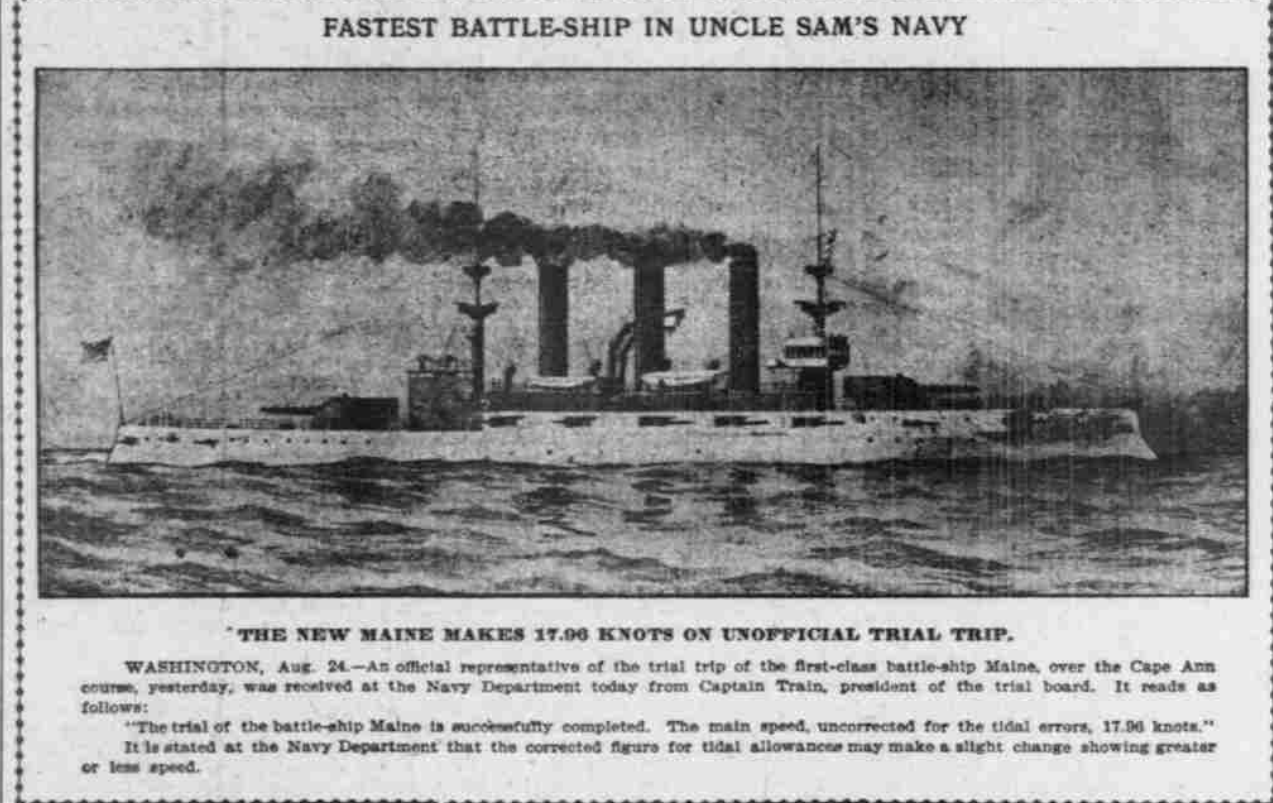
Peter C. Gould was killed in trolley-car accident at Fulton last night. Page 5.

Andrew White, who killed Peter Beauchene, has fled. Page 10.

Pennsylvania miners' long search for his wife ends in Portland. Page 10.

Dr. Zan, health officer, will enforce quarantine against Woodland. Page 9.

Carl Schneider dies from injuries received by a falling tree. Page 10.

**FASTEST BATTLE-SHIP IN UNCLE SAM'S NAVY**

WASHINGTON, Aug. 24.—An official representative of the trial trip of the first-class battle-ship Maine, over the Cape Ann course, yesterday, was received at the Navy Department today from Captain Train, president of the trial board. It reads as follows: "The trial of the battle-ship Maine is successfully completed. The main speed, uncorrected for the tidal errors, 17.96 knots." It is stated at the Navy Department that the corrected figure for tidal allowances may make a slight change showing greater or less speed.

same as the Superintendent, except that the amounts differ. These provisions apparently make the warden primarily responsible to the state for the safe keeping of the prisoners.

The authority of the Governor at the penitentiary is more implied than expressed. He is required to visit the penitentiary at least four times a year, and often if he thinks necessary. He is nowhere given express authority to direct the affairs of the institution in any particular; but although the superintendent is given general supervision of the prison, it is commonly accepted as law that the Governor has the power to overrule the superintendent in matters of administration. Although the law expressly gives to the superintendent the power of appointing all subordinate officials, it is generally known that the Governor is the man who really makes the appointments. Already Democrats are figuring upon the places Mr. Chamberlain will fill by appointment at the penitentiary, and the list includes every employee, from the superintendent down.

How the legal theory of appointments works out in practice varies with the administration. Presumably none of the appointments were unsatisfactory to Lord except that they were not always as he would have made them. Wherever the appointments have been made in the past, the political friends of the Governor were given the places.

Under the present administration the appointments were made by the Governor, and if any of them was seriously unsatisfactory to the superintendent, that fact does not yet appear. At least there was no difference of opinion over the appointments serious enough to lead to a protest. In speaking with The Oregonian correspondent yesterday upon matters relating to the prison organization and management, Governor Chamberlain said, "In commenting on this escape from the prison, some of the papers of the state have taken occasion to say that incompetent officers have been employed, that the appointments have been made for political reasons, and that if a system of promotions were followed, instead, there would be more efficiency shown, etc. It might be well to say in this connection that the entire prison force, from the superintendent down, consists of only about 25 men, perhaps a smaller number than in any other prison in the United States, considering the number of our convicts. I retained 14, four of whom have since resigned, but 10 of them are in the service today."

Lee Advises Radical Change.

No one will presume for a moment that any of the eight men who were given places were Lee's political enemies. He certainly could find among his friends plenty of men who were competent to take the positions made vacant by the resignation of the previous administration. The making of the appointments by the Governor instead of by the Superintendent was in accordance with custom, but not with law. As can be learned, Superintendent Lee has no complaint to make over the source of the appointments in this case, though he thinks some changes are needed in the law. In answer to inquiries on this subject, he said yesterday: "The duties of the several officers are outlined in the statute. One radical change would be made. The law makes the Warden responsible for the safe-keeping of the prisoners. The Warden is required

conditional," from Rear-Admiral Higginson's flag, and the reply, "Accept surrender," from the foretruck of the Prairie, Commander Pillsbury's flagship. The battle between the blue, or defending, squadron, and the white, or attacking, squadron, was thus quickly ended eight miles south of Thatcher's Island. The enemy had most signally failed to make a harbor, having for its objective point Salem.

A preponderance of fighting strength, relatively 64 points, represented by the battle-ship Kearsarge, Alabama and Massachusetts, the Scorpion and a torpedo-boat, overwhelmed the 45 points represented by the auxiliary cruisers Prairie, Panther and Supply. To speak from a theoretic standpoint, the white squadron was entirely destroyed by the guns of the defending battle-ships. Thus, on the fourth night the game of naval strategy was brought to an end, it having covered a period of unceasing toil, sleepless nights and of anxious and weary vigil, and of grave uncertainty to its participants. The destruction of Pillsbury's squadron occurred at a point just within the outer limit of Gloucester harbor, not over eight miles south of Thatcher's Island, off which had been anchored since Wednesday, when the war game was declared opened, the three powerful battle-ships of the blue squadron.

An Enacting Chapter.

The surrounding and "putting out of action" of the squadron in command of Commander Pillsbury was the culminating incident in one of the most exacting chapters in the peace history of the American Navy. For the plying in operation of the maneuvers of the warships off the coast of New England, the Navy had long prepared itself, and had looked forward with keen anticipation. As planned by the naval authorities at Washington, two squadrons were to be put into the game, one the blue, the defending fleet, and the other, the white, to be a hostile fleet, bent upon effecting an anchorage in some unprotected harbor on the coast between Cape Elizabeth and Cape Cod, opposed all the time by the first fleet. This anchorage had to be maintained against the defenders for a period of six hours.

Commander Pillsbury's white squadron consisted of the auxiliary cruisers Prairie, Panther and Supply. The former two boats were each assigned 20 points of fighting strength, while the Supply was assumed to represent five points. Admiral Higginson's fleet was actually superior in the number of its members, and by the same arrangements made as to the Pillsbury ships, it represented a grand total of 57 points of strength. The Kearsarge, the Alabama and the Massachusetts battle-ships, were given 30, the cruisers Brooklyn and Olympia, eight each; the Leyden, Montgomery, Gloucester, Mayflower and Scorpion, three points each, and a number of torpedo-boats made up the remaining numbers.

To win the mimic war the blue squadron had to bring about the attacking vessels, as it did early today, warships superior in their combined assumed fighting power. Each side had the right to capture individual craft of the other fleet by overcoming them in point of strength, and under the rules of the game the captured vessels were to retire altogether from the field of action. In the defeat of Pillsbury's defense, three battle-ships, the Scorpion and a single torpedo-boat, had 64 points, so that the balance was against the attacking squadron. Throughout the mimic war there was placed in operation a system of coast defense which was admittedly of credit to those who engaged in it.

Viewed With Satisfaction.

The problem was so complicated that on the war vessels here tonight the week's work is viewed with satisfaction for the one reason, if for no other, that the squadron has had invaluable practice. The final event of these war moves was the

(Continued on Third Page.)

(Continued on Second Page.)