

The Oregonian

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PORTLAND, WEDNESDAY, JAN. 4, 1905.

THE GRAND JURY SYSTEM.

In these piping times of the grand jury system in Oregon it may be interesting to our people, or to some of them at least, to know that Minnesota, on the day of her recent general election, ratified an amendment of her constitution—by no less than 121,000 majority—by which the grand jury system in that state is abolished.

It was through English experience that the grand jury came into our system. They who may be disposed to complain of it now as an instrument of injustice and oppression may be interested to recall the fact that it was originated in England and transferred to this country for the very opposite purpose of preventing vexatious and vindictive prosecutions.

Under the rulings of the Supreme Court of the United States there can be no doubt that any state may abolish the grand jury, in its own administration, if it will; for, though the United States is committed to it, by express terms of the Constitution, the states may proceed differently, if they choose to do so.

Though our state may abolish the grand jury, we hear at this time of no proposal to do so. And the United States cannot, without first changing the Constitution; so we may be sure that in the procedure of the United States for the administration of justice the grand jury will last some time yet. It is a curious thing to be noted that the clause that fixes the grand jury in the Constitution of the United States was brought in as an amendment two years after the adoption of the main or original instrument, as an additional security to the citizen against private malice, or popular fury; and an argument for it was that it would be a further protection to the citizen against the states themselves.

The history of Mr. Schwerner continues in his policy of locking the stable door after the horse has been stolen. He is now contemplating increasing his San Francisco steamship service so that it will be able to handle at least a portion of the traffic that has been going to the smaller lines. As the latter have been for two years strengthening their hold on this trade, the task of recovering it will not be an easy one.

easy to specify the social sins of the times, to descant upon their cause and to hint at cure. But such effort is practically useless. It leads one into the domain of theory and leaves him there with a vague idea that something is radically wrong in the world round about him, which he ought perhaps to help to make right but does not know where to begin.

In truth a man might as well expend his energies in shouting for universal peace as to waste them in seeking to cure social ills by extending a state protectorate over the domestic relations. Better take a cheerful view of the situation and join the multitudinous thoughtful, observant men and women in the belief that the world is growing better instead of worse from day to day, and take heart and hope from this fact that these vexed problems will eventually work themselves out in a broader and better humanity through the persistence of the principle of the survival of the fittest.

As to the effect of the capitulation upon the outcome of the war, much has been said. Beyond the fact that a large number of seasoned troops will be released for duty under Oyama, the Russians are no worse off today than they were before the first blow against them. The Baltic fleet, of which both divisions are now in Madagascar, must have sailed with the intention of reaching Vladivostok, and that port, barring ice, is as open as it ever was.

In a question but indirectly related to the war, Russia's loss of Port Arthur is likely to create interest. The British lease of Wei-Hai-Wei was to last while the Russian lease of Port Arthur held good, for it will be remembered that both Wei-Hai-Wei and Port Arthur are Chinese ports de jure. In 1895 Japan had to give up Port Arthur under pressure of the British, Germany and France.

The capture of the fortress has added to Japanese arms a new lustre that is certain to dazzle more than ever the Chinese onlookers. Although the destruction of the warships was the primary object of the Japanese, the final gain of the port to which they came victoriously ten years before cannot but nerve them to fresh efforts, and the addition of a veteran army to Oyama's forces is likely to result in a renewal of the northern advance.

Under the name of the "social reformer abroad" Judging from the story of domestic broils that is spread upon our court records from day to day, matrimony needs regulating "before the fact." The question is one, however, which the boldest reformers have generally hesitated to touch, and when they have done so it has been suggested in the way of making marriage difficult of attainment, it has been found to work moral disaster and has speedily fallen into disrepute.

It is one thing to make trite and forcible statement of facts—quite another to control or eliminate the evils that underlie or are consequent upon their operation. It is not difficult to write a book on "The Middle West and the Northwest." There is reason to suppose that of the great army of the poor

amongst the class of foreigners of more recent arrivals, a fair proportion at least will be in less than twenty-five years become prosperous farmers and ranchmen upon the fertile lands of the great plateau which are now being examined by Government engineers in the interest of irrigation. For this class there is room in this country. The chronic poor are not found in its ranks. The great problem of poverty among the masses of the foreign-born will work itself out and the host hovering near the pauper line will be a yearly diminishing quantity if recruits from among the thrifless, indolent, dispirited peoples of foreign lands are turned back from our ports and energetic even if poor immigrants are encouraged to push on and out into the wide areas that await occupancy and tillage, from the Rocky Mountains west to the Pacific Ocean.

According to the Chicago Record-Herald, negotiations are in progress whereby the United States Steel Corporation is to become the owner of the Great Northern Railway Company's immense iron deposits in Montana. Those who claim to be informed on the progress of the negotiations say that the transfer will prove beneficial to both properties, giving the railroad company the means to pay all outstanding bonds and dividends and put the road on a par with the Lackawanna and similar properties, while the Steel Corporation will come into possession of one of the few large tracts of iron ore and not now under its control.

It is announced that a secret conference was held at the Waldorf-Astoria Saturday at which a plan was formulated for preventing the further demoralization of the cotton market by taking at least 1,000,000 bales of the market and holding it in trust until the price advanced to 10 cents per pound. This plan would be highly beneficial to the industry, but it is not quite clear what the final outcome of the scheme will be, providing the South keeps on raising cotton in the quantities it now produces.

It is not alone the fair sex who abandon the United States for "dear, old England" that come in for titles, for it is announced that King Edward is about to make a knight of Charles M. Hays, an ex-American who is now at the head of the Grand Trunk Pacific Railway. This far-reaching honor seems to be the favorite for this form of reward, the first and most notable of them being Sir William C. Van Horne, ex-president of the Canadian Pacific, who a generation ago was pretty well known through the Middle West as the plain American citizen "Billy" Van Horne.

Stockton County is likely to be added to the list of Oregon's thirty-three counties by the coming Legislature. It was strongly urged before the Legislature of 1903, but was defeated largely for political reasons. It is to be taken from Wasco, Crook and Sherman Counties, mainly from the two former. Wasco seems willing, Crook is in a yielding mood, and Sherman's geographical loss will be so small that it is indifferent. As long as the territory most concerned seems favorable to the project, the Legislature is likely to pass the Stockton County bill, with Antelope as the county seat.

What on earth, or in air, or in the waters under the earth—as it is put in Hamlet, "O, all ye host of Heaven, O Earth, what else, and shall I couple Hell?"—has become of the alleged murderer case? Is justice to sleep forever? Nothing, after all, is so discreditable as these horrible lapses of justice. Why do the courts of justice do these things, or permit them?

The New Year's reception at the White House was one of the most brilliant on record. It was also one of the most democratic. That is to say, every man and woman who could work his or her way through the crowd to the Presidential receiving line was free to do so. The significant restriction was, "No handkerchiefs in the hands and no hands in the pockets."

Nearly 19,000,000 persons attended the St. Louis Exposition. Yet the number of arrests for offenses of all sorts was 143 in the whole period of seven months. Let us see if we cannot make as good a comparative record at Portland. Unfortunately, much attention of the sort Oregon can take no pride in has been drawn to Oregon through operation of the grand jury system. Then Oregon will be all right.

Japan has shown herself as magnificent in victory as determined in assault. It remains to be seen whether Russia will understand and appreciate the spirit of the victors. Much as we may deplore the Sultan's decision to prevent the street sale of Bibles in the Turkish Empire, we reckon that it is his own concern.

St. Petersburg is actually relieved that Port Arthur has fallen. So is Port Arthur, say nothing of Tokio. Senator Foster is back, and he wants it understood that he will open no bar, nor even an apple bar.

NOTE AND COMMENT

New Cop—And how do I look with a clean "Magpie"? "Stunning." The Nitchinich, which has been mentioned lately in cable dispatches, is not a new fruit pest but a "Tokio newspaper."

Yes, Chefoo's reformation is complete. It announces to the world that the Fall of Port Arthur gives it the greatest pleasure, and that in face of its least chances to report heavy firing in the Yellow Sea, to receive Russian destroyers and to welcome the loquacious refugee in his fast and commodious Chinese junk.

The Mutual Autops, Society is a pleasant club that is to be formed in the East. Surviving members will receive a legacy the brains of departed members, and will thus be able to learn why Smith monopolized the club's life, why Jones was always growing at the house dinner, and to gain other information of priceless scientific and sociological value.

The student who hasn't more than one strong point is not better than a wasp. Epigrammatically asserts the Weekly Willamette Collegian, in urging students to become debaters. "Let the literary society have a try-out," continues the exhortation. "Give every man a chance to jerk his long red tongue out of its scabbard and brandish it about." And in conclusion the Collegian offers a suggestion that should gain attention on the score of novelty, if for no other reason.

The siege of Port Arthur is without a parallel, says an exchange. Shucks, its capture was due to siege parallels. The Novoe Zveznyia says that Rojstevsky is a dangerous man to tamper with, and cites in proof the North Sea incident. The Russian paper is right; it is dangerous to tamper with anything that's loaded.

Dispatches from Kuroki's headquarters stated that "both armies are using the hand grenade as one of the regular weapons for close fighting." The Sketch's suggestion, referred to in this column yesterday, that we may have grenade companies in modern regiments, as armies had before the Napoleonic wars, may become a fact.

Maine is worried about the inroads of the brown-tailed moth. Brown has evidently gone out of fashion again. In the Captured City. Port Arthur Novikrai, Jan. 2. For Rent—Pine bombproof cellar. Would make ideal kennel for a yellow dog. Owner going to Chefoo. Apply at Novikrai office.

The undersigned has for sale one large Chinese junk suitable for taking mother-in-law on yachting cruise. The Original Regatta. General Nogi transacted business here Sunday. There is a fortune waiting for the first man to get some potatoes into our midst. A large number of our citizens were seen above-ground yesterday the first time in six months.

Well, the place has felt at last, but it can't be blamed to Town Marshal Stoesel. You done noble, Stoesel, and any time you run Mayor the Novikrai will support your ticks. For Sale—Cheap—a large number of souvenir shells of all sizes. Just the thing for chicken feed. Apply this office. Ivan Rasalvitch got a bad job. He cornered the supply of horse meat and run prices up excessive. He is left now with the whole stock on his hands, whilst our citizens are eating beefsteak and onions.

Foreign items is scarce at this writing, but the Novikrai is the leader in local news. For our advertisers and help your home town. Town Marshal Stoesel is arranging to locate a Jap colony in our burg. They are hustling citizens and did not come here for their health. Wanted—For our files, any numbers of the Novikrai which did not appear.

OUT OF THE GINGER JAR. Well—Mr. Kammerer is so kind, he said I took a very pretty and very artistic picture. Belle—Indeed? And whose picture did you take, dear?—Philadelphia Ledger. Bill—Did you ever notice how many tall men you meet in a day? Jim—So, but I've often noticed how many short men you meet when he wants a loan.—Yonkers Statesman.

Manager—What is the matter with the glass-eyes? Assistant—He is getting too near the glass-eyes. Assistant—He refuses to eat anything but cut-glass.—Philadelphia Record. Tea—Young Dr. Sweet is practicing now, isn't he? Jess (shrugging)—Yes. Tea—What are his hours? Jess—From 8 to 10-30 usually, but when she's out he stays later.—Philadelphia Press.

The Boss—I'm afraid you are not qualified for the position; you don't know anything about my business. The Applicant—Don't I, though? I keep company with your typewriter. Did your husband ever win anything at the races? "No," answered young Mrs. Torkins, "nothing except the esteem of the bookmakers and the sympathy of his friends."—Washington Star.

"They say love makes the world go 'round," remarks the impatient lover. "Yes," said his bride-to-be, "but I don't see how love is going to make my salary go 'round."—Philadelphia Press. Rimer—Do you really prefer to have long poems sent in to you rather than short ones? Editor—Yes, rather than long, you see. I have to have to think up an excuse for rejecting them.—Philadelphia Press.

STORY OF THE PIANO FORTE

Development from the Harpsichord and Clavichord—What the Great Masters Have Piled On the Past. THE pianoforte today forms part of the furnishing of nearly every home. It is a necessary feature of the White House music-room, and in every palace over this wide world, not less so in the farmhouse of this generation, and in the homes of all grades of men in the great cities of each continent.

It adapts itself to the performance of the concert artist, but not less to the melody of the domestic, and to the familiar melody of the hymn tune, which draws together the family in the Winter Sabbath evening. From time to time we hear of "time wasted," of "better learn to cook than to play the piano," nevertheless the number of its students ever grows, and somewhere or other there is found both the piano and for the "young lady."

Each generation in turn, has kept alive the history of the instrument up to its date. It is rather a laborious than a difficult matter, therefore, to mark the history of its development. "Even to this day one may see and try the clavichord and harpsichord on which Handel played, the 'well-tempered clavier' for which Father Bach composed his preludes and fugues; the spinet used by Marie Antoinette and her maids of honor in old Versailles; the harpsichord made for Frederick the Great, the 'cristofori' of the 'piano forte' used by Mozart and Beethoven.

Nothing is more impressive to the musician than the contrast between the admirable and often intricate music of those great masters and the crude and rudimentary instruments on which their fugues and gigue, pastorals, suites and sonatas were performed—genus trimum, as it is called. It may be possible to set out in simple language some idea of the stages which have led up to the pianoforte of today. The first stringed instrument played by the great masters was the clavichord, which was the clavichord of 1400. It was a light box in which the strings of equal length, 19 in. number, covering three octaves, all were strained over a bridge which was raised and lowered by means of the note. The keys were levers upward, in which pegs or quills were fixed, to strike or grate against the strings. In the original clavichord the strings were substituted, and for this "well-tempered clavier" the preludes and fugues of Johann Sebastian Bach were written.

Another ancestor of our pianoforte was the spinet. This resembled the clavichord in form and in its three-octave compass. The upward movement of the "jack" or block from the key struck by the performer, struck the strings, and "jack" to strike the stretched string in passing. The spinet belongs to the literature of the sixteenth century. In the England of Queen Elizabeth, it finds frequent mention in the records of its other name for the spinet. The oldest spinet extant is in the Paris Conservatoire, and is dated Verona, 1522. Samuel Pepys, in his diary that on July 13, 1668 he bought his "Espinetto" from Charles Haward and paid £5 for it (Portland piano house, please note the

price). This instrument was now set on its own legs, and there is quite a look of the modern grand piano in its shape. A London maker provided King Frederick the Great with the harpsichord still in the new house of the "Fretting," or the crossing by the quill of the stretched string a stroke on the face of the string by some form of hammer, which after the stroke should automatically return to its place. The dulcimer probably suggested the idea. Cristofori then devised a balanced lever, operated by the key which should set the hammer opposed to each string of the string in action, so strike the face of the string, and then, by the pressure of a light spring be returned instantly to its place, in readiness for another blow. The power of the hammer in setting the string vibrating was thus regulated by the force of the stroke of the finger on the keys. So appeared the pianoforte to all its essentials. Cristofori's pianofortes of 1730 and 1732, in the Florence Museum, are his monuments. The German maker Stein, of Augsburg in 1750 improved upon him by putting the place of the hammer, so that its axis rose with the key and supplied a resting place for the hammers on a rail running the whole length. Mozart used this instrument in his own day in 1777, praised and used it. Beethoven also adopted and performed on it.

The earliest appearance of the new name of piano in a play bill of the Covent Garden Theatre in London on May 14, 1765, as follows: "At the end of Act I Miss Brickler will sing a favorite song from Juliet accompanied by Mr. Osborne on a new instrument called Piano Forte."

Since then there have been numerous smaller improvements patented, but the forms now in use have emerged from a process of evolution by which within the past 25 years or so each well known maker made the component parts and assembled them in the complete instrument by his own factory. But in this as in so many other parts of the piano has been undertaken each in a separate factory—action, frame, hammer, by one day cases by others, felt for the hammers separately, and so on. By this specializing great saving of cost has been gained, and if Mr. Pepys is for his credit to the public he has reduced, and the profits of the seller of the piano increased. It seems to us that within the natural limitations imposed by the production of musical sounds by the striking of a stretched string the mechanism of the 20th century pianoforte has reached, if not absolute, yet a practical perfection. Its range of effect is in very deed wonderful in view of its history—so varied it is, but accessible in all its degrees to each grade of its followers. If only the grand pianoforte of today could have played their own music on such a pianoforte as the Portland audience will listen to under the master player's hands this week. W. N.

HOW ROGERS GOT HIS START.

Millionaire Now in Limelight of Public Attention. From the Philadelphia Record. T. W. Lawson's attack upon Henry H. Rogers has brought that financier into the limelight. For years Rogers has been the real master of the most perfect and stupendous monopoly in history—the Standard Oil Company. He is today the most powerful and successful of the money mills of the world, and yet so offed and silent are his movements—that he is scarcely known to the public.

Probably no man of equal stature in the financial arena has had a more varied and successful career than H. H. Rogers. Beginning as a new-boy in New Bedford and Fairhaven, Mass., he has risen, risen, risen. But only now and then has he appeared on the stage, and when he has been behind the scenes. But when he has chosen to court the limelight and make a hit in a momentary role other actors cast with him have thrown the words and run for their financial lives.

Yet thousands who have felt his hand in business competition pass him by on the streets without recognizing him. He is a man of athletic figure, with eyes hidden under shaggy brows and with preternaturally long arms—a heritage from his seafaring ancestors—the author of the daring capture of the blue coat of the street—so unfamiliar is his figure among the bulls and bears of the money cages.

At a public meeting in the Fairhaven Hotel a number of Rogers exhibited a lively interest in a debate on the duty of the teacher, the thinker and the citizen to his country. A young lawyer attacked the trusts and made a noble speech, and among those who sat near the oil king. When the young man had concluded there was general surprise and apprehension when Mr. Rogers arose and said he desired to be for every one of us, if a valuable idea strikes us, we can have it patented and secure exclusive use of it for a term of years. The speaker will use such circumstances make all the money we can out of that idea.

"Is there anything evil in a combination of ideas back of a union grocery store, and by buying our stock of a union in Boston we were enabled to sell below our competitors. Could the Pennsylvania Railroad carry a monopoly store for a combination? Of course, combined energy and ideas may be misdirected energy, but there is no more serious direction than in the management of the individual merchants and workmen of this country—no, not as much."

Continuing, Mr. Rogers stated that he was in his 44th year in the oil business and would like to know what he had done, statements of certain critics to the contrary notwithstanding. Answering a question as to how he got his start in business, the newly distinguished oil king said he had worked as hard for what he had as any one of whom he had ever heard or read. Gazing from the veranda of his Fairhaven home, he said he had a very successful man, who in his 44th year can write his check for \$75,000,000 and get the money at any bank big enough to honor the paper, can still see the union grocery store where he worked and accumulated enough money to defray his expenses to the Pennsylvania oil fields.

He had graduated at the age of 16 at the Fairhaven High School, and then peddled papers on the streets of New Bedford as a stepping-stone to the grocery counter and wagon which he drove for five years at \$3 a week and his board. Today a number of Fairhaven persons treasure receipts bills for bags of flour and other staples which bear the signature of Henry H. Rogers.

One of these receipts bears the date of November 1853, and was shortly after that date that young Rogers burned his Fairhaven bridges behind him and started on his Pennsylvania hazard of \$50,000. He had a very successful man, who in his 44th year can write his check for \$75,000,000 and get the money at any bank big enough to honor the paper, can still see the union grocery store where he worked and accumulated enough money to defray his expenses to the Pennsylvania oil fields.

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THE COLORADO CONTEST.

View of the Supporters of Governor Peabody. Denver Republic. James H. Peabody must receive the certificate of election as Governor simply and solely because he was legally elected to that office on November 8.

The frauds committed by the Democratic machine in Denver, offset, almost twice over the apparent plurality of Alva Adams, by the face of the returns, and the Legislature is bound both morally and legally to assume official cognizance of this fact. Let the opponent Peabody County and trustees of the Atlantic Trust Company. This will work justice to Governor Peabody and no wrong to Alva Adams. Mr. Peabody will simply be given the certificate in accordance with the decree of the honest people of Colorado as expressed at the polls, and Mr. Adams can contest the election and then he will have to go to court. The state recognized if he wants to do so.

No matter what decision might be reached by the Legislature in joint session the defeated candidate for governor would have no right to bring a contest which would be determined by a majority vote of the joint assembly. The safe, right, same thing to do is to give Governor Peabody the salary, let the opponent Peabody County and trustees of the Atlantic Trust Company, and we confidently believe that the Legislature will favor this wise and just course by a majority of two to one.

No Joke Once. Philadelphia Inquirer. "Let the Rev. Dr. Abbott be burned," says the Boston Herald. That is a flippant joke now, but how would it have been 100 or 200 years ago? Verily, the world does grow better.

Yet Probably She Was Right. New York Sun. An angry woman, after beating her husband and Thirty-third street yesterday denounced him as a "brute." Another example of feminine logic.