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PORTLAND, SATURDAY, JULY 6, 1907.

WHY THE SUNDAY LIQUOR LAW.

The Jewish Tribune is wholly in error as to the purpose of the authorities, backed by the great majority of the people, in the matter of closing drinking shops on Sunday. It says:

> All hail! The Messianic age is here, here to stay in spite of steam, electricity and reason. The strictly enforced Puritan Sunday-Sabbath has accomplished the miraculous conversion. We are all saints. The world is saved!
>
> It is all due to the church militant which has wisely discovered the leak through which the dreadful microbes of vice are oozing and contaminating. Where science has failed in exterminating the contagion the church will miraculously save us by means of the Puritan Sunday-Sabbath.
>
> Behold the minions of the law in the service of the church. Sheriff and police all turning saints! Behold our good people in sackcloth and ashes—with sanctimonious faces embracing the moral wave!
>
> The lid tightly closed will do for an experiment to let the saloon bear the brunt of vice and the breeder of immorality, but it will lead to further excesses. It will serve the purpose of further curtailing our personal freedom and even venture into the privacy of our homes. Soon the clubs will follow suit and all legitimate places for innocent enjoyments be closed by order of the church.

The mistake of the Jewish Tribune lies in the assumption that Sunday closing is enforced as a religious ordinance. If this were so, the protest of the Tribune would be pertinent and just. No demand of the "church"—we suppose the Christian church is meant—could close business on Sundays. All people—or nearly all—agree that one day in the week should be set apart from labor and traffic, for rest, recreation or religious observance; for reading, study, or for social intercourse—each individual or family using the day as they will, yet of course with the restriction that everything shall be quiet and orderly, and that the rights and the comfort of all shall be observed by all. Sunday is chosen as this day of relaxation and rest because custom has made it the most convenient day. It was so observed throughout the Roman Empire before Christianity arose, and that church has but followed the ancient custom; adding to it, however, a sanction which the church approves, and the world—that greater portion of it which does not accept dogmatic Christianity—respects. The Jewish Sabbath and the Christian Sunday are different days; but most Jews follow the custom—because it is prevalent—of closing their business on Sundays—not finding it practicable, except on special occasions, to close on Saturday, or the Sabbath. The fundamental idea of Sunday observance is the rest day.

But it has been found through long experience in all American communities that an open liquor traffic on this rest day is a special disturber of the rest day. It needs no argument. Some of our cities, as Portland, have been a long time coming to it; but enforcement in most of our cities, especially in our Eastern states, has long been the rule. No one can deny that it is conducive to quiet, to order and to good behavior. This should not be called "restriction of personal freedom." Nor is there any danger of intrusion through it into the "privacy of our homes." It is purely a public regulation, to be enforced only as a means of preventing public disorder or annoyance, on the day set apart by custom and law for rest from labor. Such ordinance is peculiarly fitted to this day, when relaxation, leisure and company render the day especially liable to disturbance from use and abuse of liquors. Herein is the reason of the law; herein are the grounds of its enforcement. Of course if the reason and the enforcement did not appeal to the intelligence and judgment of the great body of the people, the law would still be ignored. But the enforcement does not carry with it the "Puritan Sunday-Sabbath." The people, one and all, may spend the Sunday as they please—amusements, excursions, driving, rowing, fishing, baseball and what not; but nobody is to sell alcoholic liquor, because it is the disturber, and on this day more than others is likely to be misused.

THE CASE OF NESSLEY AGAIN.

The Spokane Spokesman-Review has taken up the dirty cause of J. E. Nessley, its lying correspondent. Having no legitimate excuse to offer for a correspondent who testified under oath that he had lied because he was paid for lying, the Spokane newspaper makes a savage attack on The Oregonian representative, who at an ill-guarded moment employed Nessley for a piece of temporary work. It questions the reliability of the reports sent to The Oregonian by a writer who has attended nearly all of the important political and industrial meetings in Washington for the past fifteen years. "It would be hard," says the Spokesman-Review, "to find a newspaper writer anywhere more thoroughly saturated with railroad doctrines than Wright (The Oregonian representative); always he has consorted with railroad attorneys and railroad politicians when reporting conventions and railroad meetings, and has held aloof from the friends and supporters of the principles of railroad regulation."

The records are the best evidence. It might be said, however, that the editor of the Spokesman-Review has personal knowledge of the fact that the writer he sees fit to censure is always accorded a warm welcome in the councils of "the friends and supporters of the principles of railroad regulation," and numbers among those "friends and supporters" ten personal friends and acquaintances for every one he may have among railroad employes. It is through thus obtaining unbiased news in connection with all political and industrial events in Washington that The Oregonian is able to print accounts of these meetings which are reprinted by the Washington papers in preference to the highly-colored reports of the Nessley-Review style.

The Spokesman-Review cites as an example of alleged unfairness The Oregonian reports on the hearing in the Spokane rate case at Spokane last Winter, insisting that this paper should have used the Associated Press report instead of the special report which was used. It concludes:

> The Oregonian has considerable effrontery to parade the unreliable accounts of this notoriously pro-railroad correspondent against the fair, unbiased news reports of the Spokesman-Review and the Associated Press.

The Associated Press report from Spokane is sent out by the Spokesman-Review. Knowledge of this fact compels The Oregonian to send special correspondents into the Spokesman-Review's territory whenever an event of great importance is to be reported. The Oregonian's report on the Spokane meeting of the Interstate Commerce Commission was mild and unbiased, because The Oregonian knew full well that most of the good people of Spokane were unaware of the ridiculous position in which they had been placed by the over-zealous fee-seekers who encouraged the filing of the Spokane complaint. If the Spokesman-Review has any disposition to believe that The Oregonian report on that case was unfair and biased, it would be interesting to know what terms it would apply to the reports on the final hearing at Washington, that have been printed in the Eastern papers, which do not employ Nessleys.

A DANGEROUS TENDENCY.

The cavalier treatment of state legislation by some Federal Judges is one of the less hopeful phenomena of the present day. That it has been submitted to with so little protest is surprising when we remember how violently the President is rebuffed when he trenches ever so slightly upon the "reserved rights" of the states. Mr. Folk has at last adverted to the matter with his usual temperate forcefulness, and what he has to say is of National interest. We quote from his speech delivered at Evansville, Ind., on July 4:

> Nowhere is this encroachment on the rights of the state more marked than in the wholesale nullification of the state laws by Federal courts without hearing and before trial. The result is, unless the consent of a railroad can be obtained to pending legislation, the state becomes powerless. No good citizen desires to be unjust to railroads, but that they must be regulated and that the states should not be left as mere subjects of their benevolence all must admit. No one could object to a court, state or Federal, declaring the statute unconstitutional, if found to be so after hearing. But there should be protest against statutes of the states being suspended as presumptively bad until the case is determined.

Elsewhere Mr. Folk says:

> The states are supreme in their sphere, limited only by their own constitutions and by the powers which they have delegated to the Federal Government.

In this last sentence the Governor of Missouri follows tradition rather than fact. As Mr. Justice Brewer has recently stated very clearly, the powers of the Federal Government are indeed delegated, but by the people, not by the states. "We, the people," ordained and established the Constitution and conferred upon the National Government whatever powers it possesses. The states had nothing to do with it. Still, no sane person doubts that the Constitution reserves sovereignty to the states over their domestic affairs, and it is difficult to observe with complacency the growing habit in the Federal judiciary of treating state laws as if they were presumptively invalid.

The presumption ought always to be in favor of the validity of the law, and no judge should think of suspending a statute until a clear case has been made out against its constitutionality. The respect due to the constituent members of the Union would seem to demand this if nothing else did. But there are other reasons and very weighty ones. Most of the laws that regulate the course of our lives are state laws. The common rules governing contracts, marriage and divorce, crimes and punishments, are prescribed by the state, not by the Nation. Anything which tends to impair the sanction of these laws and bring them into contempt is, therefore, a serious matter.

It is impossible for the Federal courts to treat state laws lightly without inspiring something of the same spirit in the people. If these statutes are trivial matters in relation to corporations, they are trivial in relation to individual citizens. If the courts set them aside with facility at the behest of the railroads, the people will assert the privilege of setting them aside when they appear inconvenient. Thus the Federal courts may directly encourage, or even inspire, that anarchical resort to "unwritten law" which is so menacingly prevalent. If law is to retain its majesty and sanction, the judges must cease to trifle with it.

The biologists tell us that those organs and faculties of man which have developed latest yield most easily to disease and are perverted or destroyed with least difficulty. The same truth applies in a measure to society. To bring it home to the matter in hand, we remark that respect for law is one of the latest products of civilization. It is less deeply infixed in the common mind than religious feeling. It prevails with extreme difficulty over the primitive instinct to seek justice and revenge with one's own hands. Professor James has warned us of the facile tendency in every community to return to savage methods of punishment, to revert to mob rule. What could more accelerate this tendency than to see the courts habitually exhibit contempt for law?

The natural result of the repeated nullification of state laws is to create a common opinion that they are all unwise, invalid, unworthy of obedience. That such an opinion exists nobody can deny. One hears constantly the remark concerning legislative acts that "they are not laws yet because the courts have not passed upon them." What could be more dangerous to the peace of the commonwealth? The notion that the Legislature is a creature of the courts is quite as disastrous as the opposite one that the courts are subject to the Legislature.

DECEPTIVE DIVIDENDS.

The amount of spoils divided by the express companies of the country has swollen into such magnificent proportions that there is more trouble for the railroads. The common belief regarding the express companies operating on American rail lines was that they were independent concerns, and that the railroads were only mildly interested in the amount of their charges. Recent investigations started by reason of there being too many millions in the last declared express company dividend show that while the express car, the Pullman car and the refrigerator car are all parasites on the main "body" of the railroad proper, they are maintained there, and their flow of nutriment is regulated by the railroads themselves. The express business of the Lake Shore Railroad reaches a total of $15,000,000 per year. The stock of the express company is controlled by a small clique of men who also control the stock of the railroad company. This enables the stockholders of the road to regulate to a nicety the size of the dividends on the express company stock.

If the railroad stock shows symptoms of returning a dividend large enough to excite public clamor, a clever adjustment of charges for express service admits of some of these profits being switched into express company coffers. This divided railroad service, where three or four subsidiary companies are operating separately in order to increase their emoluments, can never be handled in such a manner as to give the man who is paying the bills all that he is entitled to in the way of rates or service. Everyone who has occasion to ship anything by express is fully aware that existing tariffs are so high that it is no wonder that colossal dividends are possible. It is probable that, if there could be a consolidation of these various transportation interests, there would be less possibility of the public being deceived regarding the extortion practiced in rates.

Mr. James J. Hill has always operated his own express, Pullman and refrigerator cars. It is not clear that the public has saved much in this case by consolidation of ownerships; but in some testimony before the Interstate Commerce Committee of the Senate he disclosed the advantages of one ownership of all transportation facilities of a line. He said:

> I have made one rule—that if anybody working for the company can buy or use anything that is in any way connected with the company with a profit for himself, he can make the profit for the company; we will not have divided service.

This policy would enable the public to determine just what the profits of the railroad and express companies are, something that is very difficult to determine, so long as there can be a juggling of profits and rates for no other purpose than to conceal the truth regarding the size of the dividends.

BOYCOTT OR BLUFF?

Japan is still "nursing her wrath to keep it warm" and is threatening a boycott on American goods all on account of the San Francisco trouble. If Japan were logical and fair in this matter, she would fix the limitations of this boycott so that the state of California, which was the offending party in the disturbance would be the only part of the country affected. While California with its hundreds of people of the Dennis Kearney and Eugene Schmitz stripe and with a large element of turbulent spirits who preach anarchy as a mild relaxation from more devilish doctrines, has undoubtedly offered insults to the peppery, pugnacious Nippon brownies, they should not overlook the fact that California is not by a large majority the United States and that in localities where the people do not have a "cheek-by-jowl" acquaintance with the Japanese, the abused race stands in much higher estimation.

But, if Japan desires to carry out her part of injured innocence to the extent of a general boycott, it is not at all clear that we can do anything more to avert the commercial tragedy. For in the opinion of the Japanese, a boycott against this country could hardly be regarded in any other light than that of a tragedy. When the antiquated subjects of old Tsi An, the Chinese ruler, decided a few years ago that the boycott against the American goods was the proper method of showing how much they hated the foreign devils, they first took a careful inventory of what they needed from the aforesaid devils and proceeded to stock up. When the supplies were replenished, the boycott was declared on and in many districts in China it was religiously observed so long as supplies were abundant. When, however, the supplies began to run low interest in the boycott waned, and trade with the hated foreign devils revived, and is now at full swing again. Japan will invoke the aid of the mighty boycott under not dissimilar circumstances. If a midsummer inventory of stock discloses that she can get along comfortably for awhile without the necessity of importing American goods, the boycott will probably be ordered on.

It is unnecessary, however, to attach too much importance to this boycott. Neither Japan nor any other country on earth is buying anything from the United States that can be secured anywhere else on earth on equally advantageous terms. Our reciprocal trade relations, or, to use correct language, our lack of reciprocal trade relations with other countries is such that we are at all times eligible for boycotts and entitled to almost any kind of retaliation which our customers could invoke. But thus far we have maintained such an impregnable trade position that, no matter how distasteful our business methods are, other nations continue to buy from us because they can do better here than elsewhere. To this fact is due much of the calmness with which the advance tip of a coming Japanese boycott is received. Japan has never yet purchased American goods out of sheer love for this country, and her boycott even, if it shall be instituted, will be much in the nature of a bluff.

Among the real estate transfers reported yesterday was one of 6000 acres of timber land sold to Wisconsin people for $185,000. A Southern Oregon man paid $20,000 for a lot on First street, in the city, and an Idaho man paid $10,000 for a small farm just outside the city limits. There was nothing unusual about any of these transactions. They are just average illustrations of what is going on every day, although the amount involved is frequently much greater. This business tends to show the steady flow of money to this city for investment. Of the three deals mentioned, the timber land will double in value within a very short time, whether the timber remains standing or whether it is cut. The fruit on the suburban farm alone will pay good dividends on the investment, and the First-street lot is paying a large rent per annum on a long lease. So long as business of this kind continues at the present rate the pessimists will experience extreme difficulty in making us believe that there is anything like a financial stringency in Portland.

In an interview at Chicago, the retiring Chinese Minister to the United States, in giving assurance of the retention of the open-door policy, was quite emphatic in his statement that the open door "is of as much, or more, advantage to China as to any nation with whom she trades." This is a sensible conclusion, and if no change in the policy takes place, China will prosper and develop faster than ever before. Incidentally, it might be remarked that a protracted boycott on any American goods used in the Orient would be more harmful to the country instituting the boycott than to the United States. The Orient is waking from a long sleep, and should not think of dozing off again.

When the Japanese do anything which the Coreans regard as inimical to their interests, some of the gentle Coreans manifest their disapproval by committing suicide. On the other hand whenever the Coreans commit any indiscretion which does not meet with the approval of the Japanese they are summarily executed. This conflicting view of the course to be followed when there is a difference of opinion is slowly but surely reducing the Corean majority. From the present outlook the next Hague peace conference will have but little more trouble over the Corean question than it would have over a discussion over the best way to rid Ireland of snakes.

Another revolt is gaining headway in British India, and, unless drastic measures are adopted, more British blood will be shed in that land of mystery and misery. The natives have already begun assaulting Europeans and the feeling against foreigners is no longer confined to the starving peasants and coolies, but is spreading to all classes of society. As India was not represented at The Hague peace conference, Lord Kitchener the mighty will probably be sent out to settle the matter by his usual effective though deadly methods.

Argentine wheat shipments for the week ending yesterday were 928,000 bushels. This is the first week this year that they have fallen below 1,000,000 bushels, and the effect was noticeable in a sharp rise in the Liverpool markets. If the United States shipments would slack up for a week or two, there would be excellent cause for Europe to sit up and take notice that she was confronted by a very strong wheat situation.

Tuesday: All the big battleships will be transferred to the Pacific. Wednesday: They won't be. Thursday: Secretary Metcalf confirms the first report; Secretary Loeb ditto, but uses more diplomacy, having in mind that Japan is touchy just now. Perhaps it will be best under existing circumstances to have more unity among press agents. Here is a virgin field for the good folk in conference at The Hague.

For more than a year Harper's Weekly has been booming Woodrow Wilson for the Democratic Presidential nomination. Will that journal of civilization approve the declaration of Princeton's president that men like Harriman ought to be imprisoned? The paid jawsmith of trust interests is in a very embarrassing situation.

Congressman Cushman pronounces the Declaration of Independence "a piece of patriotic penmanship." The compliment to Jefferson's handwriting is ingenious and original. What does Mr. Cushman think of the sentiments of the document? Are they as noble as the penmanship?

Even the most active enemies of expansion must be gratified to note that Independence day was celebrated in London, Havana, Vienna, Rio de Janeiro, Berlin, The Hague, Guayaquil and Constantinople, as well as by the Tammany Society of Greater New York.

After 131 years of earnest striving in the cause of civil liberty, the spirit of American institutions has been rooted in foreign soil impregnated to bedrock with enthroned tyranny. They played baseball on the Fouth in Hungary.

Portland's reputation for good manners was once more sustained in the big crush of humanity at the parade and the fireworks on the Fourth. If there was a single act of disorder and breach of etiquette, it has not come to light.

No romancist ever pictured a more heroic act than is recorded of Charles Benson, fireman of a Puget Sound excursion steamer, who plunged into a seething hell of flame and saved the lives of a boatload of passengers.

One and another are putting in criticism of Mr. C. E. S. Wood for his Seattle address. But why pay attention to pretentious sciolism? Men like Mr. Wood are serious or important, only to themselves.

Bryan and Beveridge continue their debate in the July Reader. Two extremely shallow persons talking.

HARRIMAN EXPLAINS HIS ARREST

Says He Did Not Know He Was Violating Boat Race Rules.

New York Tribune.

E. H. Harriman has returned here from New London. In spite of his arrest for not observing the rules of the course at the Yale-Harvard boat race, he was in good spirits and was inclined to treat the whole affair as a joke. He said he had no intention of violating any rules. Mr. Harriman added that if the man who ordered his arrest had had an older head on his shoulders the arrest probably never would have occurred.

"According to the rules governing the course which the authorities had made, and which they had a perfect right to enforce, they were justified in their action," said Mr. Harriman. "I had not been informed of these rules, however, so I did not know I was transgressing them when I attempted to follow the racers."

Mr. Harriman said that the chugchugging of the motor prevented him from hearing anything distinctly, and that he did not know that the hails from the committee boat were directed at him until she came up close to his boat and a man shouted that he was going to put a sailor aboard the Harriman craft. Mr. Harriman added that he had written a letter to the regatta committee explaining his side of the matter, and that he regarded the incident as closed and had no idea that any penalty would be imposed.

He was asked if there was any truth in the rumors of his retirement from the presidency of the Union and Southern Pacific railroads. He smiled broadly as he replied: "Yes, I have been thinking of doing so."

"When?" was the eager question from the assembled reporters.

Mr. Harriman smiled again. "Boys," he said, "I hope you will all be able to attend my funeral."

His questioners were taken aback for a minute, but finally one of them said: "Do you mean you will not retire until then?"

"That's about what it looks like," said Mr. Harriman, with an air of resignation, "if they keep on making trouble for me. The longer they make trouble the longer I shall have to stay." He did not explain who they were.

CHIEF EXECUTIVE OF OLD SCHOOL

Letter Found From President Buchanan Refusing a Railroad Pass.

New York Sun.

A letter from a President of the United States refusing the gift of free transportation has been discovered recently in the archives of the Pennsylvania Railroad Company. Deadheading by the President of the United States was not then prohibited by any law; it was purely a question of propriety and of personal dignity when James Buchanan wrote the letter that follows:

WASHINGTON, 24 March, 1859.—Dear Sir—I return free ticket which Mr. Gittings has directed to be forwarded to me for the Northern Central Railroad with as many thanks for his kindness as though I had accepted it. It has been the practice of my life not to travel free on any railroad, being opposed to the whole system of granting such privileges to individuals not connected with these roads. Yours very respectfully,

JAMES BUCHANAN.

ROBERT S. HOLLINS, Esq., Secretary.

There is other testimony regarding President Buchanan's practice than that which this document affords. His niece, Miss Annie Buchanan, wrote thus of him:

> Another great characteristic of my uncle was his independence of spirit. He would not be under obligation, for gifts, to any one while he was in office, and in fact he did not like to be so at any time. When the Japanese commissioners came, bringing with them curious and costly gifts, some of which were intended for the President, he sent them all to the Patent Office, as the property of the country. He even went so far as to insist, at all times, upon paying his fare when he traveled, never receiving a pass, even when he was out of office. He would have been horrified at the idea of traveling free when he was President. I have often heard him say: "I will pay my way while I can afford it. When I cannot afford to pay I will stay at home."

Vigorous Snake Found in Ireland.

Weekly Freeman (Dublin).

The other morning, while William Kennedy, Gurteenakilla, was walking through his farm at Tullamore Park he was surprised to see something wriggling in the grass. On closer observation Mr. Kennedy saw that the creature was a snake, which hissed at him as he closed upon it. The reptile made an attempt to get into a neighboring ditch, but Mr. Kennedy struck it twice with a blackthorn and killed it, and carried it to his home. A neighbor of Mr. Kennedy's, who spent a long time in the Southern States of America, gave it as his opinion that it was a spotted adder of poisonous variety.

It is 2 feet 8 inches long, and about as thick as an ordinary walkingstick, colored dark green on the back, with white spots, and light pale green underneath, with a beautiful orange band at the back of the head.

Jury Thought It a Hunting Yarn.

Linn Creek Reveille.

Judge Fox, of the Supreme Court, killed a turkey in Southeast Missouri the day after the hunting season closed. When his attention was called to his violation of the law he went before the grand jury and made a complaint, telling how he had made a wonderfully long shot and did not expect to kill the turkey, but instructed the jurors that it was their duty to indict him, especially as it was his duty to know the law, and his oversight was therefore the more inexcusable.

When he afterward inquired why he was not fined for the misdemeanor, he was informed that the jury did not believe he could have killed a turkey as far as he claimed to have shot.

NEWSPAPER WAIFS.

Friend—I suppose the baby is fond of you? Papa—Fond of me? Why, he sleeps all day when I am not at home and stays up all night just to enjoy my society.—Town and Country.

A lady in a neighboring city went to call on a friend. The door was opened by a "green" maid, who said: "Yes, Mrs. Gilbert's to home, but she's a-laying down. Shall I raise her?"—Harper's Bazar.

"How's things in Lonelyville?" asked the first farmer. "Everybody's on the jump," replied the second farmer, proudly. "Then the automobiles have struck your town, too, have they?"—Yonkers Statesman.

Guest, to lonesome-looking man in the corner: "Awfly stupid affair, don't you think?" "No doubt of it." "No man would ever dream of giving a mixed-up thing of this sort." "That's what I told my wife." "Have I met your wife?" "Very likely. She's the woman that's giving the party."—Cleveland Plain-Dealer.

"I gave you a dime and you went immediately into a saloon," remarked the benevolent old gentleman. "Don't you know it is very wasteful to spend your money for liquor?" "I've often thought of that, sir," replied the weary wayfarer, "but I've never yet found a place where I could get it for nothing."—Philadelphia Record.

After Commencement.

New York Sun.

Starting on life's battle
Most a month too soon,
Grayce is in the parlor
Pounding out a tune.

Waging life's great warfare,
Doughtiest of girls,
May is in the hammock
Reading tales of Earls.

Fighting life's hot contest
With a heart of oak,
Bill is on the golf field
Practicing a stroke.

(Pa is in the office
Toiling like a Turk,
Ma is in the kitchen
Doing up the work.)

CHRISTIAN HEALER FOUND GUILTY

New York Court Frowns On Prayer as a Remedy for Pneumonia.

New York Tribune.

In a courtroom crowded to capacity, but quiet as a church, Clarence W. Byrne, a salesman, of No. 217 West Eleventh street, was pronounced guilty of a violation of the penal code in failing to call a physician to attend his six-year-old daughter, Violet, during her fatal illness caused by pneumonia. Justice McKean presided at the trial. Byrne will be sentenced July 12 and in the meantime an appeal to the Supreme Court will be prepared. Byrne calls himself a Christian Science "healer."

Dr. Albert E. Weston, coroner's physician, testified he had performed an autopsy on the body of Violet Byrne May 17, and that she had been suffering from pneumonia and had been ill for four days prior to her death. Her right lung had been badly affected and the left lung slightly so. Dr. Weston believed the child would have recovered had she been cared for by a competent physician.

In the cross-examination, D. W. Steele, counsel for the defendant, pressed Dr. Weston hard for a statement concerning the proper or recognized methods of treating pneumonia, and Weston repeated that it differed with each case.

Coroner Acritelli, who conducted the inquest of the case, was called to the witness stand and testified that the inquest showed the cause of death to have been broncho-pneumonia. He held that the father was guilty of a violation of the sections named in the indictment, namely, that he had "wilfully and maliciously refused to summon the aid of a medical practitioner, knowing that his daughter was dangerously ill."

The coroner also testified that he had during the inquest repeatedly asked the father whether or not he would have summoned a physician, even had he been sure that his daughter was going to die. Byrne had asserted that he would not have a doctor in the house under any circumstances. Byrne had, so the coroner said, asserted that he had treated his child according to his "own fashion," and had called in a Christian Scientist "healer." He was "Doctor" Roberts, and his aid had been asked for on the Friday evening preceding the death of the little girl. Roberts had told the father that he was unable to go to the Byrne house at the time, but would give the girl, Violet, "absent treatment." According to the father, his daughter revived under this.

To the treatment of "Doctor" Roberts, Byrne added his own treatment of prayer, and for the remainder of Friday night and early Saturday morning the little girl seemed better. On Saturday afternoon, May 4, however, she became violently ill once more, and at 5 P. M. Byrne sent a message to Roberts, who answered a short time afterward. Together the two men prayed over the girl, but a few moments before 9 o'clock on the fourth day of her illness she died.

Mabel Byrne, the 13-year-old sister of Violet, was then called to the stand and testified that she had been with her sister during her illness, and that her father, who had been a Christian Scientist healer for seven years, had constantly prayed for Violet and done all that he could for her. Mabel is also a Christian Scientist.

Byrne was then called to the stand. He testified that he had done everything in his power to help his child. He said he had frequently treated her for stomach ailments, and that his prayers in such cases always proved effective. He also said that the end came so suddenly that it would have been impossible to summon medical aid, even had he been so disposed. Byrne was visibly affected by his own story of his little daughter's illness and death.

HISTORIC HOTEL TO COME DOWN

A 25-Story Skyscraper On Site of New York's Fifth Avenue Hotel.

New York Sun.

The Fifth Avenue Hotel, one of the most famous in the country, is to be torn down and a modern 25-story office building is to be erected on the site. A syndicate composed of Henry C. and Henry Lane Eno, father and son, and a third person, a manufacturer whose name has not been disclosed, has been organized to carry out the plan. Articles of incorporation are to be filed within a few days. The new company will occupy offices in the Brunswick building, Twenty-sixth street and Fifth avenue.

Actual construction will be commenced by May 1 of next year, when the present lease by Hitchcock, Darling & Company will expire.

The Fifth Avenue Hotel and the Madison-Square Theater occupy jointly a plot of about 21 lots. The site is considered one of the most valuable in the city and its worth has been rising gradually until a conservative estimate places the present market value at $7,000,000. At an auction sale held in April, 1900, to settle the estate of the late Amos R. Eno, the site was bought in for $4,225,000 by the Fifth Avenue Hotel Land Company, composed of heirs of the estate. Henry C. and Henry L. Eno bought out the rights of the other heirs a short time after and took title in their own name.

One View of It.

Salem Statesman.

Of the vast sum of money spent in Portland during the celebration fully $35,000 came from the pockets of many loggers in the timber section of Lane County. These hard-working denizens of the forest gave Eugene the go-by on account of its local option stand and the stores and saloons of the metropolis will be the gainers; principally the latter. It is a matter of discussion in the Lane County seat and may affect the vote at a future election.

IN THE

SUNDAY OREGONIAN

TOMORROW

ANIMALDOM: RHYME STORIES FOR CHILDREN

A new feature, with colored pictures that every youngster in the Pacific Northwest must enjoy. President Roosevelt dare not question their authenticity.

WHEN STEUNENBERG PRESERVED ORDER

Full page of photographs showing the "bullpen" near the Bunker Hill and Sullivan mine, where 600 men were confined after the riots in 1899.

MAKING A NEW BATTLESHIP OREGON

A full page of photographs showing work at the Puget Sound navy-yard on the reconstruction of a fighting machine that nine years ago filled the world with her fame.

"PROUD OF HIS TRIGGER FINGER"

Another of Homer Davenport's powerful cartoons and preachments in which the discerning reader can see censure of a distinguished ex-President.

INDIANS SPEARING CHINOOK SALMON

Copyright full-page photograph in colors by Benj. Gifford, of The Dalles, illustrating an industry, as well as a sport, on the Upper Columbia.

"THE HAND THAT RULES THE WORLD"

O. Henry, who is writing the best humorous stuff now published in the United States, devotes the current week to the female lobbyist in Washington, with the customary surprise at the finish.

DR. FURNIVALL, PHYSICIAN-DETECTIVE

No stranger story, was ever written than "The Kleptomaniac"—a tale of the theft of a valuable diamond by a most extraordinary agency.

WIVES OF MEN WHO WANT TO BE PRESIDENT

Portraits and pen sketches of five women who have helped to advance their husbands' political fortunes.

ACROSS AFRICA IN AN AUTOMOBILE

Frank G. Carpenter tells of an 80-mile ride through the farms and deserts of Eastern Tunisia.

CLASSICAL OPERA OF THE JAPANESE

Annie Laura Miller describes it. All effort of actors is to suggest; no realism is ever permitted on the stage.

WHEN FIRST OREGON POUGHT INDIANS

This was 43 years ago. Cyrus H. Walker and William Hilleary contribute historical sketches that will be new to thousands of the present generation of Oregonian readers.

THE NEXT POLICE TRANSFER—UNCLE SAM TO THE PACIFIC PRECINCT.

—From the New York Herald.