

The Oregonian

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Portland, Monday, July 29, 1907.

The Haywood Verdict: The Boise jury returned a verdict of "not guilty" for Haywood, obviously because it was not satisfied as to the legal proof. Probability of guilt, or moral certainty of complicity in crime, may have weight with the public; yet they are not a jury, and have no right to disregard the law. Therefore the jury at Boise hesitated to accept the grave responsibility of imposing the extreme penalty of law on a defendant in a case where the direct testimony came from one person only—a confessed murderer—and the corroborative evidence was wholly wanting on the stand. Yet some members of the jury were convinced beyond all doubt, and for hours insisted on a verdict of murder, only to give way in the end—through sheer exhaustion perhaps—to the scruples of other jurors who required an absolute and more perfect demonstration of Haywood's direct participation in the death of Steuenberg.

Yet there stands Orchard's terrible story, complete, definite, circumstantial, inescapable, convincing in its painful and horrible particularity and uncontroverted character. The evidence of the testimony of persons who had a vital personal interest in establishing its falsity or inaccuracy. It is true that there was some apparently indistinct testimony that the so-called attempt to kill Bradley at San Francisco with dynamite was a case of gas explosion, but even this was more conjecture and theory. But even here Orchard's narrative was not successfully attacked by the defense by any sort of positive or credible counterproof. What becomes, then, of Orchard's confession? Is he, too, to go free, on the theory that he did not admit Haywood he may have told about himself?

But, aside from the truth or falsity of Orchard's story, the defense at Boise has utterly failed to give a satisfactory account of Haywood's known relations with the assassin. The confession of Simpkins, the confession of Steve Adams, the failure to put Pettibone or Adams on the stand, the employment of Miller, the attorney, for \$1500 to defend Orchard immediately after the murder, the correspondence with Mrs. Orchard, the dispatch by Pettibone of money to "H. Green" at San Francisco, the \$100 draft to Simpkins, the sending of \$75 to Adams, and other suspicious and damaging circumstances, all tended to show the kind of business the "inner circle" of the Western Federation was in. These things have never been explained away on any theory perfectly compatible with Haywood's innocence.

The Boise verdict, then, is "not proven." But Steuenberg was killed, slain at midnight at the portals of his home in circumstances that leave no question that his murder was a case of premeditated revenge. Orchard killed him. He did not quarrel with him before or rob him afterwards. Orchard did not even know Steuenberg, except by sight. Why did Orchard kill him? He said, and still says, he was employed by the "inner circle" of the Western Federation of Miners to commit this cowardly crime.

The farmers' trust will endeavor to put the price of wheat up to \$1.25 per bushel. This is the minimum figure agreed on at a meeting of the American Society of Equity, held at Indianapolis Saturday. A few months ago, when wheat was selling around 75 cents per bushel, the minimum price for the 1907 crop was placed at \$1 per bushel, the official organ of the trust explaining that it was not the desire of the society to place the figure any higher, for fear that it might not be fair to the consumer. If the foreign wheat situation continues to gain in strength as it has

been gaining for the past month, the trust may have an opportunity to add another 25 cents to the price. As to the consumer, it does not seem to make difference with him whether it is a farmers' trust or a manufacturers' trust that is doing business with a commodity that he is forced to purchase. In the Pacific Northwest \$1.25 per bushel for wheat would prove of inestimable benefit. Elsewhere it might not be so regarded.

FEDERAL AND STATE POWERS.

The Governor of North Carolina has won a partial victory in his conflict with the Federal Courts. The railroads have agreed to obey the state law, fixing maximum passenger rates at 2 1/2 cents per mile, until the constitutionality of the act shall be determined by the Supreme Court of the United States. The railroads had said that the passenger schedules of a railroad doing an interstate business were none of the state's business, and appealed to the Federal Courts for an injunction. Judge Pritchard, a district judge, promptly granted the injunction, at the same time in effect declaring the law unconstitutional and undertaking to stay its operation. The North Carolina Governor protested, rightly, that the Federal Judge had far exceeded his proper powers, in declaring that by the mere process of an injunction from a minor Federal Court, on an ex parte hearing, the whole legislative, executive and judicial machinery of a state could be upset. If a Federal District Judge could do this, he could do more interdictory decrees, suspend the operation of one law, why not all other state laws? The position of the Federal Judge was, of course, untenable, and he had to retreat. Yet Judge Pritchard did only what the lesser Federal Courts have been doing, or trying to do, everywhere.

Governor Glenn says that his victory is a triumph for "state rights." That depends on what is meant by state rights. That the states have rights is undeniable, and one of their rights is to enact and enforce their own laws, through their own judicial and administrative officers, until they shall be determined by their own Supreme Court or by the United States Supreme Court to be unconstitutional. Yet the right of the Federal Supreme Court to set aside any state law on the ground that it is unconstitutional, by a majority of six, is a power, by its very nature, that is not everywhere and in all things. The only question really determined in North Carolina is as to the method by which the rate law shall get into the United States Supreme Court, and that is an appeal from the state courts. Though Judge Pritchard has virtually abandoned his contention, he has virtually admitted the correctness and validity of the state's position.

The victory for "state rights" won by North Carolina, then, is that the state is a unit in the great Federal organization and that it is not everywhere and in all things subject to the Federal authority, operating through minor Federal Judges. If it were, the state would have no function, and its organization might as well be abandoned. The state can have no function, of course, that conflicts with or subverts the Federal power; but the Federal power must be asserted and exercised in a constitutional and orderly manner.

WAYS OF LAWYERS.

The proposal to prosecute attorneys who advise their corporation clients to violate the laws of the state or nation is based upon sound reason. If a lawyer may thus aid and abet a crime, why may not also a doctor, merchant or banker do the same? The question is for the act? Of course the lawyer professes to be acting upon his best judgment. But the most favorable view that can be taken of his course is that he advises his client to come just as near violating the law as possible without actually violating it. Were the lawyer honest in his intention, as he would have people believe, he would advise his clients to keep as far as possible from the line of offense. There is plenty of opportunity in this world for honest effort, and no need for any man to conduct a business which is of questionable legality. Of course the man who becomes part of a trust organization has a better opportunity to acquire a fortune than has the man who runs his own business in his own way. But there is room, and always should be, for the independent operator, in whatever line of business. The man of industry, who chooses to amass wealth by violating the anti-trust laws, should be punished as certainly and as severely as he who acquires wealth by violating the laws against extortion, counterfeiting or plain theft. And a lawyer who advises violation of the anti-trust law is deserving of no more consideration than one who advises violation of the law against larceny.

THE FIRST VEGETARIAN.

Meat-eaters treat with scorn the idea of vegetarianism and call it a fad that will wear itself out if given time. They overlook the fact that it is ages old, and has come down the centuries with the assurance of popularity. The efforts of Simpkins, the confession of Steve Adams, the failure to put Pettibone or Adams on the stand, the employment of Miller, the attorney, for \$1500 to defend Orchard immediately after the murder, the correspondence with Mrs. Orchard, the dispatch by Pettibone of money to "H. Green" at San Francisco, the \$100 draft to Simpkins, the sending of \$75 to Adams, and other suspicious and damaging circumstances, all tended to show the kind of business the "inner circle" of the Western Federation was in. These things have never been explained away on any theory perfectly compatible with Haywood's innocence.

DISCRIMINATION AGAINST PORTLAND.

The usual complaint of light business in the Orient is that the heavy business of the Pacific coast is being done in Portland is again heard. That is, at this time will be particularly fortunate for Mr. Schwerin, personal director of the California end and misdirector of the Portland end of Mr. Harriman's steamship interests. It is fortunate for the Portland end that Mr. Harriman is expected on the Pacific Coast in a short time, and will undoubtedly get here at a convenient date for observing how little business his Oriental line handles from Portland and how much the line handles from San Francisco. Viewed from the Schwerin-Stubbs-Krutzschmitt-California standpoint, it thus becomes quite plain that, instead of Portland having an insubstantial service to the Far East, we actually have more steamers than can be supplied with cargo. This at least will be the view which Mr. Schwerin will take of the matter, and of course Mr. Stubbs, in charge of all traffic, will agree with him and continue to route all overland freight for the Orient to San Francisco for trans-shipment at that point instead of Portland. This also enables Mr. Krutzschmitt to supply California shippers with the standard freight for the trans-Pacific line, as he is supplied in sufficient quantity to fill up the ships that otherwise would be obliged to wait until an entire cargo of flour should be secured. But the California transportation trinity never overen Portland moved a small fraction of the overland freight sent across the continent.

Winning four out of six games may be taken as a belated yet genuine resolve on the part of the Beavers to win the pennant. Perhaps Orchard killed, too, when he said he killed Steuenberg. But who did murder Steuenberg. And why? Among other signs of a hard winter, the Indian scout at Albany overlooked the increased cost of snawwood. Perhaps it will be just as well to defer the next automobile race until after a rain has laid the dust.

from first hands, and had gone through no elaborate process of manufacture; neither had its freight properties been extolled in six-inch double-column ads to run top of page and next to pure reading matter, or omit. Noah knew the goods and he got 'em wholesale; and the boys and girls ate 'em and no doubt hollered for more. Noah knew what he was doing and what was good, and thrived at it. So, too, do his followers to this day.

EXPERT TESTIMONY.

If the subject were less sorrowful, a large amount of the expert testimony being offered regarding the Columbia disaster would be ludicrous. As in the case of all other similar disasters, there is a number of people who are now in a position to tell all of the details, how it happened and what might have been avoided. One of these experts, who asserts that "I know whereof I speak," and is "willing to take oath," etc., but whose name was not on the Columbia passenger list, places the blame on the inspectors for not enforcing the law, and cites as authority the Columbia saved an hour on a trip, and there, according to this voracious expert, the "interests" patted him on the back and said "Good man; you did finely. You have saved time and coal." Saving time and coal on the same voyage (the Columbia did not use coal for fuel) is an impossibility. To save time it is necessary to "drive" the vessel, and this requires additional fuel. To save fuel the vessel must lose time.

The stories of those best qualified to testify on the Columbia disaster are that both steamers were at a safe distance when the collision in the circumstances would not have been lessened had they been fifty miles off instead of fifteen. One of the survivors complains because the collision, apparently forgetting that there was already noise enough to make it extremely difficult for the officers to make themselves heard. This survivor is also captious because the members of the crew, who were routing out passengers, did not get to his room until after he had left it. Captain Doran is blamed because among his heroic officers there was one black sheep, although this particular officer, who disgraced his calling, had been on the Columbia but a short time, hardly long enough for poor Doran to discover his string of "yellow."

Another navigation expert, in a communication, makes the broad statement that "nine out of every ten officers are practically ignorant of the rules of the road at sea." This expert modestly states that he has been to sea and some of his superior officers, in every ship he was in, were utterly incompetent. This difficulty for an expert is not in the readily understood by the testimony of those who were actual witnesses of the disaster. These people, above all others, should be in a position to describe conditions and happenings, but instead of this they are wide diffusers of opinion regarding the important details of the wreck. Some of these survivors say that the fog was so thick that the San Pedro was not sighted until an instant before the collision. Others assert that the San Pedro's lights were plainly visible for six to twelve minutes before the collision. If the latter stories are true, the fog or mist was so light as to warrant the vessel proceeding at full speed, as she was undoubtedly doing.

The two officers whose testimony would be of the greatest value in fixing the responsibility are Captain Doran and First Officer Whitney, who went down with their ship; but even without their testimony, a rigid examination of the officers and crew of the San Pedro and those who did not perish on the Columbia should enable the authorities to fix the blame where it properly belongs. Meanwhile, the fog or mist from men who were not present and reason only from theory should touch rather lightly on unconfirmed reports of bad seamanship, poor judgment and other frailties on the part of men who perished and whose past records do not in the slightest degree corroborate these charges.

THE RAILROADS OR THE PEOPLE?

Who Should Pay Losses When Rates Are Not Equitable? Chicago Tribune.

"Suppose, through such railroad laws as Missouri passed, the railroads actually lose money in carrying passengers and freight—will the state make the loss good to them? This was the question recently put by Justice Brewer to Governor Folk. The justice may have thought it unanswerable, but Governor Folk replies Yankee fashion by asking another question, it is, "Suppose the Federal Court, after many years of litigation, finds the rates reasonable and the laws valid—will the railroads make the loss good to the people of Missouri?"

If a rail road were to collect the higher passenger rate while the validity of the lower rate was being litigated there would be no practical remedy for the passenger if the lower rate were upheld. He might sue the road, but that would cost him more than he could recover. Governor Folk's sympathies appear to be with the passenger.

If the railroad were to let people travel at a lower rate pending the action of the courts, and the suit were to win the suit, it would have been deprived of some money to which it was justly entitled. It would be unable to recover anything from the passengers. The loss would fall upon the stockholders. Apparently Justice Brewer has a higher opinion of their rights than he has of the rights of passengers.

The people should be given the preference, leaving all controversies of this kind to be settled as speedily as that there should be the least possible loss to anybody. Governor Folk speaks of "many years of litigation" over railroad rate cases. He describes accurately what has happened in the past, but should not be permitted to happen again. Litigation would not have dragged so if the roads had not been permitted to collect the higher rates while the suit was pending. If that practice were stopped the roads would expedite court proceedings, instead of delaying them.

ONE VIEW OF HAYWOOD TRIAL.

Impartial Journalistic Observer Discusses the Testimony. C. P. Connelly in Collier's Weekly.

The story of Harry Orchard was not materially weakened. On the contrary, it was at many points strengthened. Except for two or three witnesses whose testimony was so apparently frank and trustworthy that they may be said to have touched the part of the other witnesses reacted against the defense. Some of these impeaching witnesses established an intimate relationship between Orchard and Haywood, evidence of which, before, was confined mostly to Orchard's own statements.

Another feature of the defense was the overcharging of some of the testimony made by Orchard against Steuenberg. A host of witnesses testified to the ground for the threats being that when Orchard was forced to leave the Cour d'Alene on account of the destruction of the Bunker Hill and Sullivan will be compelled to sacrifice his one-sixteenth interest in the Hercules mine situated in that district, that the mine afterward proved to be a bonanza, and Orchard laid his poverty at the door of Steuenberg. But Orchard had sold his interest in the Hercules property, as he testified, two years before the blowing up of the mill, and thought at the time he was driving a good bargain. Notwithstanding this, according to the testimony of the defense, there appears to have been on his mind, but one burden—vengeance on Steuenberg. Every corner that he turned in his subsequent career he was found by some witness breathing vengeance.

I think, setting aside for the present the testimony of Orchard, it is the opinion of constant and intelligent observers of the trial that the state was unfairly benefited by the impression made by the witnesses for the defense. Too many of them broke down pitifully on cross-examination, and most of these were the important witnesses for the defense. The manner of others was suspicious. Some were patently lying. There was a direct contradiction between the manner of the defense witnesses who testified to the deportations and outrages in the Cripple Creek region and those whose testimony was relied upon to discredit Orchard's story. It was a contrast that did not argue well for the defense. Those witnesses who failed by their testimony to strengthen the state's case, strengthened the story the more. It is the old story of the alibi too well established for intelligent credence.

FUNCTION OF COUNTRY PAPER.

More and More It is to Cover Its Social Field. Vale Oregonian.

The country newspaper has been compelled to change its method. The daily covers the field of news so completely that it hardly pays a weekly country paper to more than point at the main news items of the week. Local matters are receiving more and more attention and a country paper to be a success must get in touch with its own people and voice their own sentiments.

The Portland papers speak from the view point at Portland. We must speak from the view point at Vale. While those papers are sure means they speak from their knowledge gathered from within and looking out. We speak from the point where the matter is and speak from the people's understanding. The country weekly should understand their people's conditions and needs and should continually make these conditions known; then the big dailies will get in touch with outside interests and see as we see. The country newspaper should help to educate the city daily regarding the section in which that country weekly operates.

SPREAD OF HOMICIDAL MANIA.

Noticeable Increase in Murderous Crime in This Country. "Anglo-American," in the London Mail.

"In the twelve years that I have known America at all intimately, I can recall one instance in which the criminal law worked with anything approaching the English standard of swiftness and precision. The work in the case of the mad who shot President McKinley. Public opinion insisted on a speedy trial and a speedy execution, and public opinion in this way. Had the victim been a man of less prominence, the odds would have been over 70 to 1 against his assassin ever being brought to the chair.

The odds I have quoted are not to be taken as a mere figure of speech. They are a literal and appalling fact. Since 1885, there have been 21,951 murders and homicides in the United States, and 2286 executions. In 1885 the number of murders was 1898; in 1904 it had risen to 3481. In 1885 the number of executions was 108; in 1904 it was 116. There was nothing that I am aware of to make 1904 a year of peculiar criminality in this way. In Germany, and 1906 tall as even more sinister tale—Americans seem now to be killing one another at the rate of more than 9000 a year. Looking over the statistics of the last twenty years, one finds, roughly speaking, that while executions have remained virtually stationary, murders and homicides have multiplied five-fold.

There are over five times as many murders committed in the United States as in England and Wales, eight times as many as in Japan, nearly ten times as many as in France, and about twenty-five times as many as in Italy. Only one European country, Italy, has even shown in this respect a worse record, only on the ground that in the world today, Mexico exceeds the United States in the further distinction of being the only country to show the proportion of murders to population is positively on the increase.

GOVERNOR GLENN, OF NORTH CAROLINA.

Baltimore News. Governor Glenn, who has just closed with Federal Courts over rate-law penalties, was born August 11, 1864, raised and developed a Tarheel. He is a native of Raleigh, N. C. He was educated first in the High School at Leasville, and then went to Davidson College for three years. For two years he was at the University of Virginia, and returned to North Carolina, but only because there was at that time no advanced college in his own state. He studied law under Chief Justice Pearson during 1887 and 1878, and was licensed to practice in 1877. At Rocky Mountain and then in Stokes County he spent seven years at the bar. In 1881 he was sent to the Legislature, and four years later was made District Solicitor in the Ninth Judicial District. He was a Cleveland elector in 1884 and 1892, and substituted for the latter year in 1888, the regular elector having been kept from acting by an accident. In 1888 he was appointed United States District Attorney for Stokes County, and served for five years. In 1899 he was a State Senator, and was a member of the Senate committee that reported the proposed amendment to the State Constitution. In 1904 he was elected Governor.

A Word on Newspapers.

Los Angeles Examiner. To the average poor young man who wants to be a cartoonist or an artist of some other kind, the only way to succeed is to work seriously eight hours a day at something that you know you can do. Be a good clerk or a messenger, or a mechanic or anything else. Make a habit when you have nothing else to do. The man who has in him the real artistic power enjoys his work so much that he can do it in his odd moments without fatigue. The born artist, like the born poet, simply cannot help producing that which is in him. A hen doesn't have to go to an egg hatchery in order to lay an egg. She has the egg in her, and so she lays it in spite of herself between times. Similarly, the man who has got good pictures, funny or serious, in him can make them well enough to test his talent "between times," without an art school.

Many of Us Seeking Europe.

New York World. During the six months just ended the ocean liners out of New York have carried eastward more first-class passengers by 2700, more second-class by 5000, and in the corresponding period last year. There were also 21,000 more than last year's number who sailed for Europe in the steamer.

Perhaps Some of Them Will Chop Wood.

La Grands Observer. Not a word is being kept in close touch with the labor market as of the opinion that there will be ample help to handle the harvest this season. Owing to some freaks of nature in the market, large sawmills and logging camps on the Coast have shut down, several hundred men are now looking to the farms for employment.

What It Costs to Have Fun.

Drain Nonpareil. The woods are full of enthusiastic hunters, with 20 dogs and 100 game who about away \$10 worth of ammunition, wear out \$5 worth of clothes, and consume \$10 worth of time trying to kill a six-bit venison.

"Watch Tacoma Grow."

Tacoma Forum. Bond your city for \$2,000,000 and watch capital flow to Seattle. Portland and Spokane.

JAPAN'S DIPLOMATIC MEASURES.

Korean Throne. The death has occurred in his sixty-first year of John Romilly Allen, editor of the Reliquary and the Archaeologia Cambrensis. His tastes were catholic and his knowledge of subjects remarkable for its variety. He wrote books on the construction of dock walls, Christian symbolism and Celtic art. In "Who's Who" he described his recreation as "collecting strange objects on golf links wherewith to address scorching eulogists in a suitable manner when occasion requires."

Patriotic Triplets, Baby Girls.

New York World. Red, White and Blue are three baby girls, triplets, born on the Fourth of July. Their parents, Mr. and Mrs. E. Andrews, of 46 Locust street, Flushing, are going to christen them Margaret Cherry, Janet Carolyn and Elizabeth for its variety. They were born Red, White and Blue. Each wears on her arm a bow of ribbon the color of its sobriquet. Red weighed six pounds when she was born. White and Blue were each half a pound lighter.

Law, a Girl, and an Embrace.

Baltimore News. Judge Highley of Oklahoma City has decided that if the girl is willing the man may hug her at any time or place without fracturing community peace.

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JAPAN'S DIPLOMATIC MEASURES.

Korean Throne. The death has occurred in his sixty-first year of John Romilly Allen, editor of the Reliquary and the Archaeologia Cambrensis. His tastes were catholic and his knowledge of subjects remarkable for its variety. He wrote books on the construction of dock walls, Christian symbolism and Celtic art. In "Who's Who" he described his recreation as "collecting strange objects on golf links wherewith to address scorching eulogists in a suitable manner when occasion requires."

Patriotic Triplets, Baby Girls.

New York World. Red, White and Blue are three baby girls, triplets, born on the Fourth of July. Their parents, Mr. and Mrs. E. Andrews, of 46 Locust street, Flushing, are going to christen them Margaret Cherry, Janet Carolyn and Elizabeth for its variety. They were born Red, White and Blue. Each wears on her arm a bow of ribbon the color of its sobriquet. Red weighed six pounds when she was born. White and Blue were each half a pound lighter.

Law, a Girl, and an Embrace.

Baltimore News. Judge Highley of Oklahoma City has decided that if the girl is willing the man may hug her at any time or place without fracturing community peace.

FUNCTION OF COUNTRY PAPER.

More and More It is to Cover Its Social Field. Vale Oregonian.

The country newspaper has been compelled to change its method. The daily covers the field of news so completely that it hardly pays a weekly country paper to more than point at the main news items of the week. Local matters are receiving more and more attention and a country paper to be a success must get in touch with its own people and voice their own sentiments.

The Portland papers speak from the view point at Portland. We must speak from the view point at Vale. While those papers are sure means they speak from their knowledge gathered from within and looking out. We speak from the point where the matter is and speak from the people's understanding. The country weekly should understand their people's conditions and needs and should continually make these conditions known; then the big dailies will get in touch with outside interests and see as we see. The country newspaper should help to educate the city daily regarding the section in which that country weekly operates.

SPREAD OF HOMICIDAL MANIA.

Noticeable Increase in Murderous Crime in This Country. "Anglo-American," in the London Mail.

"In the twelve years that I have known America at all intimately, I can recall one instance in which the criminal law worked with anything approaching the English standard of swiftness and precision. The work in the case of the mad who shot President McKinley. Public opinion insisted on a speedy trial and a speedy execution, and public opinion in this way. Had the victim been a man of less prominence, the odds would have been over 70 to 1 against his assassin ever being brought to the chair.

The odds I have quoted are not to be taken as a mere figure of speech. They are a literal and appalling fact. Since 1885, there have been 21,951 murders and homicides in the United States, and 2286 executions. In 1885 the number of murders was 1898; in 1904 it had risen to 3481. In 1885 the number of executions was 108; in 1904 it was 116. There was nothing that I am aware of to make 1904 a year of peculiar criminality in this way. In Germany, and 1906 tall