Editorial Page of The Journal

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SIX FOR HENEY: SIX FOR BENNETT.

procedure, both in criminal and civil cases, in a farcical light—that becomes blurred with a somber tinge, how-

On the first trial of these defendants, the jury stood 10 for conviction to two for acquittal. The two were censured by some, and even the trial judge hinted that perhaps they should yield to the opinion of the large ma-

jority; but if they were intelligent, sincere and honest, and not merely obstinate, they should not be blamed.

hung a jury for many hours and was severely censured;

'On the second trial of the Williamson et al. case th

jury stood six to six, so that as a whole the jury agreed

just as Heney and Bennett did. On the first trial the at-

torneys for the defendants made no argument to the fur-and their clients had rather a close call; under a jury system much advocated they would have been convicted

Did the appeals of the defendant's attorneys help them in

to assume such to be the case, but nobody can tell. At

the first trial one full jury might have been picked up that would agree with Heney and another one with Ben-

nett, with or without argument, but such juries would be

were six in the second case to stand for acquittal. So

there you are. If the honesty of the jury is to be admitted it is impossible to tell anything about what it will

do and one man's guess is about as good as another's.

If there are dishonest men on it, then that is quite an-

There are so many such mistrials, with nobody know

ing even if an agreement is reached whether it is quite

just or not, that one is tempted to condemn the jury sys-tem as a piece of judicial machinery that should be

brown out, or radically altered. In most cases a trial

judge would decide—he would have to decide somehow
—as fairly and more intelligently than a jury, on the facts

as well as on the law. If we were absolutely sure always

of impartial and just judges, the jury system might be advantageously eliminated altogether. But this will not

be done. It is too much believed in as a "palladium of our liberties," and then some men not fit for their po-

sition get on the bench.

But the jury system ought to be modified, perhaps, in two ways: A jury should consist of not more than seven men, five of whom concurring should render a ver-

EVENING EDITION OF A MORNING NEWS

A in Cleveland. For many years there have been published there two daily newspapers—the Leader and the Plaindealer. Each of these newspapers

enjoyed a double franchise of the Associated Press and each printed a morning and evening edition. One would

hink that under such circumstances they would be great

money-making enterprises and that those who controlled them would under no circumstances drop them. But the

other day the Leader changed hands. Medill McCor-

of the first results is that both the Plaindealer and

concentrate themselves on their morning editions and

make them a success and by cutting off the unprofitable evening editions they are both relieved of an unbearable

The Cleveland experience will find many duplications

all over the country. The effort to monopolize all sources of news supply will not work, not only because of the popular prejudice against such monopoly but be-

cause it will not pay. Such papers are always a drain and sooner ow later become backbreaking to those who

are forced to assume the burden. Persisted in they will

bankrupt both institutions just as they did the Leader

in Cleveland and just as they threatened to do the Plain-

dealer. On the other hand the independent evening

paper in Cleveland which enjoyed no monopoly and

which did not have or want an Associated Press franchise has been one of the great financial successes of the

country. This is the history in Cleveland just as it will prove the history in Portland for the commercial logic

LET THE CITY MAKE THE PROFIT.

has lately been suggested has in it more possibilities of

profit than the proposal to take over from the city the work of destroying the garbage. The nerve of those who

back the enterprise is simply beyond expression. Prac-

tically they do not propose to do anything except to rob

the people and to take over the garbage plant now owned

the mayor through the executive board should start an

investigation to discover the best basis upon which to

of great profit for the municipality through the sale of

the commercial products which result from the destruction of the garbage. This being the case Portland is en-

titled to whatever can be made out of it and the mayor

Major S. W. Roessler who comes here to succeed

Major Langfitt in charge of the federal engineering

work, is a man of high standing in his profession and

has, it is said, been selected for this field because of his

should see that it gets it.

y the city without cost to themselves. Now that this matter is once again before the people

a choice graft as that promises. Nothing that

which produced the result there will produce it here.

mick of Chicago, grandson of the Medill who made the

RATHER NOTEWORTHY thing has happened

they do now.

financial drain.

on a retrial a jury of 12 found a verdict on his side.

ever, when the cost is counted.

HE SECOND MISTRIAL of Williamson, Van Gesner and Biggs is the latest of numberless

NOW LET THE CHAMBER OF COMMERCE ACT.

TERE is a simple little problem, or as children used to call it long ago, sum, in arithmetic. I may be stated thus: 446: 735: 110,500: ? Or, as 446 is to 735, how much is 110,500 to the required answer? It doesn't take a boy or girl of a very high grade to ascertain quickly that the answer is 182,081.

That is, if all the census districts of Portland were as badly neglected by the assessor's enumerators as the bounded by Seventh, Chapman, Main and Jefferson ets, they missed 71,581 people, and Portland's poplation is 182,081, instead of 110,500.

To put it another way, about 60.7 per cent of the actual residents of that district were counted, and 39.3 per cent re not counted. How is that for high-missing?

Of course the same proportion or percentage would t obtain throughout the city. Nobody claims that rtland has 182,000 population, any more than anybody supposes it has only 111,000. But when such a vast ifference appears between the assessor's returns and the ertained fact in one district, even though this be an extreme case, what is his census worth? Who can or will rely upon it at all-except strangers at a distance, to Portland's injury?

Facts given by Mrs. Clinton, manager for Polk's directory, especially the great increase in-names beginning with any letter, since 1900, clearly indicate that her estimate of 135,000 for the city proper and 15,000 for the mediate suburbs, is conservative. And everything bearing on the subject supports this proposition.

The one fact that the assessor's census makes the west side population actually less than in 1900 is of itself sufficient to stamp the result as a travesty. Every man, woman and well-grown child in the city knows that while the east side has increased in population more in proportion than the west side, the population west of the river has increased in five years by many thousands.

.If these figures are to be given to the public as official (God save the mark!) then the chamber of commerce should at once take the matter in hand and make provision for a recount that will do Portland Justice.

A PARTY'S STRENGTH ITS SOURCE OF

of the Republican party in Oregon is a matter of great concern." To whom? To those who expect to get the offices, and the friends whom the ofolders may help, but not to many others. Undoubtedly a large majority of the people of Oregon pre-fer the Republican party, as a national party, to any other, and would so vote in a presidential contest, but as hether the party becomes united and harmonious in Oregon as the Register urges, so that all Republican nominees can be elected by large majorities, a great and constantly increasing number of Republican voters are indifferent. They care little, much less than formerly, whether state, county and city officers, who do not represent national policies at all or but slightly and indirectly, are Republicans or Democrats. Why should they? Supposing the nominees are equally competent and honest, it makes no difference whatever to them

But it might be said further that it is rather an in opportune time to be urging voters to "rally" and "stand Chicago Tribune and who was also one of the founders work." in support of the Republican party in Oregon. To encourage and induce the rank and file of Republican voters to do so the party organs should be able to "point with pride," as well as "view with alarm," and can much inting around in Oregon be done that the average Republican voter will not snigger at? And it is to be remembered that the election next year is not a national election, nor within two years and five months of the next national election, so that the "stand by Roosevelt" cry will not have much force.

The fact is that from an independent and impartial viewpoint Oregon has been too overwhelmingly Republican not only for the good of the people but for the good of the Republican party itself. It had so great a majority that it broke in two, and the dominant faction, first one and then the other, held the offices largely for purposes of reprisal and revenge, unmindful of and unac countable to the people at large and utterly disdainful of the minority party. Some results of such great majorities have appeared, and the Republican party itself is a

The Sioux City Journal, a Republican paper, quote from a local Republican paper of that state, the Charles City Intelligencer, as follows:

The strength of the Republican party of Iowa today of its strength too many of its members seem to rest secure that it cannot be overcome; on account of its strength they do not deem it necessary to give those with whom they differ that due and reasonable considion they would did they feel a weakness of the party and the need of all the help possible; on account of its strength they do not deem it necessary to be sure the party is right on the things on which it goes before the asking for their support; on account of its strength hey have arrogant bearing that is not pleasing or at ctive to many. All these things are elements of de tion and many times prove ultimate destructive weak-

This is as true here as there, and its truth here is even ore apparent. Some Republican papers of this state. the Salem Journal, have said substantially the place this garbage question. It goes without the saying ame thing, but we scarcely expect to read so honest that the municipality should control both its collection and sensible a statement in the Eugene Register.

When fair traffic gets straightened out a bit the O. & N. officials should seriously take up the question bringing train No. 1 in here at say 2 o'clock in the n instead of 5:25 as now. One purpose of this be to give the merchants a chance to get out the me day their special delivery mail orders instead of sing 24 hours as is now the case.

Portland's population is between 130,000 and 135,000. Why should its people rest content with a so-called of-ficial census which gives it at 110,500? | prises. The people of Portland warmly welcome him.

Not Entirely Hopeless

From the Cedar Rapids Gazette.

La Pollette thinks that posterity will me the men of the present generation to allow six men, who own roal, oil d iron, to dominate the country, elect agressmen and corrupt legislators, far as these six are concerned, they is proses but six human lives between a people and proper conditions. They sold not buy if men were not for sale, are could not corrupt if men did not passerity. From the Cedar Rapids Gazette

better damn the average state of political morals. The Rockefellers and others will die in the course of events, and unless there is to be a change in history of such things their fortunes will be dissipated.

Honor Among Them. From the Chicago News. Platt sticks by Depew, feeling

The Pious Pair.

From the Washington Star. Chicago and New York continue to talk about how big they are, while the rest of the country is talking about how bad they are.

Don't Jump to Conclusions From the Chicago News lever judge the wait of a low by her sighs.

SMALL CHANGE

You can hit the Trail tomorrow,

The other departments have been feeted with graft, but the navy department seems to be guilty of wholes manulaughter.

Perhaps it took most of Komura's trunks to carry Japan's itemised bill.

If we shoud all quit drinking tea instances showing the uncertainty of trials by jury, an uncertainty that in many cases exhibits judicial procedure, both in criminal and civil cases, in a farcical cott.

Now a vineless potato. We ome potatoless vines.

What is really needed as the manager of the Panama canal is a man who can make mosquitoes dig in it.

They did their duty as they saw it, and could not do it otherwise. Once, in a case in New York, one man How can anybody want to be a mem-ber of the Géorgia legislature? It has been in session all summer, necessarily in Georgia.

The kalser waits for no invitation when he wants to go visiting.

Togo having successfully operated on Rojestvensky's fleet, Japanese surgeons have now successfully operated on his

M. Witte talks very bravely about Russia's resources for war, but the last year and a half's events tell a different

Give work to needy and deserving exceptional. It is commonly agreed that the case made out against the defendants was much stronger in the sec-ond trial than the first. This is particularly true of Wil-liamson. Yet instead of two, as in the first case, there Perhaps that "roast" by the chamber commerce transportation committee

former lover, on condition that he get an absolute divorce from his wife. Her refusal would not be exactly a statutory ground, but almost any lawyer could make it out an extreme case of cruel

The big ratiroads ought to be liberal

is growing but slowly, and apparently is glad of it. It is quite sour at Portland

Emperor William is busying himself to prevent Norway from becoming republic. He may have urgent business dict. Then there would be few mistrials, and parties of the same nature at home some day, to actions would on the whole get as much justice as if he lives long and keeps up his antics.

Witte began taiking while yet out at sea, and kept it up after landing, which makes him interesting, because an unusual specimen of the genus diplomat.

and a supply of cartridges, two saws, file, a knife, some carbolic acid and piece of rope, is manifestly a misfit

OREGON SIDELIGHTS

A good many of Portland's light-fin-gered colored female population have in-vaded Astoria, and Astorians should hide Leader, coming to an understanding on a common sense basis, simply gave up the press franchise and shut down their evening editions. The result will be that they can

For the first time Grants Pass is im instead of exporting water-Crop ruined by strange fungus

Some dastardly miscreant started, a dozen or more forest fires in Crook county last week.

A few years ago the man who bu a few years ago the man who hug-gested the growing of alfalfa on the sagebrush lands of Lake county was con-sidered as lacking something in the upper story. Today the fact is demon-strated that Lake county arid lands, with water, will grow alfalfa that can-not be excelled, and that without irrigation they will grow alfalfa that be a credit to many counties that are considered rich agricultural beits.

Every business house in Athena except drugstores were closed Machine shop badly needed at Cot-

THE GARBAGE CONSPIRATORS are to the front again; they will not readily let go of such

Planting second potato crop afoun 1. . Only one farmer could be found in

Corvallis during one whole week; too busy at home. Travel on the C. & E. railroad no

At Yaquina bay a craft is doing a good business carrying seasiders out to sea for deep sea fishing, "and partly," says the Corvallis Times, "for sea-sickness," though it is news that people want to become seasick.

The Corvellis Times says man of that town "is taking a pleasant vacation outing in the harvest field."
Other young men might follow this example with profit to themselves.

'Mules in big demand in the wheat belt of eastern Oregon and Washington

Visitors at Yaquina bay are compar-atively few, owing, it is supposed, to the Lewis and Clark exposition.

A little 7-year-old girl up the Hood A little 7-year-old girl up the Hood River valley has captured a pet that any child and many 'big folks' would cavy her. The dogs frightened a young dos into the garden and the little girl gave chase, the frightened animal running down into the field with the child rollowing. Finally the doe gave up and the child returned home w... her pet, and now, like Mary's little lambs, it follows her where'er she goes.

The boys about town say that swimming is fine in the Pudding river.
They go out to the river in wagon loads of evenings.—Gervals Star. A Pudding river surely should be a favorite place for boys to swim in.

SUNDAY SCHOOL LES-SON for TOMORROW

August 6, 1905—Topic: Josiah's Good eign—II. Chron. xxxiv:1-13. Golden Text—Remember also thy reator in the days of thy youth...

The king whose character and career come before us for study today was the grandson of that Manasseh with whom the last lesson dealt. But between the reign of Manasseh and the accession of Josiah only two years intervened, so short was the reign of the ungodily and hated Amon (ch. xxxiii:21-25), son of Manasseh and father of Josiah. But a few verses are devoted to him in either the second book of Chronicles, aithough a fuller account seems to have been kept in some record called the Chronicles of the Kings of Judah (II Kings xxi:25). His life was at best inglorious and wicked, and his end was to be assassinated by the servants of the palace. These murderers were probably court attendants or guards who had been brought from the east to add to his state, or possibly sent from Assyria (o watch over his layalty to the king who claimed his allegiance as a vassal. They were evidently not Jews, who are here called "the people of the land." These made Josiah king (ch. xxxiii:25).

The mother of Josiah was a daughter of Judah (II Kings xxii:1), and he was the fruit of a union which may have been intended to strengthen his father the musical instruments which always the fruit of a union which may have been intended to strengthen his father.

people may be with vice, they cannot long endure its fruits in the court without resentment.

It is a tremendous undertaking to reform a religion that becomes corrupt. The revenues of many rich and powerful nobles were doubtless dependent upon the perpetuation and continuance of things as they were. Doubtless not a few of the nobles had married wives from the east to assure their standing in the Assyrian court. A thousand reasons will come to the front for letting things alone when such men as Manasseh and Amon have ruled. "Vested interests" must not be threatened. "Old families' must not be embittered. Perhaps if Josiah had not been so young, he would have not been so brave. But God was with him: and it would have been well, for the land had the people shared the aims and assisted the purposes of the boy kin.,

would be difficult for any man to be anything which some one of his ancestors has not been before him. If a boy has had a bad father, let him thank God that he had a saintly grandfather, Josiah loved to recall that he was a descendant of David, the one man who above all his fellows tried hardest to live as God would have him.

Verse 3. At the age of 15 Josiah seems to have passed a crisis in his life. Riches and power had not corrupted him. He was as pure as when he assumed the crown. But he began now to realise that as king he could not be content with a negative disposition. It was for him publicly to throw his influence upon the side of all that was holy. But there was not much to help influence upon the side of all that was holy. But there was not much to help him. The law of God had been so long ignored that it could hardly be recalled by the most devout. Probably the best creed which Josiah could find was in the temple psalms. He was eager to know from what sources David, his great ancestor, had such conceptions of God as he had embodied in his sacred songs. But by the time he was 20 he was well persuaded that the defling and obscene objects of an alien religion did much to perpetuate contaminating

and obscene objects of an alien religion did much to perpetuate contaminating cults. His first reform must, therefore, consist of the removal of such incentives to sin.

Verse 4. Doubtless the opposition which he encountered made his work the more radical. If his will was to be violently opposed, he would by his presence encourage those executing the royal commands. He took a personal part as well as a personal interest in his work. If these objects had been used to consecrate the graves of their worshipers, he would, by returning them in ashes to the graves, defile the objects of a superstitious worship by

them in ashes to the graves, defile the objects of a superstitious worship by contamination with the dead.

Verse 5. Undoubtedly we have here the brief story of a civil conflict whose record is greatly condensed. The heathen priests would not besitate to stir up the people to revolt. When Henry VIII of England was remonstrated with for the destruction of the monasteries of Great Britain, he replied that "the only way to get rid of rooks is to pull down their nests." So Josiah, finding these idolatrous cities the centers of vice, disloyalty and rebellion, wiped out their polluted shrines. Many of these places were then resorts of indescribable licentiousness as Mecca is today.

ation ago that our republic could not forever exist "half slave and half free"; so Josiah realized that his little king-dom must have one fundamental princi-ple of life or it would soon go to pieces. Verses 8, 9. The cause of religion is Verses 8, 9. The cause of religion is bound up with the condition of its temples. It is not enough that a nation has lost its heathen resorts; it needs places where the truth will be taught phaces where the truth will be taught and virtue inculcated and worship carried on. In one town in Minnesota years ago the first settlers, who were all infidels, drew up deeds by which it was forbidden to pass any part of the land to religious uses. Within a few years the trustees of the town published an offer of land and money to any religious body which would erect a house of prayer in it. Life without some form of religion is intolerable.

of Judah (II Kings xxii:1), and he was the fruit of a union which may have been intended to strengthen his father Amon at home. Josish seems to have been little in contact with his father, who came to his death when the boy was but \$\frac{1}{2}\$ years of age.

Many a boy is made or unmade before he arrives at that period. His whole conduct as king would seem to indicate that his mother was deeply religious and that her piety had mirrored itself in his youthful spirit. It was probably as much out of confidence in the mother as for any other reason that the popular movement in favor of Josiah was irresistible. However deeply tinctured any people may be with vice, they cannot long endure its fruits in the court without resentment.

LEWIS AND CLARK

August 5.-This morning Chab August 5.—This morning Chaboneau complained of being unable to march far today, and Captain Lewis therefore ordered him and Sergeant Gass to pass the rapid river and proceed through the level low ground to a point of high timber on the middle fork, seven miles distant, and await his return. He then went along the north side of the Rapid river about four miles, where he waded it and found it so rapid and shallow that it would be impossible to navigate it. He continued along the left side for a mile and a half, when the mountains come close on the river and rise to a considerable height with a partial covering of snow.

about five miles distant and found it still perfectly navigable. There is a very large and plain Indian road leading up it, but it has at present no tracks except those of horses, which seem to have used it last spring. The river here made a great bend to the southeast, and he therefore directed his course, as well as he could, to the spot where he had directed Chaboneau and Gass to repair, and struck the river about three miles above their camp. It was now pair, and struck the river about three miles above Their camp. It was now dark and he therefore was obliged to make his way through the thick brush of the pulpy-leafed thorn and the prickly pear before he reached their camp. Here he was fortunate enough to find the remains of some meat, which was his only food during the march of 25 miles today. He had seen no game of any sort, except a few antelopes, which were very shy. The soil of the plains is a meager clay, of a light yellow color, intermixed with a large proportion of gravel and producing nothing but twisted or bearded grass, sedge and prickly pears. The drier parts of the low grounds are The drier parts of the low grounds are also more indifferent in point of soil than those farther down the river, and although they have but little grass, are covered with southern wood, pulpy-leafed thorn and prickly pears, while the moiet parts are fertile and supplied with fine grass and sand rushes.

We passed within the first four and a quarter miles three small islands and the supplied with the first four and a quarter miles three small islands and the supplied with the first four and a quarter miles three small islands and the supplied with the first four and a quarter miles three small islands and the supplied with the first four and a quarter miles three small islands and the supplied with the first four and the supplied with the su

we passed within the first four and a quarter miles three small islands and the same number of bad rapids. At the distance of three quarters of a mile is another rapid, of difficult passage: three another rapid, of difficult passage; three miles and three quarters beyond this are the forks of the river, in reaching which we had two islands and several bayous on different sides to pass. Here we had come 3 miles.

The river was straighter and more

swollen and all were languid with fatigue. We arrived at the forks about a o'clock, but unjuckily Captain Lewis note had been left on a green pole which the beaver had cut down and carried off with the note, an accident which deprived us of all information as to the deprived us of all information as to the character of the two branches of the river. Observing, therefore, that the northwest fork was most in our direction and contained as much water as the other, we ascended it. We found it extremely rapid and its waters were scattered in such a manner that for a quarter of a mile we were forced to cut a passes through the willow brush

SPIRIT OF THE JAPA-NESE NAVY

is life but a dream of summer's night? Can one choose more glorious an exit than to die fighting for one's own country and for the emperor who is a ruler and leader to the nation's heart? Does not many a worthy man end his life's chapter obscure for want of opportunity? Then let us uphold the honor and the duty of being Japanese. By going down with them we shall, in a measure, pay the debt we owe for the slaughter of these poor innocent peasants. They too are fighting for their country, so shall Bushi honor Bushi. There are more torpedo-boats and torpedo-boat destroyers than the number of ships in the whole fleet of Admiral Rojestvensky, and if each of them destroys or disables one of the enemy's vessels, it ought to do.

and if each of them destroys of alsables one of the enemy's vessels, it ought to do.

"Father Togo, now gray-haired, walks quietly to and fro on the bridge of the Mikasa. and keeps silence, so all will go well. Do you remember the story when he went up to Tokio for the first time since the commencement of this war? Some public school boys were determined to unharpess the horses off his carriage, at the instigation of the asahi, I believe, and themselves draw it up to the gate of the imperial palace. Well, Father Togo got wind of this, and so he sent his chief-of-staff in the carriage, while he was seen, but not recognized, to be quietly walking towards Nijubeshi, with his little daugnter's hand in his. Will he play another trick upon the poor unsuspecting Russians when they come?

"I bid you again farewell. Work, work, and work, for the coming Japan depends on you young fellows. I remain your ever humble brother. T. N."

Philosophy of a Lover and Gentleman A flower, a kiss, a star-and there's our

Long flowers of doubt; short tasts of fruit; the knife.

Of parting; then the mourning-cloths of Death.

This handkerchief I wear against my Once dried a tear of yours. Now it And shall till I am summor How odd the things that we find co

Fading to dust within my pocket

Now you have kissed me and I have withheld
For a long day my lips from speech and. To leave them yours alone till set of A foolish whim. . . . But you did me. Ah!

What shall enshrine remembrance of a Or hold its ghost from dawn to set of sun For me, who have so many hours to live,
Or let my heart recall the mighty throb
That came when you cald "Dear!" from
your deep chest
With wavering fulness?

Since all was done. Then came the

Here we talk gently, being gentlefolk Without much show of passion, rise of breath. Quaver of voice, hard eyes, or touch of

A flower, a kiss, a tear-and there's our Of parting: then the mourning-cloths of

Ford M. Hueffer, in London Academy.

President's Gift to Folk. lefferson City Dispatch in New York

Jefferson City Dispatch in New York
Sun.

Governor Folk has received by express from President Rossevelt a copy
of "The Strenuous Life," On the first
page, in the president's own handwriting, were these words:

To Governor Joseph W. Folk, with the
regards of Theodore Rossevelt, July 25,
1995.—Dear Governor: Many of the
problems with which you and I have to
deal are in their assentials much the
same, after all. Perhaps you may be
momentarily interested in two of these
essays, "Latitude w. Longtitude" and
"Promise and Performance." Sincerely
yours. THEODORE ROOSEVELT.

Unlimited Jurisdiction.