

The Oregon Statesman

"No Favor Shows Us; No Fear Shall Awe."
From First Statesman, March 28, 1851

THE STATESMAN PUBLISHING CO.
CHARLES A. SPRAGUE, SHELTON F. SACKETT, Publishers
CHARLES A. SPRAGUE, Editor-Manager
SHELTON F. SACKETT, Managing Editor

Member of the Associated Press
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Entered at the Postoffice at Salem, Oregon, as Second-Class Matter. Published every morning except Monday. Business office 215 S. Commercial Street.

Pacific Coast Advertising Representatives:
Arthur W. Stuyves, Inc., Portland, Security Bldg.
San Francisco, Sharon Bldg.; Los Angeles, W. Pac. Bldg.
Eastern Advertising Representatives:
Ford-Parsons-Stecher, Inc., New York, 271 Madison Ave.;
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Convictions Reversed on Appeal

LOVERS of detective fiction usually pursue the tale breathlessly through to the end; and when the culprit is exposed they lay the book aside under the shock of some surprise or satisfaction that the ends of justice are about to be served. They do not stop to question, after the author declares one of his characters guilty, whether the conviction is authentic or fictitious. The plausible solution of the author's own mystery is accepted without debate and the author's "thou art the man" makes such an one guilty in the reader's eyes. Many lawyers have written detective stories. It is only now that lawyers reading detective fiction call in criticism the fictive methods of the authors.

John Barker Waite, professor of law at Ann Arbor, and Miles W. Kimball have written in the August "Bookman" a critique of the current detective fiction. They have been examining the evidence against such characters as Ada in "The Green Murder Case," and Vandellus whom J. S. Fletcher has arrested in his "The Strange Case of Henry Marchmont," and John Tracy in "The Room with the Tassels" by Carolyn Wells. As court of appeal Messrs. Waite and Kimball either find that the evidence is insufficient or that it is inadmissible in a court because of the way it was procured. As they put it: "The chief reason justice is so much better served in fiction than in reality is that the mythical detective enjoys enormous advantage over actual investigators. The story-book hero can get his man by all manner of devices prohibited in real life—from breaking and entering to conniving with United States postal officials to rob the mails."

Police officers in real life enjoy no such privileges as Philo Vance and Sherlock Holmes in weaving fabrics of evidence which never endure the fire of cross-examination in a court. Nor are they privileged, in general practice at least, to violate constitutional rights in order to obtain evidence. So these detectives of fiction who make the regular sleuths to appear so helpless are in truth operators with artificial privileges as well as just creatures of fictive imagination. When society is confronted with a real crime that is baffling, the wish for some story-book detective is real. The lesson which the "Bookman" article brings home is that even if there were such characters in real life, their method of working would not bring conviction in a court.

Portland Milk is "Raw"

WE notice some newspaper stir in Portland about the lack of inspection of the milk supply of that city during the summer, and about alleged political influence in the office charged with milk inspection. All of which may or may not be true.

Many cities nowadays have come to require pasteurization of milk before it may be sold to the public. The public in buying pasteurized milk may have rather a false sense of security. The word in common understanding implies sterilized milk, the killing of all bacteria in the milk. Such is not the case at all. The pasteurizing process raises the temperature to 140 degrees, which it is thought will kill a great many of the bacteria. But often the count after pasteurization discloses more bacteria per c. c. than in raw milk.

There is no substitute for sanitary conditions in the dairies. Under proper conditions of milking, bottling and distribution, raw milk is just as safe as pasteurized milk; and many prefer its flavor. Where milk comes from many dairies and is mixed, then it is well to pasteurize. Where the source is known and the proper inspection and grading insisted on, one can safely depend on raw milk.

The benefit of the agitation in Portland will be in seeing that real standards of limited bacteria count are adhered to, and in educating the public to know that pasteurization is not always a guarantee of pure, wholesome milk. Vigilance for cleanliness is the price of pure milk for the cities.

A Reasonable Franchise

THE bus company has pretty well pulled the teeth in the franchise which it has submitted to the council for consideration. The term has been cut in two, from ten years to five. No banal emergency clause is tacked on to block a possible referendum. Conditional on the company's rendering first-class service the franchise is exclusive.

We believe that this franchise properly safeguards the interests of the city and insures competent, dependable, responsible bus service to the public, which is the most important thing. If a company makes as large an investment as this company has in modern and comfortable buses, giving as complete service as it does, then it is entitled to an exclusive franchise for at least the limited period it requests.

The price on flaxseed has gone to over \$3.00 a bushel. American production this year is estimated at 14,000,000 bushels, compared with requirements of 45,000,000. Here is a real opportunity for Willamette Valley farmers who do not care to grow fibre flax. They can grow flax for the seed and find a ready market in Portland. Many are growing flax, but the acreage could be greatly, and we believe very profitably increased. Scientific farming has done away with the bugaboo about flax wearing out the land.

The federal farm board is starting an investigation as to why the American wheat price is so much under the Canadian price this season. That's fine, if they get the investigation made before the next crop comes on. Even if they find out the why, that knowledge doesn't eliminate the discrepancy.

The lumber market is sick again. It is about the only invalid in the whole northwest household this fall. Here we are, shipping the one great crop nature has given this state, to all parts of the world nearly; and doing so at a loss to the concerns engaged in the business. Perhaps if we had the right kind of taxing system we wouldn't force timber on the market. The lumber business surely qualifies under the limited group entitled to tariff consideration which the president referred to in his message to congress.

How dry and dusty everything is when the rains are delayed so long in the fall! Smoke and cloud and dust and heat marks the days stuffy and sultry. Folk long for the "big change," for the chill, damp morning calling for the bit of fire in the fireplace.

A Hoquiam weta declared a cache of liquor in her woodshed was a plant. Many a man would join the weta if he thought he would be similarly afflicted.

Billy Sunday, Jr., is now involved in his second divorce suit. That must give Dad and "Ma" a real heartbreak, for theirs seems to have been one of those successful, old-fashioned marriages.

Another Overcrowded Condition



BITS for BREAKFAST

Colonel Thompson continues:

"In November of the same year (1872) occurred the first outbreak of the Modoc Indians and a score of settlers and a few soldiers had been killed. Governor Grover had ordered out two companies of volunteers under General John B. Ross, a veteran of the Rogue river war, to assist the regular army in quelling the insurrection. The outbreak, only for the butchery of the citizens along the Lost river and Tule lake, was not regarded as at all serious, as a few weeks would suffice to crush or destroy the savages. But as weeks rolled on and still no surrender, nor even a fight, the governor became uneasy. . . . It was 9 o'clock in the morning when Mr. Giltry, private secretary to the governor, came to my office with a message that Governor Grover Miller (John F. Miller), and when would I start? I replied that I would go by the 11 o'clock train if General Miller was ready to start."

As was told in this column several days ago, Colonel Thompson left Salem Thursday noon and was in the lava beds Saturday night, going by train to Roseburg the first day, by stage to Jacksonville that night, and thence by relays of three good saddle horses.

The Modoc Indian was a bad actor. From the day the white man first set foot upon his soil he had been a merciless foe with whom there could be no peace. The travelers through his country were forced to battle for their lives. Trains of immigrants, men, women and children, worn and weary with the hardships and trials of the plains, were trapped and butchered. The number of these victims mounted into the hundreds and constituted one of the saddest chapters in the annals of American pioneers. Col. Thompson says of the Modocs: "They did not possess the steady courage of the Nez Percés, nor the wild dash of the Sioux, but in cunning and savage ferocity they were not excelled even by the Apaches. In war they relied mainly on cunning and treachery, and the character of their country was eminently suited for the display of these tactics. Our first knowledge of the Modocs was when they stole upon the camp of Fremont in 1845. . . . Fremont suffered the loss of some of his men, including two Delaware Indians. (It was here that Fremont was overtaken by a courier and turned back to assist in the conquest of California.)"

In 1850, an immigrant train was trapped, and of the more than 80 men, women and children but one escaped to tell the awful tale of slaughter. In 1851, an attempt of the same kind was made, at the same place, but a company under John F. Miller (afterwards of Salem) went to their relief from Jacksonville, having gone out to guard the immigrants known to be on the way. Some of the immigrants were killed and wounded before help arrived, and the Modoc murderers were chased into the lava beds and thus escaped their pursuers. Another whole train was destroyed, without a trace.

In 1852 followed the famous so-called "Ben Wright massacre." In the fall of that year Ben Wright raised a company of 36 men and went out to guard the incoming immigrants through the hand of the Modocs. The Indians sent a messenger for a parley. Their chief pretended friendship, but when Ben Wright had gone to meet him, supposedly unarmed, for the parley, and the wily savage supposed the white men were in his power, he was on the point of ordering an attack, when Ben Wright whipped two pistols from under his blanket that took the place of an overcoat, and shot

him dead, and Wright's men opened fire and wiped out the treacherous Modoc band. About 90 Indians were killed. It broke the power of the Modocs, but a howl went up from the goody-goodies of the country about the "massacre" of the poor Indians, who would have done the massacre stout themselves had they not been outwitted, surprised and out fought.

On October 14, 1864, the Modocs entered into a treaty and went onto the Klamath reservation of 768,000 acres of land, more than 420 acres for each man, woman and child, and they were promised payments of \$320,000 from the government, for which consideration they gave over the rest of their lands. The main tribe of the Modocs, as a tribe, kept faith. But a renegade band under Captain Jack left the reservation and went back to their old haunts. Captain Jack was wanted for murder, and he gathered around him renegades from other tribes. All were outlaws. Bogus Charley, one of the band, was an Umpqua Indian, raised by a white man. There were Indians from the Columbia in Jack's band. He was assisted in securing his ascendancy over his band of outlaws by his sister, "Queen Mary," so-called, who had lived many years with a white man near Freka. "In the opinion of Captain I. D. Applegate," says Col. Thompson, "Mary was the brains of the murderous crew who gathered in the 'hole in the wall' under her brother."

In the first days of January, 1873, the band under Captain Jack murdered a lot of settlers in that section, and the regular soldiers made no headway against their outrages. The civilian soldiers under Capt. O. C. Applegate, Captains I. D. Applegate and Kelley, Col. Thompson and others fought the Modocs, and lost 42 men, besides a long list of wounded; but Col. Thompson believes that, with a small additional loss, the Modoc band could have at a certain point on the 17th been killed or captured, and their stronghold taken, in 20 minutes had the volunteers been allowed to make the trial which they were anxious to do.

But, says Thompson, the forces of the soldiers "succeeded in hypnotizing the grim soldier in the White House (President Grant), and the result was the 'peace commission.' Sentinels set shed barrels of tears over the wrongs of the Indians. Accordingly in February, 1873, a commission was appointed consisting of A. B. Meachem, Jesse Applegate and S. Case. Towards the last of February the commission arrived at the lava beds. In vain Governor Grover protested against any compromise with the murderers of Oregon citizens, Captain Jack at first refused to have anything to do with the commissioners. After some weeks of delay he agreed to a conference, but the terms were such as to leave no doubt of intended treachery, and Applegate and Case resigned in disgust. They saw that the Indians only sought an opportunity to murder General Canby and such other officers as they could get into their power. Accordingly Rev. E. Thomas, then presiding elder of the Methodist church, and L. S. Dyer, Indian agent at the Klamath reservation, were appointed to fill the vacancies.

A tent was pitched midway between the lines and thither Commissioners Meachem, Thomas and Dyer, and General Canby repaired, accompanied by Frank Riddle and his Modoc wife as interpreters.

The rest of this story, including the massacre, will have to go over till tomorrow.

Editors Say:

WHEN THE WORM TURNS
Like Florida, Wenatchee offers a modicum of proof of the theory held by some scientists that insects may ultimately chase man off the face of the earth. Florida has suffered incalculable damage running into many millions, through the destructive activities of the Mediterranean fruit fly. Crops have been destroyed, credit strained, and banks have failed because of the fruit fly's invasions. Growers in the Wenatchee district, according to R. Edward Trumble, prominent horticulturist of the district, will suffer a loss of \$4,000,000 this season from worm damage and the reduction of grades resulting from stings. Fickle nature allied itself on the side of the insects. Conditions were essentially favorable for the development of the second brood, and winds during the spraying season were a handicap in the battle with the worms. The damage is estimated to be the greatest in a quarter of a century.

Mr. Trumble estimates that in the last twenty-two years he has waged incessant warfare on ap-

ple worms, growers have lost more than \$51,000,000 in worm damage to their crops. Through spraying and careful timing are required to win the battle in any given season, and many of the growers, through neglect or misadventure have been forced to retreat before the attacking army of parasites. Fortunately, however, the net gain in the constant struggle with insects has been on the side of man. The battle with the boll weevil, the corn borer, the fruit fly and other destructive pests, costing millions yearly, can be won if the motto "eternal vigilance is the price of liberty" is applied without relaxation.—Bellingham Herald.

WE GIVE IT UP
Portland is forming a new super-organization. So many organizations are functioning there that they have to form an organization of organizations. That will be fine, more printing for the printers, more office furniture, more office space, more secretaries, more committees, more telegraph bills, long distance calls. If they can just make the organization big enough, it will manufacture prosperity itself.—Salem Statesman.

Yes. But what we are curious about is—how long before Portland's super-organization will be sending organizers of super-organizations for other towns at so much per super-organizer to get suckers to join at twenty-nine dollars per finer and so much a month thereafter as dues to be used to keep the super-organizer international secretary in stenographers and perfume? And considering that all the other organizers have organized the button wearers of the country so effectively that there are no luncheon days left, which fact made it necessary for the organization of breakfast clubs for the other suckers, may it not be necessary to change the name of the super-organizers to super-organizer? Corvallis Gazette-Times.

Congress has just spent a third of a million on a system of refrigeration which will keep the senate and house chambers cool during the summer periods. If the use of the system is confined to the heads of members and not to their feet it may be worth all it has cost.—Yakima Republic.

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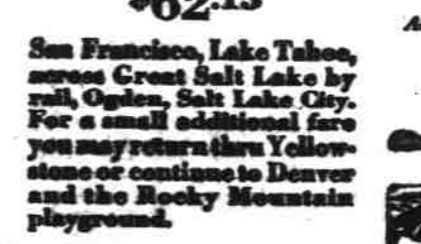
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