

# Capital Journal

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"Without or with offense to friends or foes  
I sketch your world exactly as it goes."  
—BYRON

## A Sentence Board

One of the many excellent proposals made by Governor Smith of New York for reform, which perhaps because of its being a presidential year, has escaped much attention in the west, is his recent recommendation for removal of the power of sentence in cases of felony from judges and placing it in the hands of a board composed of legal experts, psychiatrists and psychologists.

This would be a step not only towards justice but towards uniformity in punishment. The mood or temperament of the individual judge governs the sentence as can be readily seen from a study of cases. For the same crime, one judge will impose one sentence, and a different court another. Some judges are "hard-boiled" and prescribe the limit, others temper justice with mercy. Indeed it is a matter of record that a judge one day will be inclined toward severity and another day towards leniency, dependent perhaps upon his liver.

Take the case of Ellsworth Kelley, sent up for 20 years in prison for passing a saw to a prisoner in a county jail to enable his escape, while another guilty of the same offense, draws a jail sentence or a brief prison term. Take the cases of the Portland youths who on their first offense, for hold-ups yielding a few dollars, got from 15 to 20 years, while a promoter guilty of a half a million dollar swindle got a fine of \$500 in the same court.

A state treasurer who embezzled a quarter of a million, got a three years sentence, while a man who stole a loaf of bread at the same time got seven years. In another case the same judge sentenced a man to a year in the penitentiary for the theft of \$30 in cigars, and one who stole \$1,478 in jewelry was given six months in jail.

It is true that there are many other considerations beside the personal equation of the judge that governs the sentence, questions of environment, opportunity, temptation and motive. The circumstances of the crimes may have differed, so what appears at first an inequality of sentence, may actually be more and more, to make for an equality of justice. More and more the individuality of the criminal is being considered, so the apparent inequality of sentences are likely to increase rather than decrease.

A sentencing board, composed of experts as proposed by Governor Smith, would by impartial and scientific study of the individual and his crime, eliminate the personal bias of the judge and fix a fair sentence. Such a change would be welcomed by most judges as it would relieve them of grave responsibility and enable them to concentrate their attention upon the conduct of the trial.

The Smith proposal is worth a trial.

## Upholding the Blacklist

By a rising vote of 2000 to 14 the national convention of the Daughters of the American Revolution squelched critics of the "blacklist" by defeating resolutions embodying a demand for the consideration of all national policies by the chapters and members before their pronouncement by the national officers; the discontinuance of all "black listing" of speakers; and the submission of the national defense committee's program to the membership for approval.

"The D. A. R. recognized no blacklist," said the president, Mrs. Broseau, who circulated it, but she added, "any state regent has a perfect right to advise her chapters as to who should come upon their platform to speak," which when the state regents act in concert, constitutes a blacklist.

The distinguished men on the black-list, denounced as "radicals" are of the same type as the revolutionary heroes the ladies claim descent from—that is believers in the Bill of Rights and the ladies are free to the tactics of the colonial Tories by proscribing free speech and assembly, under the pretense of patriotism.

It was Samuel Johnson in his lexicon defined patriotism "as the last refuge of scoundrels" for in his day as in our, patriotism has been capitalized by swindlers and grafters who wrap the flag about them to flim-flam the populace for a profit. We have only to cite the existing cases of the Ku Klux Klan "100 percent American" and Big Bill Thompson's "America First" crusade to realize the extent to which patriotism is commercialized by professional "patriots," and the D. A. R. leaders seem to have come under the spell along with the gullibles.

As the New York World puts it:

This game has been worked again and again in human history, but unfortunately there are always plenty of people who know no history and have learned nothing from it. They provide the innocent following out of which the Thompsons and the Imperial Wizards get their votes and their dues-paying members. They are the bedazzled suckers who throughout human history have supported every swindle. Somebody waves a flag at them and they go into a coma. Somebody makes passes at them with a sacred formula and they are overcome with such palpitation that they can't think. They become so bewitched with words that they will endure almost anything.

People who know something about human nature know quite well how the game is worked, and are on their guard. They know that in nine-tenths cases out of a hundred a man who advertises his patriotism or his religion loudly is a suspicious character. Really patriotic men and really religious men let their actions speak for them. Those who have to make a show of their loyalty, their idealism and their virtue almost invariably have something else to hide.

## Golden Youth

By CLAUDE POMEROY

### CHAPTER 44

Adèle Haines never left her room the day after her drive with Jack Tiffany. She had heard Jerry's boisterous voice ringing through the hall and she had heard her husband leave the house in the morning. She gave the maid instructions for the day and told her not to bother her again. Toward late afternoon when the shadows grew long she rose from her bed and slipped on an embroidered Chinese coat and sat by the window, staring out across the stretch of lawn with unseeing eyes. Jerry came home in the middle and Adèle observed in an abstracted way, low repressedly the girl swung the car into the driveway. Jerry was so reckless! . . . She heard Jerry dash up the stairs to her room and

she supposed her daughter was dressing for dinner. Another dance at the club, no doubt. Yes, Jerry went out again.

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A light tap at the door. "Lucy," "Yes, Lucy," Adèle called. She didn't open the door. "Mr. Haines phoned that he won't be home to dinner," replied the girl. "Very well," Adèle was relieved. She'd not have to make excuses now. Silence. Except the tick, cheerful ticking of the clock on her dressing-table and the occasional soft collapse in the fire-place of a log of wood that was reduced to clean, pinkish embers. Adèle had lit the fire herself. She had felt cold. . . . Now she stared at the dying fire. How like herself! Dying—a little more each day. Soon the embers would lose even their pinkness and they would be only cold, gray ashes.

She ought to write to him. To tell him the truth. Not let him go on thinking her a flirt—a careless woman. If she could reach him with an explanation, or a part explanation, or even a hint, but it was so difficult to put a thing like that in words. She stared at the embers. Life could not go back. Life never went back. If she could find with Dexter, what she had believed she would find when she married him. Why hadn't they found it together? Had it been her fault that they hadn't? Dexter had probably suffered despair and griefs of which she knew nothing. She owed him a thing, but kindness and affection and she had failed him—somehow—as he had failed her. . . . She felt heavy and stupid. . . .

Yesterday—last week, at this time, her heart had been singing, soaring, floating like a bird high up in heady blue sunshine and she had been proud of her beauty. Today she looked at herself with a sort of impatient hatred. Hatred of life, too, as she had been found to be. A pretty nonentity. That was what

had brought about this awful unrest. Adèle had always liked to read of the heroines of history, of the women who swayed kingdoms—ruled governments. She often pictured herself maintaining a salon in Europe, where men of importance would be her daily visitors. Men who would bend over her and kiss her hand and ask her opinion of the world's affairs. . . . Instead—two mornings a week in the market: "Aren't the artichokes in yet? When will you have asparagus, Mr. Zilch?" The weekly meeting of the women's club. Talk—talk about developing children, schools—the community herself—herself? That entity that screamed for recognition, deep within her. The woman within her who begged for the warmth of admiration and the leaping light in the eyes of a man who knew beauty and beauty's worth. . . .

They had applied this. A well-groomed, finely built man with all the aristocratic glances of his hazel eyes, the smile that played about his sensitive, keenly chiseled mouth. A cosmopolitan. He knew Paris and Berlin—London. He had studied the columns of Chinese temples and Russian cathedrals. He was not rich—but there was a finish, an elegance, a beauty and beauty about his ways of saying things, doing things that would never let her quite forget him. . . .

But it was ended and Adèle was glad she had not let herself—had she could only shake off this drowsy stupidity. If she could only feel again the happiness flowing back into her veins—to feel again, today confident and light. To laugh again, brushing her wavy sheet of dark hair into polished smoothness, powdering her straight white nose—smiling, enchanted. The woman in the mirror who used to smile back

at her; the rather tall, well-rounded sleek-haired woman with the liquid shine in her eyes, the reproachful smile about her liquid mouth, the indescribable glow—the radiance she once saw there. . . . But, no. She had made her decision and she must abide by it. She would try to go back—to fight back if she had to, and find the threads of her life together—hers and Dexter's and pick them up where they had left off. Like her husband, she traveled back along the road of their lives together and tried to find the point where the road had divided. She had been the one who was at fault. Parity, at least Dexter had become immersed in his work and she had become impatient of his abstraction. Let middle-age close in about one. Let it come if she would to come, anyway. . . .

Adèle heard her husband come home that night. She knew he went into the library. She switched on the light in her room so he would think her asleep should he chance to look in. Silence again. . . . Strange! He went out again. What a man! Where was he going at this time of night? She must have dozed. . . . The sound of the opening and closing of the front door aroused her

The luminous dial of the little clock told her it was half after one. . . . Dexter had returned. . . . He did not come upstairs. In the library again, no doubt. . . . How hateful to be awake. The dream had been a delight. . . . If one need never to awaken. The minutes ticked by and it was 2 o'clock. A car stopped outside and there was a chorus of "good-nights." Jerry home at last. What a little night owl she was. How youth could keep on tirelessly, night after night. Youth! . . . Jerry must be talking to her father. Once her voice sounded shrill—high-pitched with excitement. Jerry was irrepresible.

Adèle drifted off to sleep again, totally unaware of the drama that was taking place in the library below. . . . (To Be Continued)

## PNEUMONIA FATAL FOR DAYTON MAN

Dayton, April 21—Louis Schaeffer, 78, died Thursday in a McMinnville hospital. He had been a resident

near Dayton since 1870 and had been ill less than a week with pneumonia. Schaeffer was born in Germany October 21, 1849 and had never been married and so far as known no relatives survive him. The funeral was held at the Dayton Methodist church at 2 o'clock Saturday with burial in the Evergreen Memorial cemetery.

Aurora, Apr. 21—Miss Thelma Gribble, now in Marshfield, took part in a recent cantata in the Methodist church of that city and was the soloist over a new radio station at Marshfield.

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By Chick Young.

## DUMB DORA

OH, ROD, LISTEN TO THIS—THE RAJAH IS DESCRIBING THE BEAUTIFUL WEDDING CEREMONY IN HIS COUNTRY

AFTER THE RITES IN THE FLANGES RIVER MY PALACE RETINUE PASS IN REVIEW ON HANDS AND KNEES, CARRYING BANNERS OF SERVICE SIGNIFICANCE

THEN COME THE ELEPHANTS—A HUNDRED OF THEM WITH THEIR JEWELLED ROBES, FOLLOWED BY DANCING GIRLS IN NATIVE COSTUME THEN THE HOLY GEESSE AND THE TUMBLERS FOLLOWED BY ROYAL TRUMPETERS

THE CLIMAX IS THE PRESENTATION OF THE NUPTIAL PAGEANT AND A FEAST OF ORIENTAL NUTS AND NATIVE FRUIT JUICES

WHAT A DIVINE SERVICE—IF I MARRY THE RAJAH, WILL YOU COME TO SEE THE CEREMONY, ROD?

WHAT? MEGO SIX THOUSAND MILES TO DUSPANISTAN TO SEE THAT? YOU'RE CRAZY!

I CAN SEE THE SAME THING RIGHT HERE IN THE CIRCUS FOR FIFTY CENTS

By George McManus.

## BRINGING UP FATHER

BY GOLLY EVERYTHING! DON'T WANT IT HERE—WHERE IS THAT DINTY GAVE ME?

HAVE YOU SEEN MY TIE?

NO AND I DON'T SEE ANY COLLAR ON YOUR NECK.

A LOT OF INFORMATION YOU KIN GIT IN THIS HOUSE—I'LL ASK MAGGIE.

WELL, DID YOU FIND YOUR TIE?

YES, MAGGIE MADE A DRESS OUT OF IT.

By Billy De Beck.

## BARNEY GOOGLE

The Spider Spills The Dope.

BACKED BY THE REASSURING PRESENCE OF THE FOUR STALLWART SECRET SERVICE MEN, BARNEY GOOGLE HAS TACKLED THE JOB OF MAKING FRIENDS WITH BOSS SPIDER WITH RENEWED VIGOR, IN THE HOPE THAT HE WILL BE DELIVERED FROM THE SPIDER'S VENGEFUL CLUTCHES

OMNIX - WE'RE TWENTY MILLION STRONG - BABA

YOU'RE A GREAT GUY, BARNEY, AND I LIKE YOU MUCH BETTER SINCE YOU'VE GOTTEN OVER BEING DISAGREABLE - NOW, I'M GONNA TELL YOU WHAT WE'LL DO YOU WHEN YOU LAND IN THE WHITE HOUSE!

TALK A LITTLE LOUDER, BOSS - THERE THAT'S BETTER -

GEE - WHAT'S HE GONNA SHOW ME - I'M GETTING THE SHAKES!

NOW, HERE'S THE DOPE - I'M BOSS OF THE LARGEST SMUGGLING RING IN THE WORLD - MY AGENTS ARE STATIONED IN EVERY SEAPORT - AND WHEN I'M VICE-PRESIDENT I'LL BE IN ON THE GROUND FLOOR ON IMPORTANT INFORMATION THAT I NEVER COULD GET BEFORE - NOW, OUR POSITIONS WILL PLACE US ABOVE SUSPICION AND WE CAN WORK HAND IN HAND - NOBODY'LL KNOW OF SCOPERS -

## MUTT AND JEFF

Oh, Well! Old Fashioned Ways Are Often O. K. At That.

SNIPPER JEFF, HERE'S A BIRTHDAY GIFT FOR YOU! IT'S A LIGHTER; MATCHES ARE TOO OLD-FASHIONED FOR THE SKIPPER OF A FIRST CLASS SHIP!

OH! THANKS, COMMODORE! A LIGHTER'S JUST WHAT I'VE ALWAYS WANTED!

NOW YOU'LL ALWAYS BE INDEPENDENT OF MATCHES!

I DON'T SMOKE BUT I'M GONNA SMOKE NOW TO GIVE THE LIGHTER A TRY-OUT!

By Bud Fisher.