## The Daily Astorian.

## ASTORIA. OREGON:

SUNDAY	. NOV. 20,	1851
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J. F. HALLORAN		liter.

## "Expert" Testimony.

THE history of modern criminal trials show a growing though undeserved regard for the testimony of alleged "experts." Noted trials throughout the country may be cited where the conviction or release of the prisoner depended upon the testimony of some one setting up for an "expert" in chemistry, book-keeping, navi- debits of dishonesty and ignorance Deity? gation, medicine, etc. The "ex- against us on its books by a credit pert" is enlarging his sphere of for stupidity. "A little more than operations, and if the list propor- kin and less than kind." Ignortionately increases, by the close of ance is sometimes preferable to the century there will be very few insolence, stupidity is a matter of cases that can be tried without call- private opinion, and as for "dishoning in an "expert." The Guiteau esty," the best illustration of that case, now on trial before Judge Cox is its own cowardly action in dodgin Washington, already develops ing the main point in the controinteresting points in relation to this versy it seeks to engender. The matter. The fact would seem to last diatribe to hand hasn't even be that too much importance is the invidious merit of being ridicagiven to the opinions of men who, lous. By a garbled quotation however well informed on special from THE ASTORIAN of the 18th. Wrecked Iron ship "Edith Lorne." points can not claim immunity it tries to make us appear in a false from error, or infallibility of opin- light. We "won't have that" ion. The New York Nation, com- either. The "actual difference" is menting on the probable introduc- just this: The Oregonian has lost tion of medical "experts" as its temper and wants to be abusive witnesses in the case of the regi- without very well knowing how. cide, thus sensibly discourses:

"The case is one in which ex- uses-well, that's all right-it's pert testimony will be probably characteristic of any drabof the least possible value. The journalistic or otherwise-to be testimony of medical experts on abusive when called to order. the subject of insanity has fallen of late years into great disrepute in courts of justice, partly because it is highly paid, and can therefore and dog-in-the-manger-like attitude of generally be produced in any a few property holders who made quantity on either side which has purchases in that portion of the city money at command, and partly seriously threatens to deprive this from the fact which no one who is city of at least one railway terminus. at all familiar with medical in. The Northern Pacific company have quiries into insanity can have surveyed a very easy line from Columfailed to notice-though curiously bis City to north Portland, but they enough, it has attracted little at- have no way of getting to the O. R. & tention from the courts-that the N. Co's grounds in south Portland, medical and the legal view of in- except through Front street, which of sanity are not only different, but are radically opposed to each other. In any criminal case the only low, level section directly above the thing the law cares to find out is bone-yard, where there is a good river whether the accused is responsible frontage for half a mile. Owners of for the act charged against him. property in this neighborhood domand If he is not, punishment would be from the company live times its cost unjust to him, and could have no and from 100 to 200 per cent. above a deterrent effect upon others similarly situated. In order to determine the question of responsi- ordered surveys to connect the Dallos bility there are three common tests road. The present intention of the applied, which are very simple, company is to bridge the Willamette applied, which are very simple, company is to bridge the Willamette and usually easy of application: near St. Johns, and run a line to in-First, did he know the nature and tersect with the O. R. & N. road two quality of his act; second, has he miles of East Portland. I have it NOULAL the capacity to distinguish right from unquestionable authority that from wrong; and third, did he act enter Portland unless terminal grounds of fact which, supposing it to be traffic will come here; so will that of the act? "Now these are not the tests Jefferson street if the narraw gauge at all. Their inquiries are di- direct to its own proposed depot inrected to the investigation of the stead, as now, of transferring them Thomas II. Crange Frank L. Parser, condition of a man's mind, not in roads. reference to responsibility for a a particular act, but with reference to his mental state as compared mentioned the dead-lock between with what they regard as a bealthy with regard to appointments. W. S. normal conditton. Any departure Chapman, city surveyor, was Joe from this is a symptom of mental Simon's factotum during the campaign disease. This difference would be and is a schemer of no small ability. of less consequence if it were in He is particularly obnoxious to the some way brought clearly into Thompson faction. but they can't review in court. If medical experts move him, because it requires a mawere asked for instance, to testify jority vote of the council to confirm the Mayor's appointments. Chapman, under oath whether on a given Police Judge Stearns and Street Supstate of facts they were of opinion erintendent Braden have pooled issues for, the act he is charged with, thus far have succeeded. On general they could answer intelligently. principles the council stands five to But for the technical reasons four in support of the Mayor, but cas that to do so would be to let wit- of the five is a relative of Chapman nesses invade the province of the jury, this, under our system of law, is not permitted, and expert witnesses are generally tendent and each was rejected by a asked whether, on a given state of vote of five to four; not because the facts, the man was "sane" or "in- appointees were objectionable or insane." Now it admits of very competent, but because it would break simple demonstration that the an- the Chapman ring. It looks very swer to this question may be much as if Chapman will be able to wholly irrelevant. It not infre- prevent new appointments until the next election of councilmen. quently happens that persons ac-

matters within their knowledge. mirers here are many, and some very They are of course "insane," and enthusiastic The young lady has yet at the same time they may be prodigious industry, more than ordi- a. v. atness good witnesses, and would be re- nary talent and great ambition. She sponsible for perjury should they leaves by the next steamer for Italy, accompanied by her mother, and will commit it. In the same way a work hard for a place among the perfectly valid will may be made great lyric apprain. in an asylum, for the capacity of A club, something after the sigle of

the testator, like the responsibility the Union Club at San Francisco, is of the criminal, is dependent solely being organized here. The memberupon the amount of intelligence ship will be confined to prominent he possesses with regard to the professional men and a few merchants. particular transaction involved- who are not entirely absorbed in boaiin one case the disposition of his dues are large enough to maintain Groceries. property, in the other the crime." rooms in fine style. The social status

## "The Actual Difference."

The Oregonian's recording angel in his Thanksgiving proclamation, perexpresses a willingness to offset all sists in 'refusing to acknowledge the As for the hard words that it



Main Street, opposite N. Loeb's,



reasonable market value. Mr. Villard is not the sort of a man who will allow himself to be "sinched," and has the Northern Pacific road will never would have boomed property above

NUNICIPAL DEAD LOCK. None of the papers here have ever METROPOLITAN NOTES.

tually confined in asylums are Miss Du Bois' concert to-night was brought into court to testify to quite a fashionable event. Her ad-

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