

Washington County Hatcher.



"We'll hew to the line, let the chips fall where they may."

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YOUNG LEE PARDONED.

James Lee, Jr., sentenced to three years in the penitentiary for rape, was granted a full pardon Saturday by Governor Geer. Lee was convicted about two years ago, in Washington county, of criminally assaulting Sarah A. Hammock. He appealed to the supreme court, but without avail, an opinion affirming the judgment of the lower court in his case having been handed down about two months ago. The circuit court for Washington county held its first session since the supreme court opinion was rendered about two weeks ago, but as a strong effort was being made to secure clemency for Lee, the matter of recording and putting into effect the mandate of the higher court was postponed until next week, pending an appeal to the governor. Governor Geer, notwithstanding the petition for Lee's pardon was signed by all of the trial jurors except one, who is dead, had decided not to interfere in the case, unless a recommendation was received from the trial judge. Judge McBride sent a recommendation for the pardon, so Lee goes free, without having served a single day of his sentence.

Governor Geer, in speaking of the large number of applications for pardons on file in his office, previous to the granting of the pardon to Lee, said: "It is the greatest annoyance, aside from trying to please one's friends in the matter of public patronage, that demands the attention of this office. There are now more than 40 applications on file here for pardons, and many of them are strongly supported by the trial judges, the district attorneys, and even by the jurors who, under oath, found the prisoners guilty. Six months' experience in this office has shown that the average jury will listen to a three hours' plea by the attorney for a verdict of acquittal without the slightest effect on a determination to convict, say for a term of five years, and then, within less than six months, go all to pieces by signing a petition to the governor to rectify their mistake by granting a full pardon. It would seem that the influence of public sentiment in the community where the trial is conducted, together with the testimony, should determine the case fairly and finally, and that, as a rule, no appeal to the governor should be made unless some new facts, notwithstanding at the trial, are discovered. — but in all these cases for pardon now pending I do not recall that any new testimony is alleged in a single instance. Each one is simply a bold, bald appeal to the governor to arbitrarily set aside the work of the courts and bring in a verdict of acquittal.

"The Lee case, from Washington county, is an instance of this kind. There is a petition before me giving good reasons why I should grant him a full pardon. It is signed by every one of the trial jurors, excepting one, and he asks for a reduction of the sentence. This petition is also signed by four of the seven grand jurors who indicted the defendant. These appeals for executive clemency have been on file in this office for more than a week. Fully two weeks before the sentence begins to run! How is an executive to know whether he is moving justly in a matter when jurors act like this? How is he to know whether they were a little 'off' at the time of the trial, or have become so since? In his petition the jurors declare that the accused, at the time of the alleged crime, 'was a mere boy, under 16 years of age,' but his age at the time of the trial is the same now as it was then, and should have had the same influence on the jury then as now. It is also urged that the evidence was 'not very strong, and was contradictory.' But it was surely as weak and contradictory then as now. At least no effort has been made to show that it has become more so, and the jurors inform me that the boy has been sufficiently punished, although his term in the prison is not to begin until next Monday!

"I was told the other day by a prominent citizen of Washington county that these jurors are representative men and first-class citizens. This is certainly true of those of them I know personally, but this fact, instead of explaining the case, only serves to throw around it a cloud of increasing bewilderment. This is entirely unjust to the pardoning power.

"The power to grant pardons and commute sentences is a great one to place in the hands of one man, and should be used very sparingly; but there are times when the prejudice of a neighborhood interferes perceptibly with a fair trial. As a rule, the lapse of time serves to remove this prejudice, but jurors should be perfectly free from its influence if justice is to be done. There is no greater function in our government than that exercised by a juror who deliberately determines matters of life and death. The sending of a boy of 16 years to the penitentiary, even for only three years, makes him an ex-convict for life before he has reached his majority, and in the case of young Lee the fact that a pardon was necessary will be a scar on his reputation for all time. This thoughtless action of a jury, although afterward repented, cannot be wholly condoned, and they should unite with all other good citizens in encouraging the young man to a life of usefulness and integrity.

"It would seem that the proceedings of courts and juries should be more carefully guarded, in which event there would be less appeals to the executive to rectify their mistakes. I have in mind now a case where a man was sent to prison eight months ago for a term of ten years, and there is already a petition here signed by nearly every well-known man in the county, asking for his immediate release. Only today a man came in person with a petition from Coos county for the pardon of a convict who has been in prison only six weeks. The petition got here nearly as soon as the prisoner.

"There are as many applications on file now as I could afford to grant in four years, and, indeed, it is a dull day in the office when a new one is not made. Nearly everyone is specially

backed by a prominent citizen who, as a rule, notifies me at regular intervals of three weeks that he is actually amazed that his application has not been acted on, since the person most interested is perfectly innocent and his pardon is asked for by half the people of the county, the district attorney and seven of the jurors—the last part of the statement being often true. "I believe, sometimes an innocent man is sent to the penitentiary, than which nothing could be more cruel, and often the sentence is longer than justice requires; but these judicial lapses should be prevented by those who hear the evidence and have the trial in charge. Instead of appealing to the executive for a post-graduate course of restitution involving the use of great authority, which he would always rather refrain from exercising."

THE THISTLE LAW.

A law passed at the recent session of the legislature provides that it shall be the duty of each road supervisor of each district in the state to ascertain from time to time and know whether or not there is in his district any weed known as "Russian thistle," the "Canada thistle," or the "Chinese thistle," and he shall as he ascertains that there is any of such weeds, and before any there of has shed its bloom or commences to form the seed, notify the county judge, in writing, of the existence of such weed, and in a similar manner notify the owner or occupant of the premises upon which said weeds or thistles may be.

If, after such notice, the owner shall fail or refuse to destroy such weeds, it shall be the duty of the road supervisor to call such help as he may deem necessary and go upon said land and cause said weed to be extirpated in such a manner as to prevent the spreading of the seed from the same. Upon the completion of said work, the supervisor shall file with the county clerk an itemized statement of the expense, verified by his oath. The county clerk shall cause to be entered upon a lien docket provided for that purpose, the amount of such charges and expenses, and this amount, when so docketed, shall constitute a first lien, prior and superior to all other liens and charges upon said lands or premises, except taxes.

If said charges and expenses are not paid by the owner within six months after the same is docketed, the district attorney shall bring suit in the name of the county for the foreclosure of said lien, and the lands affected shall be sold under execution for the payment and satisfaction of said expenses and charges, and of said lien and all charges touching the same.

If within ten days after the statement has been filed and the lien docketed, and no objections have been filed thereto, the county court shall pay the amount of said charges and expenses, and the same shall thereafter be recovered to the use of the county as hereinbefore provided. The law further provides as follows:

"If any person, persons or corporation owning, possessing or having charge of any land or lands, improved or unimproved, enclosed or unenclosed, in this state, shall knowingly permit or suffer any Russian thistle, Canada thistle, or Chinese thistle to grow up thereon, and suffer the same to stand until its bloom falls, or its seeds begin to form, such person, persons or corporation shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than \$10, and for the second and each subsequent offense not less than \$25, said fines to be recovered, with costs, in an action to be brought in the name of the county in which said lands are situated, for the use and benefit of the general fund of the county where the offense is committed.

"It shall be the duty of each road supervisor in each road district in the state to call a sufficient number of laborers to cut down and destroy, before the same has dropped its bloom or commenced to form its seed, and Russian thistle, Canada thistle, or Chinese thistle found growing at any time hereafter in the public highways or upon any public lands in his road district and allow the amount of expenses and just and reasonable charges on such work, as other claims or bills filed by the road supervisors.

"If any road supervisor or any road district in the state carelessly or willfully neglect any of the duties imposed by this act, or violate any of the duties imposed by this act, or violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$100 for each offense.

"It shall be the duty of all municipal corporations in this state to provide for the extermination of said Russian thistle, Canada thistle, or Chinese thistle, within the limits of such corporation, or upon the vacant lands within said corporation; and any city or town incorporated within this state neglecting or refusing to comply with the provisions of this act shall be liable to forfeiture to the county in which said municipal corporation is situated of a sum not less than \$50 nor more than \$500, to be recovered against such municipal corporation in a suit maintained by the county in which said municipal corporation is situated."

TEACHERS' EXAMINATION.

Notice is hereby given that for the purpose of making an examination of all persons that may offer themselves as candidates for teachers of the schools of this county, the county school superintendent thereof will hold a public examination at the public school building at Hillsboro, Ore., beginning at 9 o'clock a. m. on Wednesday, August 9, 1899.



REV. MORTON DEXTER DUNNING.

Pastor-elect of the Forest Grove Congregational church. Begins his pastorate September 1.



St. Mary's Home for Boys and Girls, founded in 1889, at Beaverton, Or., by Archbishop Gross, has beautiful, modern buildings, which contain 70 boys and girls. They receive efficient instruction under the direction of the Sisters of the Most Precious Blood. That portion of the 400-acre farm that is not in wood land is in a thorough state of cultivation, where the boys get practical training at farm work, while under the efficient care of the Sisters the girls learn the art of housekeeping. The scrupulous neatness of the home and farm, as well as the proficiency exhibited by the pupils at their studies, is a credit to the management of the Sisters and Father John Heinrich, superintendent.



THOMAS OTCHIN, OF HILLSBORO.

Thomas Otchin was born in Burton, England, in 1814, and entered the service of the Hudson's Bay Company in 1836, at Fort Garry. In 1839 he emigrated to Oregon; remained a short time at Vancouver, Wash., then went to Frazer river, in the service of the same company. In 1841 he took up a claim near Olympia, but abandoned in a year, and located a section of land five miles north of Hillsboro, and received government title later. He is today the only man in Washington county who owns a donation land claim as originally located in the early days. Mr. Otchin is an uncle of Representative Thomas H. Tongue, and is still quite healthy and vigorous, although 85 years of age.

The following programme will be observed during the examination:

For State Papers:
Wednesday—Penmanship, history, spelling, algebra, reading.

Thursday—Written arithmetic, theory of teaching, grammar, book-keeping, physics.

Friday—Physiology, geography, mental arithmetic, composition, physical geography.

Saturday—Botany, plane geometry, general history, English literature, psychology.

For County Papers:
Wednesday—Penmanship, history, orthography, reading.

Thursday—Written arithmetic, theory of teaching, grammar.

Friday—Geography, mental arithmetic, physiology.

For Primary Certificates:
Wednesday—Penmanship, orthography, reading.

Thursday—Art of questioning, theory of teaching, methods.

IN EXPLANATION.

The state board of education has decided that an applicant for a state paper need not write on all branches required for the same at any one examination. The work may be made to ex-

tend over three consecutive examinations, the applicant choosing the branches to be taken at each. The writing on the different branches must be done on the particular days above designated, and all applicants who choose a certain branch must begin thereon at the same time.

The state board of education has not decided that exemption from any branch on which an applicant has made 90 per cent or more at two successive examinations taken by such applicant, applies to examinations held prior to August 9, 1899. Hence, an applicant may be credited with the average standing in any branch on which 90 per cent or more has been made in the last two examinations taken by such applicant, or may try the same branch at the forthcoming examination for a higher standing at his option.

After the examination there will be no other for the state papers till February, 1900, and none more for county papers till April, 1900.

H. A. BALL,
School Superintendent for Washington County, Oregon.

Dated at Hillsboro, Oregon, July 26, 1899.



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