

Editorial Page of The Daily Journal

By HOFER BROTHERS.

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CRITICISM IS NO LIBEL.

The appellate division of the New York supreme court has handed down a decision sustaining a demurrer entered by the New York Sun to a suit instituted against it by Professor Oscar Lovell Triggs of the University of Chicago for alleged damages sustained on account of editorial comment in the Sun upon Professor Triggs' poetry. In the demurrer it was contended that the comments Professor Triggs complained of were not libelous. This demurrer, after being overruled in special term, is sustained by the appellate division.

In the opinion, written by Justice Ingraham, the court points out that there is a wide difference between libel and good humored criticism. The opinion says:

The plaintiff objects to the articles published as tending to expose him to ridicule and contempt, and to impair his usefulness as a teacher in the university in which he is an instructor. There is nothing in these articles which can possibly be construed as charging the plaintiff with a crime, or disgraceful conduct, or any act that would subject him to the contempt of the community.

The articles are written and plainly intended to be understood as humorous and not serious. They are filled with exaggerations as to what the author considers to be the result of the application of the ideas of the plaintiff to certain poems specified.

But that the spirit of exaggeration and fun pervading these articles was not intended seriously, nor to be taken as seriously charging the plaintiff with any misconduct or lack of professional ability, is quite clear; and however much fun is made of the teachings of the plaintiff and their effect as understood by the writer of the articles, there is nothing in any of them that can be taken as a serious charge against the plaintiff, or as subjecting him to contempt.

There is a distinction between a publication which tends to make the individual infamous, odious or ridiculous and a publication which relates to a person's opinions upon topics of public interest. Certainly in no case to which our attention has been called has it ever been held that a publication which tends to ridicule opinions upon controverted subjects is libelous, as tending to make the individual who is responsible for these opinions ridiculous.

The opinion states in conclusion that the article in question cannot be said to be libelous per se, and as no special damage is alleged the complaint does not state facts sufficient to constitute a cause of action.

A New Way of Measuring the Diameter of the Earth.

In the March Pearson's, Mr. T. C. Porter suggests a new and simple way of estimating the diameter of the earth. This is by means of the shadow cast by the Peak of Teneriff (where the observation was made) and by the earth itself, and by taking note of the difference in time when these two shadows touch the same point. This is found to be twenty minutes. Calculating then the distance of the arc through which the earth moves in this time, by using the known height of the peak, the entire distance through which the earth moves in twenty-four hours will bear the same proportion to this arc distance as twenty-four hours bears to twenty minutes, the time required to latitude of the peak must be used to find the proportion that a circle there bears to the equatorial circle, and so the number of miles the earth measures around the equator is found. Dividing this by 3.14159 will, of course, give the diameter. The suggestion is at least a novel one.

THEY EAT TOGETHER.

Community Dining Room Where Men With Rifle Guards Against Escape—What They Eat.

Salem, Ore., Feb. 21.—(Special.)—

The opening of a community dining room at the penitentiary this week has effected a change in management that has been long desired. Ever since the penitentiary was established the convicts have been fed in their cells, each man receiving his food on a plate handed through the door. The system was neither convenient nor conducive to health, and was believed to be unsatisfactory from the standpoint of economy. A large number of waiters were required to serve the prisoners, but as the waiters were convicts there was no extra expense on this account, but a loss of time. The cells were not pleasant places in which to eat, and the men often did not eat much as they should when working. The system was found to be uneconomical because it was necessary to send to each man a full ration, even though he might not be hungry, and there was much waste.

When the new wing was constructed provision was made for a large dining room, and this has just been completed, after many delays. After two days' use it is evident that it makes a great improvement over former conditions, and is appreciated by both officers and prisoners. An Oregonian representative was present today when the prisoners were given their noon meal. Before the prisoners were admitted to the dining room a guard, armed with a rifle, was placed in a steel cage in one corner of the room and 12 feet above the floor. The door to the cage is locked and the key taken outside the portion of the prison occupied by the convicts. The convicts were then marched into the dining room, and ranged along the sides of the six long tables. The steel door of the dining room was locked on the outside, and the key taken out into the front office, so that even if the inside guard were killed the prisoners could not get out. At the stroke of a gong all the men took their seats and proceeded without ceremony to devour the food which had already been placed upon the tables.

Each man had a bowl of soup, a large cup of coffee, a good sized plate of stew and all the bread he wanted. The coffee was of the 10-cents-a-pound quality. The stew was made of meat, potatoes, carrots and onions. The bread was placed upon the table in large dishes, which were passed up and down when called for and refilled whenever empty. If any of the men wanted a second plate of stew or coffee they handed their dishes to the waiters and were immediately served. When all had finished eating the gong was sounded again, and the men arose and marched out of the dining room. When all were in their cells the guard was released from his cage.

The food served is changed from day to day, but the variety is not very extensive. Meat is served but once a day, except to the teamsters and kitchen men, who are given meat three times a day. Sometimes it is roasted and sometimes boiled. An extra ration of meat is given twice a week. For the 256 men who eat at the community tables there is served each day 135 pounds of meat, or a little more than one-half a pound for each man. For breakfast the men have oatmeal mush, rice, or cracked wheat mush, with bread and coffee. The evening meal consists of vegetables with bread and coffee. The prison kitchen is provided with modern appliances for steam cooking and all the food comes on the table well prepared. While it is wholesome and plentiful, it is not of such a kind as to make the prison a desirable boarding place. No butter is given the convicts. "It would bankrupt the state to furnish butter here," said Warden Curtiss when asked upon this point. The men have sugar for their mash, but not for their coffee.

The advantage of the new method of serving food is that it saves time and labor, prevents waste, and insures that each man has all the food he desires to eat. A few days ago one of the men working in the foundry stopped work and declared that he could keep up no longer on the foods he was getting. The men were then being served in their cells, and he declared that the waiter did not refill his plate when requested to do so. The waiter denied this, and, as one convict's word is as good as another's, the facts are not known. However that may be, under the new system each man has an opportunity to get all he needs, and there are officers present to see that the waiters keep all the wants supplied, so far as quantity is concerned.—Oregonian.

The Esquimaux Bath.

Boys who make a fuss because their parents oblige them to take frequent

baths, says the Detroit Tribune, should be glad they are not Esquimaux children, living on the shores of Norton Sound. In that cold region of Alaska all the boys are obliged to take a sweat bath every week, and this bath is no joke.

A fire of driftwood is built in the center of the floor of the kashim—the one-roomed house where the men and boys of a village pass most of their time—and when the smoke has passed off and the wood is reduced to red glowing coals a cover is put over the smoke hole in the roof and the place becomes intensely hot.

The boys then must take off their clothes and sit about the furnace-like apartment until their skin becomes as red as the shell of a boiled lobster and seems on the point of blistering.

Owing to the intense heat the bathers are obliged to wear respirators to protect their lungs. These respirators are pads of shavings bound together, concave on the inside and convex on the outside, and large enough to cover the mouth, nose, and part of the cheeks of the wearer.

Across the inside runs a little wooden bar, which is held in the teeth to keep the respirator in place.

The boys sit there until they are dripping with perspiration. They then rush outside into the intense cold and roll in the snow.

E. W. Nelson, who spent between four and five years in investigating for the government the Esquimaux living about Behring strait, says: "On several occasions I saw them go from the sweat bath to holes in the ice on a neighboring stream and, squatting there, pour ice water over their backs and shoulders with a wooden dipper, apparently experiencing the greatest pleasure from the operation.

Although the Esquimaux boys seem to withstand such a bath as this all right, and even to enjoy it, it would in all probability, kill any white boy who tried it.

Stories of the Street and Town.

Fred Piper has just run over from Portland to take a little hand in the municipal campaign. He has already made his presence felt, and proposes to make it "feiter"—so to speak.

Fred is almost weaned from politics being now manager of the Baker Stock company, with headquarters in Portland, and this is perhaps the last dash he will take in Seattle politics. That's why he wants to make it a good, lively dash.

Aside from politics, the only thing Mr. Piper would talk about yesterday was the honesty of men in the theatrical profession. "Now, you know," he said, "there is a general impression that men in the show business are a frost on money matters, but I've had an experience that forever stamps such a notion as a baseless error.

"We had been playing in Salem, Oregon, and after the last night's performance I was counting up the receipts when a boy dashed into the box-office, and knocked over a table loaded with money. It rolled over the floor, and I got down on my knees and picked around for about an hour until I thought I had it all garnered in.

"On returning to Portland, however, I found myself \$20 short. I was horror-struck, naturally, and lost no time in writing to Frank Meredith, manager of the Salem opera house and acquainting him with my loss.

"By return mail I received a check for \$20 and a letter from Meredith in which he said that he had gone into the box office without the remotest idea of finding the money, since the place had been swept, but there in the middle of the floor was the missing \$20 gold piece.

"That little incident gave me a higher respect for the theatrical profession," concluded Mr. Piper, "than I had ever known before. But then," he added reflectively, "it was such a change—I had been used to dealing with politicians."

Dreyfus Case in Court.

Paris, Feb. 25.—The re-trial of the Dreyfus case was formally begun today before the court of cassation. The trial, which is nothing more than a formality intended to publicly establish the innocence of Captain Dreyfus of the charges which led to his expulsion from the army and his imprisonment on Devil's Island, is expected to satisfy the clamor of the Dreyfusards and to mark the final chapter of the famous case.

When a man wants to make a New Year's resolution that he can keep he swears off swearing off.

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Ohio Y. M. C. A.

Columbus, Ohio, Feb. 25.—Arriving trains today brought scores of delegates from Toledo, Cleveland, Cincinnati, Dayton, Youngstown, Springfield and other cities of Ohio. The sessions will be formally opened this evening and will continue through Sunday. The large attendance and the interesting program combine to give promise of one of the best conventions ever held by the association in Ohio.

The opening address will be delivered by President E. L. Hughes, of De Pau University, Surgeon General E. C. Brush will tell of the Y. M. C. A. work in the army and navy, and the Very Rev. Charles B. Williams, dean of Trinity cathedral, Cleveland, will be heard during the week and on Sunday the convention sermon will be delivered by President H. C. King of Oberlin College. In addition to the addresses there will be a number of open discussions on various branches of the association work.

New York, Feb. 25.—Vicente Chas. de Chambrun, attache of the French embassy at Washington, was among the passengers sailing on the Touraine today for Europe. He has been granted six months' leave of absence by his government and will spend the time in France.

Some of the Habits and Characteristics of Bird Babies.

The casual observer will be surprised and amused, if he will but note the habits of young birds more closely, to find how their behavior reflects so many of the habits of their human prototypes. In the March Pearson's is a well-illustrated article by Grant Allen and Leonard Butler which gives many interesting details of the nurseries, or nests, of young birds of many and varied species, young ducks to the exceedingly pleasant nests of the young hoopoes, which are usually constructed from some filthy decayed matter. The habits and characteristics of the young birds are no less diversified and some interesting points are brought out in this article. With the wide spread interest now being taken in nature study this article is very timely.

"Portland and Return Only \$2.20"

The Southern Pacific is now selling round trip tickets to Portland from Salem for \$2.20, good going Saturday or Sunday, returning Sunday and Monday, giving all day Sunday and Monday in Portland. The same arrangement applies from Portland, giving all day Sunday and Monday in Salem. Portland people a chance to visit valley points at greatly reduced rates.

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