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JUSTICE TEMPERED WITH MERCY.

THE LORD tempers the wind to the shorn lamb. "Justice tempers the penitentiary sentence to the fellow who shears the lambs. Thus, between the two, there is considerable "tempering," and everything comes out clean in the wash. Monday, after five years of strenuous objection to devoting five years of his life to the service of the state without salary, J. Thorburn Ross was paroled by Judge Kelly, and will only have to behave himself and report to court occasionally for a few years.

Following the failure of the Title Guarantee and Trust company, of Portland, of which Ross was president, he was convicted in April, 1908, of appropriating to his own use certain funds of the common school which were on deposit in that bank. He was sentenced to five years in the penitentiary, and to pay a fine of several hundred thousand dollars. On appeal to the supreme court this fine was declared void, but the court occasionally for a few years. The case then went to the United States supreme court, where the conviction was again sustained.

In the meanwhile the defunct bank was taken over by other interests and all its obligations were paid, including the money due the school fund. The judge was moved to grant the parole for the reasons that John Manning, who was the prosecuting attorney that convicted Ross, wrote Governor West asking that Ross be pardoned, and Martin L. Pipes, who was the special prosecutor in the case came into court and consented to the parole.

There is the case in brief, and there is an example of the way in which Justice tempers the sentence to the shearer of the lambs. We do not believe in vindictiveness in the trial or punishment of those who violate the law, but we do believe in the punishment of those in the higher walks of life just the same as all others. We do not believe in Justice playing favorites, for in that case there is no justice.

The state elected, or at least a portion of it did, a district attorney to prosecute just such cases as that of Ross. In his case, however, it went still further and employed Martin L. Pipes to assist in prosecuting him. It did not elect the prosecuting attorney to put himself forward as a special pleader to undo by pardon what it had employed him to do as its agent. It did not spend its money in employing Pipes to assist in prosecuting Ross, in order to give weight to his action in asking the judge to set aside the work he and the district attorney had accomplished. Yet the very fact that these two gentlemen had tried out the case and secured a conviction gave their request that Ross be not punished, weight. This fact was, no doubt, largely the reason why Judge Kelly granted the parole.

If Ross should be pardoned, if his conviction was wrong, then these attorneys should have entered a nolle. They should not have done all they could to convict him, if they thought he should not be punished. The people of the state are more interested in having an innocent man escape, be cleared and set free, than they are even in having a guilty man convicted. If Ross' offense was such that it should not be punished, and these attorneys thought so, they should never have subjected him to the disgrace of a conviction.

The fact that others paid the money back, should not figure in the case, for if that theory is carried out, it would only encourage crime. It would say to the tempted one: "Use trust funds left with you, if you are caught with the goods, all you have to do is to pay the money back, and if you are not caught, there is no harm done."

As a matter of fact the whole Ross case was a matter of "pull." Rich and influential friends, associates who were as deep in the mud as he was in the mire, and who had money and pull; attorneys hired by the state moved by the weight of this influence, though perhaps unknowingly; the social sympathy with "the class," these and many other things caused Ross' parole. The Jacob Furths, the Woods, accused of placing dynamite, the Caminettis, the Rosses, the long list of that class all show that Justice is not blind but that the old jade can tell a rich man from a poor one under her poorly placed blindfold at first glimpse.

The income tax collector will never have to invade the precincts of the penitentiary in the course of his duty. And those who might find the road to heaven like going through the eye of a needle will never have to make the effort from within the walls of a prison.

Then take a glance at the case of Clarence Darrow, where the "pull" is on the other side, where the coin interests are not preaching mercy, but are out hot foot for condign punishment.

WHERE WILL THE SUPPLY COME FROM?

IN discussing the tariff the cry is always made that this country will be flooded with the cheap products of the pauper labor of other countries. We are told that the United States will be loaded with sugar from foreign countries that can make it cheaper than we can. If there is a surplus of sugar in the world where is it? Do sugar growers now raise more than he world can consume? If our sugar industry is to be destroyed, where is the sugar coming from to replace it? Is there now anywhere an amount of sugar that could supply the American market if we should quit growing it? Suppose, for the sake of illustration, that no sugar was grown in the United States next year, would there be a supply sufficient for the world? Could the other countries grow enough for themselves and us, too? Suppose we quit raising wool, would other countries be able to supply us? In other words, suppose the United States for one year did not grow anything, would the balance of the world be able to feed and clothe us? Most assuredly not. We have an illustration of it now in the meat problem, where in spite of all we can produce the price remains at almost prohibitive prices because the whole world cannot produce an over supply. Yet a year or two ago we were told that if the tariff was taken off of beef the industry would go to the dickens across lots. The granaries of the world are not overflowing with food stuffs or with material for clothing and there is no over-production in the world as a whole. Against the law of supply and demand we have tried to substitute a tariff law and the only result was to pinch the consumer. When any industry cannot be carried on without it being given a bonus it is a good industry to let alone. A business that requires that another business be taxed to carry it on, is a good business to quit. A business that is carried

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on at a loss is not worth carrying on, and if it was a private business it would be dropped like a hot potato. If the sugar, wool or any other crop can not be grown without loss then let us quit growing them and go at something else that is not a known and certain loss.

AFTER THE HORSE IS STOLEN.

THE OREGONIAN and Oregon Journal are having an extended discussion over the decision of the supreme court that gives title to private owners of lands between the shore line and channel of the river at that place. It is claimed that by this decision the city of Portland is robbed of property valued at \$100,000,000. That the granting of these lands to private individuals was little less than a crime is freely conceded, and the trouble with the Journal is that it lays the blame for the matter on the supreme court that made the decision rather than the legislature that granted the people's rights away.

The supreme court has had nothing to do with the matter other than to say that the legislature did this. That the people of the state of Oregon, acting through their legislature deliberately gave these lands to the private individuals, and that having done so, they cannot take them away from those now in possession of them.

In the meanwhile neither is saying a word about another matter of the same kind that is now going on. They are both as silent as the damned about the exploiting of the water rights of the people, a matter so great that the little affair at Portland is a trifle beside it. The state now owns water rights valued at more than a billion dollars, and these it is passing out to private individuals just as fast as the latter ask for or grab them. In a few years there will be a great howl go up that private individuals have grabbed all these properties, that the state has been robbed, and then the supreme court will come in for another drubbing for saying that the people having deliberately given away their rights are estopped from denying their act. Properly conserved, the water power of this state will in the near future pay all the running expenses of the state. They will maintain the public schools, pay all state officers, all court expenses, and provide funds for building a perfect system of roads that will reach every hamlet in the state, that will, in short, believe the taxpayer of all state taxes and will materially reduce all county taxes.

The state should retain the ownership of every bit of its water rights. It should permit the use of these water-rights, but should never part with the ownership. Lease them and let them be used and make the rental nominal for awhile at least, but never part with the title. This is a fight that every paper in the state should take up, and it should be placed before the people this coming election by the initiative. This is worth fighting for, while the discussion of the supreme court decisions is like shearing a pig for wool. "Sheer nonsense."

HANG OUT YOUR FLAGS.

THERE IS only one more day left to prepare for the big celebration, and every one should decorate just as much as they can. Already the streets are getting gay with banners and streamers, and the business houses are doling up in good shape. It must be remembered that there cannot be too much of this. The city cannot be made to look too gay for the big crowds that are coming to celebrate with us. We owe it to them as well as to ourselves to put on our best bib and tucker for the occasion and to present as fine an appearance as is possible. The committees are all hard at work and have things in good shape so far as they can do this, but they must be backed up by individual effort. There is an old Scotch saying that "many a mickle makes a muckle," and it is a true saying too. A little done by each makes a good showing, while the neglect of the individual to do his or her part results in total failure. Hang out the flag, paint old towers red, white and blue, color the family cat red with cherry juice, do anything except remain passive. Salem has responded nobly to the call for funds, and there will be things to make the day remembered, but you do your part and add as much as is possible to the hilarity of the occasion. We have as beautiful a queen as ever graced a throne, and when King Bing gets his royal robes on and boards the float we will have as royal a pair as ever gladdened the eyes of their willing subjects. Let us all stand in and make the surroundings fit and beautify for the occasion.

WHEN THIEVES FALL OUT.

THAT LOBBY investigation has brought out some rather startling things. For one it has caused Martin M. Mulhall, of Baltimore, to come out with a confession that implicates many high officials. Mulhall, it is said, was for many years the active field agent of the National Association of Manufacturers. He has sent to the New York and Chicago papers a statement over his own signature in which he gives the names of congressmen who were "subservient," or who were punished for their opposition to legislation favored by the association. Mulhall promises to place before the committee documents and copies of letters that will be unanswerable and "that will prove that for a decade this Manufacturers' Association has attempted to force through congress legislation favorable to manufacturers in various ways. In his statement he gives the names of congressmen, senators and high officials who were "easily accessible," and of others who were punished by the association and beaten for re-election when they refused to come through and obey the commands of the association. Mulhall's confession has stirred up things in great shape and there is wild scurrying for shelter.

"When thieves fall out honest men come by their own," and there is certainly plenty for the great American people to come by. Mr. Mulhall is not in one sense a patriot, but he will certainly do a great service to the country if he succeeds in breaking up that unholy lobby that has infested Washington for years innumerable."

X-RAYS.

The old S. P. depot would make a great feature in the Cherry Fair parade, if it could be dolled up and loaded on a hand cart.

The streets are showing the near approach of the Cherry Fair and the Fourth, and Old Glory is in evidence everywhere.

Now if Jupe Pluve does not behave himself he will lose many admiring Webfoot friends.

The rain damaged the cherries, but there is plenty of the very best left. Take a look in at the big tent tomorrow and verify this.

"Queen Marie," not very large, but every inch a queen.

Austria-Hungary has had such a dearth of marriages, that it is proposed to enforce compulsory matrimony. The plan is to place the names of all bachelors

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