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Northern California—Fair Saturday, with fog along the coast; light westerly wind.

A NEW VIEW OF THE MAINE INCIDENT.

Charles Henry Butler of the New York bar is out in a letter in the New York "World," in which he takes a new view of the Maine incident, one that at least is interesting. His position is that the onus probandi is not on the United States to prove that the explosion was the result of external causes, but that it is on Spain to prove internal causes.

This proposition, as he confesses, apparently sails in the very teeth of the law of evidence, but he fortifies his position by an adroit line of argument that is worth the reading. In brief, Mr. Butler's reasoning is that the protection a State extends over its people in every country is supreme, and not limited by the rules which bind individuals in their dealings with each other. When, therefore, a sovereign Power acts in protection of its subjects or citizens, it can do so in a more high-handed manner than can an individual asserting his personal rights.

He quotes Wildman as defining international law thus:

"The customary law which determines the rights and regulates the intercourse of independent States in peace and war," and the learned Dr. Phillimore, in his book on Interntioni Law (page 68) says, "Analogy has great influence in the decisions of international as well as municipal tribunals."

He considers that under the known circumstances it is incumbent upon Spain to clear her skirts of "suspicion," and until she does so she must be held responsible for the disaster. In part, this proceeds upon the line of thought, several times expressed in the "Record-Union," that Spain is bound to afford our ships in her waters reasonable protection, and if she fails in that she is responsible for what happens. But Mr. Butler goes a step beyond that, and we think without due warrant. We cannot rest idle and say to Spain, "Clear yourself of suspicion; we suspect, now prove your innocence." Evidently our Government holds against Mr. Butler's view, else it would not have ordered an investigation. But it holds with him, in so far that it has assisted and encouraged Spain to make an investigation for herself.

The fact that Spain has investigated may be taken, perhaps, as part concurrence in the Butler position. It might be construed as admission of duty to affirmatively clear her skirts. We think the broader view, however, is this, that we must first charge neglect on Spain, or direct purpose, before we can hold her to account, and that we cannot found this demand on mere suspicion.

But, says Mr. Butler, in such cases circumstantial evidence must play a large part, and he cites the De Lome case and its relation in point of time to the Maine incident, as a suspicious circumstance. This, however, will be generally held to be only an unfortunate coincidence. But as the disaster occurred in a de facto unfriendly port, says Mr. Butler, and as long as there is any reason to believe that there might have been external as well as internal causes, and if there were external causes they must be presumed to have been within the knowledge of Spain, such as mines, electrical lines to them, etc., the onus probandi is shifted, under international law, upon the shoulders of Spain.

This is certainly very ingenious, but obvious replies suggest themselves, and one is that there must first come from us a suggestion, or demand, that Spain shall clear away possible suspicion by affirmative proofs. Again, says Butler, Captain Sigsbee might have asserted the extra territorial jurisdiction of the United States which follows ships of war of the nation, and have refused to comply with the rules of the port. But through naval courtesy, he accepted the rules, and thus placed himself and ship in charge of a Spanish licensed pilot, and accepted the anchorage designated. Thus the Spanish authority assumed control, and to that extent accepted responsibility, and therefore it must prove that the explosion was from internal cause. This is ingenious, and whether it is the law or not, it will occur to most readers of the "Record-Union" that a nation in whose port such an accident happens will, if actuated by high purpose, hasten to clear itself of all possible suspicion, and to shake off even the suggestion of responsibility, but that it is bound to do so is illogical. It is true, as Mr. Butler says, that it ought to be easy for Spain to prove the fact, if it is fact, that there were no torpedoes or mines planted in the harbor.

In still further support of his position he quotes from Wheaton that a ship of a friendly nation in port is under the protection of the authority and law of place (Sec. 100.) He quotes also from Vattel's Law of Nations.

"The sovereign ought not to grant an entrance into his state for the purpose of drawing foreigners into a snare. As soon as he admits them he engages to protect them as his own subjects, and to afford them perfect security so far as depends on him."

Also at another place, in the same author: "He who promises security by a safe conduct, promises to afford it wherever he has the command, and he is bound not only to forbear violating that security either by himself or his people, but also to protect and defend the person to whom he has promised it; to punish any of his subjects who have offered him violence, and oblige them to make good the damage." (Vattel's "Law of Nations," 104 and 416.

This line of argument has been made in these columns, and it is not questioned, though where the burden of proof of failure to adequately protect lies is a different question.

In the case of the Creole in 1841 the United States recovered damages from England for slaves escaped from an American ship driven by stress of weather into a port of Great Britain, says Mr. Butler. That was not a case of connivance, but simply of damages for non-prevention. The same was true in the celebrated Alabama cases, because England should have prevented the departure from her ports of Confederate ships of war, ships suspected of being in Confederate service, though such arrest of the ships would have been upon suspicion rather than on positive proof of their unlawful outfitting.

So, he argues, it was the duty of Spain not merely to passively permit the Maine to enter and remain in the harbor, but to throw every possible safeguard about her, and until she shows that she did so Spain must rest under suspicion, and that it is her duty to dissipate. The demand of President Grant in the Virginius case is cited as in point. There Spain conceded the point that she must, besides returning the captured men, salute the flag, "unless she could prove that the Virginius had no right to carry the American flag." We submit that this was a very different matter. There an act undisputed had been performed, namely, the seizure of the sailors and ship, and the shooting of thirty-seven of the prisoners. Very naturally in that case Spain was put upon her defense affirmatively, the United States having rested on the assertion that the Virginius was an American ship.

Mr. Butler cites other cases in support, such as the bombardment of Alexandria in 1882 and the capture of a Sardinian steamer by a Neapolitan cruiser in 1857. But enough has been given of his line of argument to show what it is. It is assuredly an interesting position, and will enlarge and inform thought upon knotty problems of international law, without at all involving any fevered heat concerning trouble with Spain. But, as we have indicated, we do not think Mr. Butler's argument will hold good.

The fact that our Government permitted an independent examination of the wreck of the Maine by Spanish naval officers and afforded them all possible information and facilities for such examination, it is claimed, goes a long way to support the theory or conjecture that our own Board of Inquiry is quite convinced that the ship was blown up by some exterior force. Had the board, it is argued, been convinced that the disaster was the result of internal explosion, and that the blame is wholly ours, it would have demurred to any Spanish investigation and have informed the Spanish officials that it was unnecessary. This may be a legitimate speculation, though it may turn out to be erroneous, as the Government gave its consent before the court of inquiry arrived at Havana. There is no violation of good faith in indulging in such theories concerning the disaster as well-known facts justify. What is objectionable, and worse, is the indulgence in vain, feverish and untenable speculation, the exaggeration of news and the attempt to anger and arouse the people unnecessarily.

There is not the slightest evidence to warrant the assertion of the San Francisco "Examiner" that the people are irritated at the delay of the inquiry into the cause of the loss of the Maine. It is not to be found in the expressions of the people in market-place, social gathering or organized assembly. It is not to be discovered in the attitude of the representative and reputable press of the country. The fact is that there has been no delay. The procedure has been as rapid as could have been expected or as could have been had consistent with a sincere desire to ascertain the truth. The lurid press is at its wits' ends for sensation in the matter, and the only irritation noticed is in such quarters. Certainly it is not to be found among the people, since if it existed it would find reflection in the cleanly press of the country.

It is rather an odd thing, but a fact, that the United States Treasury is now refusing to accept gold in place of currency, while only a little while ago it was putting forth every effort to get gold.

What a fellow does not spend for something to eat, he is obliged to spend at the dentist's so he can eat it.

VOICE OF THE PRESS.

EXTRACTS FROM EDITORIAL EXPRESSION.

State and Coast Opinions on Subjects of Living News Interest.

Oakland Enquirer: The unwisdom of playing a smart political trick which involves a violation of sound principle has been made manifest in Illinois. Last year the Republicans, who controlled the Legislature, passed a law which was intended to discourage fusions, like the fusion of the Democrats, Populists and Silver Republicans in 1896; they prohibited the printing upon an Australian ballot of the same name more than once or the use of more than one party designation after a name. This was supposed to fix the Populists and the Democrats. But now the citizens of Chicago desire to defeat some of the boodle Aldermen by concentrating all honest elements on opposition candidates, and this stupid law stands in the way. In other words, partisan prejudice works directly in the interest of boodleism.

ZOLA'S CASE.

Alameda Argus: Zola went hunting for notoriety and found it. He is now to serve a year in prison and to pay a fine into the bargain for libeling officials of the Government in connection with the Dreyfus incident. The verdict seems to be popular in Paris, thuogh you cannot judge of the situation from this distance. The French people flash up unexpectedly on a public question, and change base as swiftly as the wind shifts. What is popular satisfaction over Zola's sentence today may to-morrow be a fierce clamor for his relief and glorification of his martyrdom.

THE PRESIDENT'S FOLLY.

Stockton Mail: That the killing of the negro Postmaster, Baker, in South Carolina was an inexcusable and cowardly murder no one will deny. The outrage has excited deep indignation and bitter resentment in the South as well as at the North. But while the murder is to be deplored and condemned, it ought not to be forgotten that the policy of the President is largely responsible for the affair.

President McKinley is a weak man—how weak the country has just begun to learn—and like all weak men he is stubborn. He has made up his mind to inflict negro Postmasters upon Southern communities, a proceeding as unnecessary and insulting as would be the appointment of Chinese Postmasters in California.

The social status of the negro in the South is very like the social status of the Chiraman in this State. And this is not to be wondered at, since the Southern negro is, in everything that goes to make manhood, the decided inferior of the Chinaman. The few negroes in the North and West are not fair specimens of the negroes of the South. Those we see about us are as superior in education and manner to the millions who curse the Southern States as we are superior to Chinamen.

ENGLISH SYMPATHY.

Los Angeles Times: The recent tragedy in Havana Harbor, by which the lives of more than 250 brave men were sacrificed, and by which the United States lost one of its finest battleships, has evoked many expressions of sympathy and condolence from the other side of the Atlantic. Among these kindly mesages, none have been more generous; nor apparently more heartfelt, than those which have come from England. The Queen, the Prince and Princess of Wales and many high officials of the English Government were prompt to communicate their feelings of norror and regret because of the disaster. And the English press, without exception so far as the dispatches have indicated, has evinced a spirit of genuine sympathy and regret, and generous as it is acceptable to the American people. Similar expressions, it is quite true, have come from other nations of Europe, but these have been more formal, more perfunctory than the expressions from our brethren of the English-speaking race.

WHY WILL THEY?

Stockton Record: The yellow "Examienr" has stretched across its second page this morning the ominous declaration: "President McKinley About Ready to Dec'are War." If the "Examiner's" headline expert would only read the Constitution of the United States through once he would learn that President McKinley has no power to declare war. That power rests with Congress alone, and Congress is entirely too sensible to declare war before any cause exists. Why will sensible people take seriously the trash that the "Call" and "Examiner" are publishing every day? The most casual perusal by an intelligent person discloses the fact that it is chiefly faked. The headlines are no indication whatever to the matter contained in the dispatches, and the dispatches themselves bear abundant evidence of their untruth.

ENORMOUS FIGURES.

San Jose Mercury: More than 51,000,000 pounds of prunes have been shipped East from this county since the beginning of the prune season of 1897, and a considerable quantity remains in the valley, although it is going out rapidly, nearly a million pounds having been shipped last week. Since last July nearly 8,000,000 pounds of wine have been shipped out of the county, and the weekly shipments continue large.

A QUESTION OF REPARATION.

El Dorado Republican: The acts of a few lawless, destructive people of any nation who inflict injuries upon another do not constitute a cause for war unless they are defended by the Government in violation of whose laws they are committed. If it be discovered that a plot existed among citizens of Havana, unauthorized by the National Government, to destroy the Maine, that fact in itself will be no cause for war, and if the Spanish Government should, as it naturally would, disclaim the act and proceed to prosecute the offenders we would then have no national act to complain of, but merely a demand for reparation for our losses. It is true that the lives of our sailors cannot be restored, but that never results when murders of any kind are committed. If the guilty parties can be reached and punished, well and good; but there is no sense in the cry that innocent Spaniards should be slaughtered because the guilty Spaniards may not be discovered. It would be as sensible to hang Durrant's father and mother because they were his relatives. That feeling is a remnant of the old clan instinct which held it a duty to exact a life for a life regardless of whether the innocent or the guilty was sacrificed. If a McGregor killed a McDhue it was imperatively necessary that some McDhue should retaliate by killing a McGregor; but it didn't make a particle of difference whether he killed the original murderer or merely some associate. It is time we abandoned some of those notions if we claim to be civilized.

NEWSPAPER SENSATIONALISM.

Marysville Democrat: Walter Wellman, the well-known correspondent of the American Press Association at Washington, says naval men protest bitterly against the tendency of the press, or at least of a part of the press, to make mountains out of every molehill of an accident to a naval vessel. It does not matter how trifling a thing happens to one of our cruisers or battleships, the newspapers, or some of them, come out with lurid accounts of the damage, of the "serious danger" in which she was in, or of her "worthlessness at sea"—all of which is regarded by navy men, and by a good many other people, as a particularly pernicious form of newspaper sensationalism. The ingenuity of mankind has not yet managed to construct a naval vessel or any other sort of a vessel that is free from liability to accident. A modern ship of the first class, whether naval or commercial, is a wonderful complicated piece of machinery. It is not strange that there should be breakage now and then—a boiler that does not work right, a steam pipe that bursts, a turret that starts a bit in heavy seas.

IT DOES WELL.

Fresno Republican: The administration is doing well to make preparation for war whether it comes or not. This Government has, indeed, been neglectful of its plain duty in the matter of keeping itself in readiness for possible conflict with other nations. An inefficient navy and weak coast defenses are calculated to invite trouble and to place the Government in an embarrassing position when it comes. There is no better way of preserving the peace and commanding respect and considerate treatment than by keeping the country in a condition not only to repel attack, but to make it extremely unpleasant for anybody who treads on the tail of our coat or commits other obnoxious or overt acts. Nations, like individuals, show the most respect to those whose displeasure they fear to incur.

INDEED, IT IS.

Oakland Tribune: The agitation against the street car companies in San Francisco works both ways. Mayor Phelan complained that the cars on the electric lines were traveling at too high a rate of speed, and he threatened all kinds of penalties unless the time schedule was revised. It was accordingly cut from eight miles to six miles an hour, and now the business men who live along the lines in question are complaining about the tortoise-like pace that has been adopted. It is hard to please everybody.

Sensationalism, Not Science.

Scientific discoveries * * * have often been so wonderful in character that it ought not to excite surprise to find intelligent people ready to accept without question announcements of inventions and discoveries of the most improbable and absurd character. Along this line the evil influence of a sensational press is enormous. It was bad enough ten years ago, but it has been greatly mangnified by the recent, and, on the whole, unfortunate cheapening of processes of illustration, to the seductions of which nearly every newspaper in the land has yielded.

To this has been added the newspaper "syndicate," by which men who know really nothing of science are employed to furnish sensational articles on scientific discovery, illustrated by sensational pictures, all of which is the more injurious because often founded upon a slender, microscopic tissue of fact. Unfortunately, some men who may be said to inhabit the fringe of genuine scientific activity lend themselves to this sort of thing and are made much of accordingly.

Whole pages of this modern journalism are filled with accounts of discoveries that are going to be made, for writers of this class are shrewd in taking advantage of the fact that human interest and human memory are now practically restricted to about twenty-four hours in time. The publication of a broadside describing an alleged improvement of the telescope or microscope, in which there is absolutely nothing new that is true or true that is new, adorned with a series of cuts largely imaginary and many of which have no relation to the subject matter, has served the purpose intended when its author has received his pay from the "syndicate" and when the syndicate has scored a triumph in what in these days is called "enterprise."

Even the most conservative among men of science are made to appear as willing purveyors of sensationalism by what ought to be looked upon as an unwarranted and illegitimate use of the results of carefully conducted investigations, often before such results have received final construction and approval at their own hands.

If all impressions made by this false popularization of science were to disappear in twenty-four hours, the evil would be greatly lessened; but, unfortunately, there are many very intelligent and thoughtful people, who ought to constitute the best support of scientific work, upon whom they are more lasting. To such the line separating the genuine accomplishments of honest scholarship from the output of sensationalism, which ought to be clear and sharp, is becoming very nebulous, and there is imminent danger of a revolt against the whole thing.

The extent to which credulity has been carried was beautifully illustrated not long ago when a widely known scientific man amused himself and many friends by caricaturing, in the columns of one of our standard scientific journals, some of the phases of modern psycho-physics. So perfectly did the burlesque reflect the form and substance of some recent contributions to that science that it was immediately accepted as serious by the large majority of readers.—Professor T. C. Mendenhall, in Science.

Why Not a Masculine Virtue?

Ed Howe has commenced a crusade in behalf of the male sex. He declares that for centuries men have grieved because Faith, Hope, Temperance, Justice and all the other virtues have been represented by statues of women. "Did any one ever see the figure of a man cut in marble to represent a virtue? Can any one name a virtue that's not represented by the figure of a woman? The men have some good traits, and one predominant one should be selected and a heroic figure of a man chiseled out to represent it. Men look better in art clothes than women do, anyway. What is the matter with a man representing Innocence, for instance?"—Kansas City Journal.

William the Immortal.

"As the immortal William once said," remarked Prince Henry, "'there's a divinity that shapes our ends, roughhew them how we will.'"

"Really, now, Heinrich," said the Kaiser, as he overheard the remark of the Prince, "that is quite clever, but when did I say it?"—Cincinnati Enquirer.

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SET THE COURT RIGHT.

Henry Was Dissatisfied With the Verdict, and Corrected It.

Henry Everett of Constitution, Ohio, once figured in an attorney's squabble, and a result was a revival of industry at the hospital at Marietta. Mr Everett had bought a shanty boat from some voyager of the Muskingum River and had fixed it up preparatory to a pleasant trip down the Ohio, when an utter stranger came along with a writ of replevin and took possession of the Julia Ann, claiming her as his own. The case came up in a Justice's Court, and Henry attended, accompanied by a young attorney named Reese. The claimant had also engaged a rather immature lawyer, and the result was that as soon as a witness for whichever side went on the stand a bitter battle rose between the rival counsel.

"I object to that question, your honor, on the ground that it is irrelevant, incompetent, immaterial, not proper cross-examination, calling for a conclusion and leading," one of the attorneys would shriek, whereupon the other would recite about three hundred words of highly legal sound, which, when diagnosed and cleared of fractions, simply meant that his antagonist was full of prunes.

It occurred that Everett's attorney was the less gifted in the matter of jawing back than was the claimant's advocate, and he finally quite gave over attempting to compete in billingsgate and confined himself to proving that the boat really belonged to his client. The case went to the jury of six, and to the surprise of all who had sensibly followed the proceedings the finding was against Everett. When the verdist was read Everett rose from his seat and said:

"Judge, I want to ask these juries somethin'."

"You must be in order, Mr. Everett," the court observed. "The jury has conclu"——

"In order!" cried Everett, angrily. "Yes, sir. That's just what I intend to prove I am. I'm in first-rate order and fit for an A1 fight right here. I'm goin' to ast them juries some questions, whether or no."

The court saw he meant business, and, being uncertain of his own authority, he made no further objection as Everett faced the jury and asked on what grounds that body had dispossessed him.

"Well," said the foreman, reluctantly, "the other feller called yore lawyer a liar nineteen times an' he never tuck it up."

"Likewise," said another of the six, "a polecat, a shyster, a buzzard, a ghould an' a hyeaner."

"An' he never tuck it up," chimed in a third. The other three enumerated further insults which had been heaped upon the unanswering lawyer, and explained that the jury had thought that no such man ought to be given a verdict. Then Mr. Everett cleared his upper decks for action.

"The court," he said, "says I must be in order. I am. I heft at 230 pounds an' am six foot three. I am healthy an' I am mad. Who am I mad at? The lot of you. First of all, at that there other lawyer, who by insultin' my lawyer insults me by inheritance thereof. I am also bilin' hot at the Judge for tryin' to help you six lunkheads to rob me of my boat. An' the six of you—thunder an' lightnin'! The idy of you presumin' to decide that there wasn't no nerve on my side of this thing before you heard me holler! An' I'm sore at my lawyer, too, an' the constable, an' the whole kit an' bilin', an' having explained these things I am now about to act."

Mr. Everett then unloosed the whirlwind and set the wild cyclone free. He fell upon that justiceshop aggregation like the trampling, terrible advance of armed legions. He used all of his 230 pounds and his six-foot-three, and all of his health and ire, and the sublime nobility of his assault, and destruction has never been written in epic or sung in saga. He had a clear field; knowing that he need not discriminate, but that it would be perfectly proper for him to hit hard at whatever human showed he performed wonders and made local history. Three minutes after he had declared the revival of courage on his side of the boat fight, the Judge was limping down the main street, covering about a rod at each limp; two of the jurors who had tried to get out of the same window at once were whirling westward like a pair of maddened Siamese twins held together by a glassless window sash; the opposition lawyer with his coat split in every seam, hatless and with a mournful eye, was clamoring for refuge in the Baptist Church around the corner, feeling that even the wrath of Everett would not pursue him across the threshold of the holy edifice; the jurors, the lawyer Reese, the constable and the justiceshop dog were scattered to the four winds of heaven, and all were damaged more or less. After a cheerful review of the field Everett went downstairs and chased the claimant out into the woods, three miles west of town.

Then he returned to the river and took up his lodging in his boat, ready for whoever might come.

Nobody came. Possession was never again disputed. Even the Judge did not pursue him with any suggestion as to contempt of court, and the verdict of the jury was reversed by that body in solemn assemblage three weeks afterwards, when a quorum was well enough to do business. The jury had seen the error of its judgment.—Chicago Record.

Blaine Knew.

Mack of the Associated Press happened to be sitting on the steps near Mr. Blaine when the candidate for the Presidency received a visit from the clergymen of the city headed by Dr. Burchard, who, at that time, preached in the Murray Hill Presbyterian Church. Mr. Blaine was at the Fifth avenue Hotel. Burchard's alliterative expression occurred in this sentence:

"We are Republicans, and don't propose to leave our party and identify ourselves with the party whose antecedents have been rum, Romanism and rebellion."

Blaine trembled when he heard the words, and as soon as the clergymen were gone inquired for Mr. Mack. Messengers hastened hither and thither, but Mack had gone to his office. There they found him, and he went to the hotel in a cab. Mr. Blaine was excited and angry.

"Mack," he cried, "have you written out your notes?"

"Yes," returned Mack. "They are on the wires by this time."

"Oh, why didn't you let me see them? You knew I wanted to see them. You ought to have let me seen them before you wrote them out. Too late! Too late!"

He realized the awful import of the alliteration, but Mack's lightning work had sealed his doom. And no one felt worse about it than Mack—New York Press.

Too Narrow.

Funnicus—Did you hear about Measleigh's narrow escape?

Easymeet—No. What happened?

Funnicus—It was a fire escape, and it was so narrow that the building inspector made him take it down and put up a wider one.—Facts.

Likely.

Dr. Smiley—Ah, professor, is your little one a boy or a girl?

Professor Dremey—Wy—er—yes. We call it John. It must be a boy, I think.—Judge.

The New Method.

"Then you are going to get a divorce from your husband?"

"Oh, mercy, no!" she replied. "We are merely going to separate."—Judge.

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