

Arizona Republican's Editorial Page

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TUESDAY MORNING, MAY 12, 1914

Some look and consequently never leap, while others leap and never look. Others, again, both look and leap.—Sidney Dark.

Doubt in Murder Cases

"It is impossible to secure a conviction for murder in this county," said County Attorney Gilmore of Cochise county, the other day, "unless you have a plain case, established beyond the shadow of a doubt." The county attorney was deploring the low estimate placed on human life in that county, as was disclosed by the great number of homicides within the past year and the recent acquittal of a man who had shot down an unarmed enemy because he thought the latter was "making a motion toward his hip pocket."

The sentiment in Cochise county as described in the language of the county attorney is proper. No man should be convicted of murder or any other crime unless the case against him is plain; not so long as there is a "shadow of a doubt" of his guilt, provided, of course, the doubt whose shadow may fall anywhere the case is a reasonable doubt and not a fanciful conjecture. That is the law, as courts always instruct juries.

In the case the county attorney had in mind, the doubt the jury had was the wildest conjecture. It would probably not have been entertained at all but for the fact that the defendant was a member of a well-known family and was himself well-known. If that kind of a defense were to be generally accepted it would be impossible to secure a conviction for murder in any case. The defendant could always plead that he thought he saw the victim "motioning toward his hip pocket." In order to lessen the sudden and violent death of citizens through misapprehension it would be necessary to alter the architecture of our trousers by the elimination of the hip pocket.

The defendant in this case was violating the law against carrying concealed weapons. If he had been guiltless there would have been no murder. The jury might as well apply the same saving system to a defendant chicken thief or a burglar, caught in the line of his activity, who should imagine that he saw the householder of the chicken owner, "motioning toward his hip pocket" and shot him.

It is a circumstance to be considered that a man with a gun in his pocket is prepared to kill. There is homicide in his heart or there would be no pistol in his pocket. If it turns out that he makes a bad guess at the intention of his enemy as the defendant in this case did he should not be allowed to plead an ungrounded fear in his own behalf. That is only self-serving evidence anyhow.

Results of the Friedmann Treatment

It has been only a little more than a year since Dr. Friedmann came to this country from Europe with his turtle serum which was extended as a hope to sufferers of consumption, many of whom traveled from all parts of the country to New York to present themselves at Friedmann's clinics. Friedmann's secrecy regarding the exact nature of the serum and his methods of administering it, aroused the distrust of many eminent physicians, some of whom openly called him a faker. But others were willing to reserve judgment until a sufficient time had elapsed to show the results of his treatment.

The serum was administered to about seventy-seven cases in New York. The department of health of that city tried to keep track of all the cases treated, but eleven of them escaped observation and nineteen moved out of the city. But records were kept of the remaining forty-seven cases. The department has just issued a leaflet giving reports of these cases. These results may be summarized as follows:

"At home, 5; in hospitals, indicating failure to cure, 22; attending clinics, showing need of further treatment, 7; attended by private physician, 1; died, 12."

The report adds that comment is unnecessary; "that the figures tell the whole pitiful story." They do tell the pitiful story but they do not tell the solid story, for no mention is made of the fact that from various contracts and fees Friedmann made a profit of \$146,990 during his brief stay in this country.

Nor is there told, nor has any record been kept, of other friends which the turtle serum suggested, the putting before sufferers of other so-called "turtle" serum said by those who offered them to be as good as Friedmann's. That latter statement may be true, undoubtedly was true so far as the results have disclosed.

It is charitable to suppose that Friedmann did not know that his serum was worse than useless for the purpose of curing tuberculosis. To believe otherwise would be to accuse him of a degree of depravity hardly possible in a civilized human being. But, his announcement of an unproved remedy as a cure for such a disease as consumption was professionally and morally unethical. That a cure for consumption will undoubtedly some day be

found is very probable. We have already found means of combating this dreadful disease. But no remedy should be accepted as a "cure" until it has been proved to be efficacious.

Meanwhile it is well for those afflicted with consumption to pin their faith to pure air and proper diet. The disease is no longer regarded as incurable. There is hope for every sufferer in whom the ailment has not progressed to the last stage. In the health-giving air of the southwest there are many who have fully recovered so that there is hope for all who yield themselves to the treatment which nature affords.

But every nostrum has proved a failure and a cruel disappointment and so many, and so uniform have these failures been that we wonder that any new one should be hopefully welcomed as the Friedmann "cure" was welcomed.

An Imperishable Artist

A few days ago a cablegram was received in this country from Europe stating that \$200,000 had been received for two of Whistler's pictures. It appeared in the San Francisco Chronicle that "the artist Whistler had just received \$200,000 for two of his pictures." An editorial writer in the Chronicle the next day hastened to charge a conspiracy between the proof reader and a linotype machine to make it appear that an artist long dead should be in receipt of \$200,000 or any other sum. But such a combination, thought the editorial writer, was powerful enough to give concrete expression to a belief that great artists as well as their works are imperishable.

But it appears that the Chronicle has not placed the blame where it belongs, for that paper was not the only one in this country that printed the same remarkable statement. We have seen it in many others. Even so well-informed a man as one of our Arizona editors has fallen into the error of commenting upon the princely sum paid for these two pictures when the market is fairly glutted with the products of struggling but unknown artists. The fact that \$200,000 was received for a dead man was not regarded as worthy of special mention.

This singular mistake was probably made by the foreign correspondent who first heard of this picture deal and the cablegram was at fault. The form was unchanged in the distribution of the news throughout this country. Some telegraph editors probably corrected it but there are many telegraph editors as well as linotype operators and proof readers who had not heard the sad news of the death of Whistler some years ago, or if so, they had forgotten all about it. There are probably some who had not even heard of his birth.

Whistler was said by his intimates to be a most lovable character, but those who knew him only slightly and had not been admitted to close fellowship with him, say that peevishness was one of his characteristics and that he was at times given to violence of expression. What must have been his language in the beyond when he learned that his death had so quickly passed out of the mind of American newspapermen, to whom he had become no more than yesterday's issue of the paper which is forgotten unless it has been the breeder of a libel suit which like mine lives afterward.

WOULD LOSE SOME RELATIVES

A woman reader of the Kansas City Star thus pours out her soul to that household god:

"To the Star—My husband's father and mother spent the winter with us. His three spinster sisters are visiting us now. Cousin Maud and two small children will be with us during July and August. My brother being involved in a little litigation with a business companion, we had to put up \$125 to pay his fine. I notice that the Star has been very successful in helping people find lost relatives, so I am writing to see if you think you could help me lose a few of ours.

Mrs. J. Fuller Gloom.

SLAVES

Men, whose boast it is that ye come of fathers brave and free, If there breathe on earth a slave, Are ye truly free and brave? If ye do not feel the chain, When it works a brother's pain, Are ye not base slaves indeed? Slaves unworthy to be freed, Is true freedom but to break Fetters for our own dear sake, And with leathern hearts forget That we owe nanking a debt? No; true freedom is to share All the chains our brothers wear, And, with heart and hand, to be Earnest to make others free. They are slaves who fear to speak For the fallen and the weak; They are slaves who will not choose Hatred, scoffing and abuse, Rather than to silence shrink From the truth they needs must think. They are slaves who dare not be In the right with two or three.

—James Russell Lowell.

WILD ANIMALS YOU HAVE MET

The Pontypidd is not, as some may have imagined, an animal new to this continent nor new this season. He flourished many years ago along the Atlantic seaboard, but was supposed to have been exterminated. Apparently the expert fishermen of those days allowed some of the Ponties to escape, as they have returned and are seen here and elsewhere this season in ever increasing numbers.

Hostetter's almanac for 1914, in tracing the origin of the Pontie, declares it is a half-breed, a cross between the High Hatticus and the Hatticus Derbyum. It is not so high as the former (except in price) and is a bit taller than the Hatticus Derbyum.

There are two well known species of the Pontie, the Fuzzed and the Unfuzzed. The former has a coat not unlike a three-day's growth on the hoarded lady, except that it is not detachable. It is almost an impossibility to defuzz the Fuzzed Pontie. Nor, on the other hand, does Ed Pinard's stuff do the Unfuzzed Pontie any good.

Those who have tried to train the Pontie declare he responds readily to instructions. He loves bright lights and the activity of the downtown streets, much after the fashion of the High Hatticus, and can be taught to leap nimbly and with glad acclaim from cafe to cafe and from bar to bar.—Detroit News.

WHEN FUNSTON'S REGULARS RELIEVED JACKIES AT VERA CRUZ



Fifth brigade marching through streets of Vera Cruz. Not since the arrival of the American bluejackets on that first memorable day of the battle of Vera Cruz has there been so much excitement among the natives as on the appearance of General Funston's command. The only difference was that the battle front was converted into a holiday appearance. From the balconies shaded by the omnipresent striped awnings the natives, awakened from their siesta, watched the arrival of the khaki clothed members of the Fifth brigade.

Farm Notes

BY H. L. RANN

Some men would rather be the Supreme High Gastricists of the Ancient Order of Woodchoppers than be elected to congress or act as marshal at the county fair. The chances are that when a farmer finds his chief delight in swimming a 48-cent gavel and studying an expurgated edition of the Masonic ritual his corn field will be so choked with spotted grass that the neighbors can't tell it from head lettuce. We have known men who could quote Robert's Rules of Order until their bellows cracked, but they couldn't make a 160-acre farm pay 4 per cent net without forcing a trial balance that was as crooked as a grapevine. As a deadly scourge the lodge fever makes the Asiatic cholera look as harmless as a frost-bitten lady bug. It is more fatal to the ambitions of some men than to have their notes called in at the bank with a noise like a pig-legged man falling on a tin roof.

The line fence has caused more heart burnings and tangled-foot litigation than all the divorce courts in Christendom. You can start a scrap over the location of a fence on land that couldn't grow cabbagins on a bet, and if the surveyor runs it a foot out of the way the district court will be kept busier than a blind mule on a high-geared treadmill. If it were not for the line fence, several thousand lawyers who are now riding round in self-starting automobiles and crush hats would be eking out a precarious livelihood by collecting bad debts for a brewery.

It is all right to pray for rain, but the man who plows deep and uses seed corn with teeth like a jigsaw will never have to fatten his kine on faith, hope and charity. They are putting out a triple-plowed seed corn now that goes down deeper than the bronchial tubes of an ostrich. It is said that this variety of corn throws out roots like a bench-legged wisdom tooth and grows faster than a roach beard in the dog days. Men who have studied it declare that it comes up through the ground with a sibilant noise like kissing a half-lipped girl through a screen door, and they say that it has more vitality than a pair of corduroy pants. It promises to be a great boon to the farmer.

The Bystander

BY WALT MASON

I stand by my window alone, and look at the people go by, pursuing the shimmering bone, which is so elusive and shy. Pursuing the beckoning plunk, and no one can make them believe that roubles and kopecks are junk, vain baubles got up to deceive. Their faces are haggard and sad, from weariness often they reel, pursuing the succulent scud, pursuing the wandering wheel. And many are there in the throng who have all the money they need, and still they go rocking along, inspired by the demon of greed. "To get some more bucks in the chest," they sigh, as they toil, "would be grand," the beauty and blessing of rest is something they don't understand. We struggle and strain all our years, and wear out our bodies and brains, and when we are stretched on our biers, what profit we then by a whoop, and rake in our bundle of scrip, and plaster a lien on the coop before our poor orphans can yip. I stand at my window again, and see the poor folks as they trail, pursuing the yammering yen, pursuing the conquering kade; and sorrow is filling my breast, regret that the people won't know the infinite blessing of rest, that solace for heartache and woe.

THE PROGRAM

The fight against commercialized prostitution is gradually becoming focused. The old spasmodic, feeble and haphazard in the midst of a vast indifference are giving way to a steady, well aimed campaign. Two of the methods now used are to starve the social evil by cutting off the fresh sources of supply, and, second, to lessen the already existing supply by absorbing some of it back into the normal community.

Cutting off the sources of supply: This is accomplished by making it difficult and even dangerous to put new, innocent girls into the life. By skillful prosecution and prison penalty, it can be made impossible for a girl to be ruined and sold for money to the commercialized system. In a single generation, commercialized prostitution will cease if the source of supply is choked.

To reduce the present supply: This will not be accomplished by raiding, because as many unfortunate exist after the raid as before it. It will be accomplished by lifting out from the life such girls as can be turned to useful work. So the now-existing supply will be in part slowly absorbed into the body of the healthful community. That leaves the mentally defective and the diseased to be cared for by hospital treatment, by sanitation, by colonizing, by oversight.

Then we can proceed in the solution of this most ancient evil by training the young in ways of efficient work, so that the community will have an ever-increasing need of such individuals. By raising wages as efficiency increases, we shall gradually have a wage scale that will grant a decent living and a measure of security to young men and young women, making it possible for them to marry while they are still young and fresh.—The Popular Magazine.

FROM ALL SIDES

"Can you send a dog by parcel post?"
"I am afraid there would be a howl about it if you did."

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COLLEGE MEN STUDY BIRDS

Ten students are in the "bird class" at the Kansas Agricultural college this spring. This is an elective subject offered by Dr. J. E. Acket of the zoology department. This spring is the first time the course has been offered here. The work consists of one hour of lecture and two hours of laboratory a week. Reference work is done in the library upon the economic value of different birds. In favorable weather all out-of-doors is the laboratory. The students take opera glasses and hunt for birds. On a recent day they identified twenty-four species. The members of the class are keeping a bird calendar, telling what is observed at different times about the habits of the birds. On rainy days the class works in the museum.—Kansas

The Phoenix National Bank