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MUST BREAK ROCK IN THE COUNTY JAIL

Lawrence and Levings Have to Answer Questions.

IMPORTANT DECISION RENDERED.

The Supreme Court Has Remanded Them to the Custody of the Sheriff.

DRIVEN TO BAY AFTER DEFYING THE LAW.

Senator H. V. Morehouse and the Position He Took Vindicated in the Highest Court of the State.

(IN BANK.) Filed March 16, 1897. Crim. No. 273.

EX PARTE LAWRENCE AND LEVINGS, On habeas corpus.

(BY THE COURT.)

The Senate of the State was engaged in an investigation of the conduct of its members under a published charge that some of them, whose names were not given, had taken bribes for aiding in the passage of a certain bill. The news editor and one of the reporters of the paper which published this charge were called upon to testify in the matter and refused to answer certain interrogatories propounded to them, upon the ground that the information sought to be elicited was privileged and the evidence, if given, would be irrelevant and hearsay. The question, in brief, contained a demand that the witnesses should give the names of those from whom they had received information touching the charge of bribery and the substance of that information. The inquisitorial investigation upon which the Senate was engaged was one strictly within its jurisdiction to prosecute. It had the undoubted power to examine into the alleged criminal conduct of some of its members, with a view to their expulsion or other punishment if found guilty. (Ex parte McCarthy, 29 Cal., 395.) Under such an investigation these witnesses who were shown to have been responsible for the public charge, and who at the same time disclaimed personal knowledge of the facts, were asked to give the names of their informants. It was a natural and logical method for the Senate to follow in its endeavor to arrive at the truth. If the witnesses first answering that they had no personal knowledge of the matter were to be justified in refusing to give the names of their informants, the Senatorial inquiry must necessarily come to an end. Upon the other hand, if they stated the names of their informants and the nature of their information the Senate could summon those persons and so trace the charge to a just conclusion. The evidence, then, was relevant and pertinent. The case differs from those presented in court where the interests lie between conflicting parties, and where improper evidence sought to be introduced in the interest of one must be to the injury of the other. Here the inquiry was inquisitorial to arrive at the truth concerning the charge of corruption, silent as to names, indefinite as to facts, but specific in its assertion of bribery. There were no parties to this proceeding. The Senate was investigating the conduct of its own members, and it was a contempt of its authority for the witnesses to refuse to give the names of those who were responsible for the promulgation of the charge. It cannot be successfully contended, and has not been seriously argued, that the witnesses were justified in refusing to give these names upon the ground that the communication was privileged.

The writ is discharged and the prisoners remanded to the Sheriff of Sacramento County.

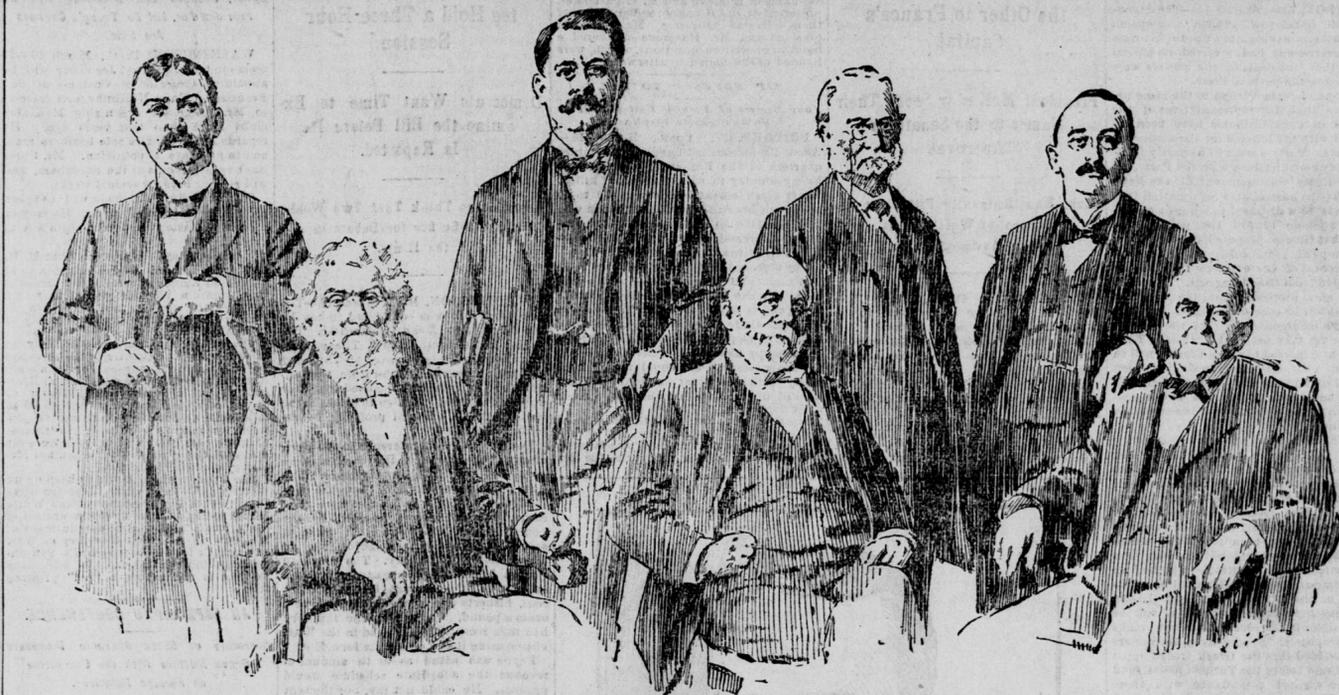
"The writ is discharged and the prisoners remanded to the Sheriff of Sacramento County."

Short but decisive few words of the Supreme Court, and to the Examiner fakers came almost as the knell of doom. Back to the grimy dungeon now go Long Green and Andy Lawrence and his unfortunate lieutenant, L. L. Levings, in justification of the fact that mud-slinging and charges of corruption without ground are not altogether profitable occupations, so far as the honorable Senate of the State of California is concerned, at least.

Step by step the procedure mapped out by Senator Morehouse, who has been the foremost of the Senate champions, has been successfully followed, and in every phase of the case the honor of the Legislature has been vindicated, Senator Morehouse's position has been strengthened, and the Examiner has been driven farther and farther into the maze of falsehood and equivocation with which it has surrounded itself.

After praying for a justice which, when given, was shunned; after libeling and vilifying every member of the Legislature who did not crawl under the doubtful shelter of its pages; after assailing the character of every honest man who dared resent the imputation against his integrity, the Long Green editor and his paper have been convicted of what they dared not admit—that his charges of bribery emanated from himself; they were the natural offspring of a mind bent in the direction they indicate.

Through it all Senator H. V. Morehouse has been the leader of those who dared drag into the light, a paper more used to do its work in the dark. He has demanded all along that the charges having been made by the Examiner must be proved by the Examiner, and failing to prove them that they be admitted to be false. His answer was a shower of mud. He it was who saw the investigation properly proceeded with, and who headed off the wiles and tricks of the unscrupulous parent of the charges. He it was who followed the case to the Sacramento courts and to the Supreme Court, and whether before court or committee he has been able to pierce the cloud of malice and venom and personality with which, after the manner of the devil-fish, the Examiner concealed itself, and keep the squirming faker for once in its life to a straight line of fact and expression.



The Justices of the Supreme Court, Six of Whom Heard and Denied the Writ of Habeas Corpus Secured by Andrew Lawrence.

The decision of the court was rendered at a late hour, after a session lasting from 10 o'clock in the morning. Argument on the part of counsel took up most of the day, and it was only a few hours afterward that the decision, remanding the editor in contempt and his unfortunate lieutenant back to prison was rendered. The Supreme Court sitting in bank heard argument in the matter of the habeas corpus proceedings instituted by the attorneys acting for the managing editor of the San Francisco Examiner, A. M. Lawrence, otherwise known to fame as "Long Green," and L. L. Levings, one of the Examiner's Sacramento correspondents, both of whom were recently committed to jail by the Senate for contempt, on their refusal to answer certain questions propounded by the Senate itself, as well as by the committee appointed to consider the charge of bribery, preferred against the former by Mr. Hearst's local exponent of gutter journalism.

Judge Hughes of Sacramento, it will be remembered, originally issued the writ of habeas corpus, but declined to reverse the decision of the Senate, declaring in effect that that body had authority to act in the manner stated. The attorneys for the defendants then applied to the Supreme Court for another writ, which was granted and made returnable yesterday morning, the defendants being admitted to bail in the meantime. The six Supreme Court Justices who heard argument yesterday were Chief Justice Beatty and Justices McFarlane, Har-

rison, Garoutte, Van Fleet, Henshaw and Temple. G. W. McEnerney conducted the argument on behalf of the petitioners, associated with him being C. F. Heggerty, A. J. Clunie and George A. Koient. The Attorney-General, William F. Fitzgerald, and his deputy, W. H. Anderson, represented the Senate, while the public-spirited and indefatigable member of that body from Santa Clara County, H. V. Morehouse, was also on hand to prompt and advise as the circumstances suggested. The argument had well begun before the unhappy "Long Green" could summon up sufficient courage to enter the courtroom. Then he stole in noiselessly "lest men should say look where three farthings goes," as the poet has it, and with bated

breath sought the sheltering protection of his attorney. The small audience present was composed of a great extent of newspaper men, who naturally feel a professional interest in the proceedings. Attorney McEnerney opened the argument shortly after 10 o'clock and continued for upward of an hour. He contended that the limit of the Senate's authority was, with respect to matters of this kind, an investigation of the truth or falsity of the charge of bribery, and that it was no part of its duty or power to set on foot an inquiry as to whether or not its members had been slandered. In the latter case the proper recourse was to the ordinary courts by means of civil and criminal actions. He took the position further, with reference to the resolution, that it coupled matters over which the Senate had no jurisdiction with other matters over which it had jurisdiction, and that these two classes of inquiry being so interwoven and dependent the whole matter fell, inasmuch as it was impossible to determine whether the questions propounded were referable to the portion within the Senate's jurisdiction or to the other.

Attorney-General Fitzgerald, having taken exception to McEnerney's interpretation of the facts, which he in his turn recited for the better enlightenment of the court, quoting the questions and the answers which resulted in the committal of the petitioners, proceeded to define the functions of a writ of habeas corpus, which he held to be one of the first questions presenting itself. He said: "Now, where the petitioner is held in custody by an officer under a warrant of commitment, the functions of the writ of habeas corpus are limited always simply to an inquiry with reference to the jurisdiction of the court, or to the body issuing the process, or to the validity of the process upon its face. The writ of habeas corpus can never be invoked for the purpose of bringing up from an inferior court to the Superior or Supreme Court the facts of the case, nor the errors of law committed at the trial. In other words, the writ of habeas corpus can never be made to serve the purpose of a writ of error. My friend, Mr. McEnerney, has conceded the jurisdiction of the Senate over the subject matter of the inquiry in so far as it relates to the investigation of the charges of bribery of members of the Senate, but he objects to its exercise of jurisdiction over the part relating to the exposure of the scandals referred to in this newspaper article. Well, now, if the court please, the principal object of that investigation, and the only object of that investigation, was to examine into the charges made by the Examiner article of the wholesale bribery of the Senate of the State of California. It is true that the resolution does contain a statement with reference to scandal, but this is mere surplusage, and was not intended to and could not confer any jurisdiction upon the Senate with reference to an investigation of this matter for the purpose of merely exposing the scandal. The real object, I say, was simply to make a full and complete investigation of these charges, not against any particular individual. There was no individual before that Senate under investigation; it was an investigation into a sweeping charge made against the Senate of the State of California in its entirety—a matter, I say, not affecting the individual, but the public interests; a matter of the gravest and most profound public interest, rising far above individuals and made for the purpose of protecting those public interests by an investigation, having for its object the discovery of the truth by falsity of those charges, and if true in the exercise of its constitutional power the repulsion of the dishonest and corrupt members of that body."

GREECE DECIDES TO FIGHT

Undismayed by the Threats of the Concerted Powers.

WAR THE ONLY POSSIBLE SOLUTION.

Garrison of Athens and Nearly All Reserves Start for the Frontier.

CROWN PRINCE CONSTANTINE TO COMMAND.

Troops Hurrying to Thessa'y From All Directions Owing to News of the Blockade.

ATHENS, GREECE, March 16.—A prolonged meeting of the Cabinet was held to-day. The Ministers discussed at great length the attitude to be taken in the event of the powers attempting to coerce Greece into compliance with their demands. It is stated that no disposition was shown to accede to the demands, and that it was finally decided to take active measures as the only possible solution of the difficulty.

It is thought that by active measures is meant a declaration of war against Turkey, which in its effect would give the right to Greece to maintain her army in Greece and deprive the powers of any right of interference.

Crown Prince Constantine with the first regiment of infantry is momentarily expected to leave Athens to assume command of all the Greek forces in Thessaly. The prevailing conviction here is that war is inevitable.

It is understood that the Cabinet at its meeting to-day discussed a plan of campaign against the Turks.

The whole garrison of Athens and



HON. H. V. MOREHOUSE, Who Has Won the Battle of the State Legislature Against the Monarch of Folly, Fakes and Falshood.

Spring

Is the season for new life in nature, new vigor in our physical systems. As the fresh sap carries life into the trees, so our blood should give us renewed strength and vigor. In its impure state it cannot do this, and the aid of Hood's Sarsaparilla is imperatively needed. It will purify, vitalize and enrich the blood, and with this solid, correct foundation, it will build up good health, create a good appetite, tone your stomach and digestive organs, strengthen your nerves and overcome or prevent that tired feeling. This has been the experience of thou sands. It will be yours if you take

Hood's Sarsaparilla The Best Spring Medicine and Blood Purifier. Sold by all druggists. Hood's Pills cure nausea, indigestion, biliousness. 25 cents.