THE Daily Mirror.

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Both Phones ..... No. 9

Weather for Ohio—Snow or rain tonight, Saturday cloudy and unsettled, probably snow in eastern portion.

Stirring up baseball enthusiasm such weather as this is pretty uphill work.

Clews to the whereabouts of the kidnaped Marvin boy are almost as plentiful as clews to the murderer of Dona Gilman and so far, all have panned out about as well.

Columbus detectives are just now trying to get close to a man named Cannon. They probably have the sympathy of all members of congress.

Jerome's declaration that Mrs. Holman told the truth is probably all right, but it came just a little late. He permitted the jury to think the mother was arrayed against the daughter.

It is rather significant that while the peace conference was in session in New York, King Edward of Great Britain was on his way to hold a conference with Italy's King in an effort to wreck the triple alliance.

The West Virginia parents interfered in their children's love affairs and prevented the eloping couple from marrying all right, but they had to hunt for their bodies in the river. Since there are no marriages in heaven, it is only fair to presume that the wedding has been indefinitely postponed.

PURITAN JUSTICE.

Many thinking people are just now wondering where the present trend of events in the ferreting out and punishment of criminals will end. It is a question which should be given some earnest consideration since under the present system some, if not many, injustices may be done.

The muddle from which Montgomery county officials are just now endeavoring to extricate themselves furnishes a striking sample upon the one hand and the recent trial in New York presents another instance. In the Gilman murder mystery, a number of rewards for the capture of the guilty person or persons were offered and the result was a grand rush of detectives, sleuths and alleged sleuths to the city and a wild rushing about in an endeavor to fasten the crime upon some person. It mattered little who was apprehended, whether the really guilty person was captured or not, so long as the finger of suspicion pointed so strongly at the person under arrest to permit the detective to draw the reward money. Sleuths were so thick in Dayton that their paths crossed so frequently that all trails were blotted out and it now seems extremely doubtful whether the person who murdeerd the factory girl will ever be apprehended. All of this because large rewards were offered and unscrupulous persons were attracted.

The Thaw trial affords the spectacle of a prosecutor endeavoring, at all hazzards, to secure the conviction of a prisoner. Jerome left no stone unturned to secure a verdict of murder in the first degree against a man whom he said he had no right to be trying because he was insane. No fault can be found with Jerome more than with many others who are entrusted with the prosecution of criminals or alleged criminals. The Thaw case is only a sacrifice. There seems to be a tendency among all prosecutors to endeavor to secure the conviction of the man under arrest, no matter whether he be innocent or guilty.

According to the letter of the law, a man must be considered innocent until he is proven guilty, but the present tendency among prosecutors is to consider him guilty until the reverse is proven. A striking example is furnished in a trial which has just been concluded in a southern Ohio city. A witness who had been given a tour of several states in an endeavor to identify some suspected persons and who had been wined and dined during his tours, at the expense of the county went upon the witness stand and positively idenfied a man whom he had seen only for an instant in a barn filled with hay. All doors were closed and the day was cloudy. Yet this man stated that he could identify the prisoner positively in five years from now. Had not the memory of his tours and the dinners and wines which were furnished at the direction of the prosecution lingered with this star witness for identification, it is probable that his memory would not have been so fresh.

These conditions cannot be said to prevail exclusively among porsecutors, for they exist to just as great an extent with the attorneys for the defense. It matters not whether the prisoner is guilty or innocent, the attorney will put up just as strong a fight for his release. Under the present system the courts of justice appear to be more a place where lawyers pit their wits against each other in an effort to win a point, irrespective of the life or liberty of the accused.

These conditions, however, cannot be said to be universal. There are lawyers and many of them too who absolutely refuse to defend a man who has confessed his guilt to them, but the fact that the confessed criminal can always find some person to defend him proves that all attorneys are not of the conscientious stripe.

A return to the Puritan idea of punishing every man known to be guilty and freeing every man known to be innocent would do much toward correcting many of the evils from which society is suffering.

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NEVER WAS

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representative of every citizen of the United States residing in California equally with every citizen of the United States residing elsewhere. It is of course, conceivable that, under pretense of exercising the treaty-making power, the president and senate might attempt to make provisions regarding matters which are not proper subjects of international agreement, and whould be only a colorable—not a real—exercise of the treaty making power; but so far as the real exercise of the power goes, there can be no question of State rights, because the Constitution itself, in the most explicit terms, has precluded the existance of any such question.

Although there are no express limitations upon the treaty-making power granted to the National Government there are certain implied limitations arising from the nature of our Government and from other provisions of the Constitution; but these implied limitations do not in the slightest degree touch the making of treaty provisions relating to the treatment of aliens within our territory.

Reciprocal agreements between nations regarding the treatment of the citizens shall receive in the territory of the other nation are among the most familiar, ordinary, and unquestioned exercises of the treaty-making power.

To secure the citizen's of one's country against discriminating laws and discriminatory administration in the foreign countries where they may travel or trade or reside is, and always has been, one of the chief objects of treaty making and such provisions always have been reciprocal.

During the entire history of the United States provisions of this description have been included in our treaties of friendship, commerce and navigation with practically all theother nations of the world. Such provisions had been from

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time immemorial the subject of treaty agreements among the nations of Europe before American independence; and the power to make such provisions was exercised without question by the Continental Congress in the treaties which it made prior to the adoption of our Constitution. The treaty of 1778 with France, made between the Most Christian King and the thirteen United States of North America by name, contained such provisions. So did the Treaty of 1872 between Their High Mightinesses the States-General of the United Netherlands and the thirteen United States of America by name.

"4. It has been settled for more than a century that the fact that a treaty provision would interfere with or annul the laws of a State so as to the aliens concerning whom the provision is made, is no impeachment of the treaty's authority.

"The very words of the Constitution, that the judges in every State shall be bound by a treaty "any thing in the constitution or laws of any state to the contrary notwithstanding" necessarily imply an expectation that some treaties will be made in contravention of laws of the States. Far from the treaty-making power being limited by State laws, its scope is entirely independent of those laws; and whenever it deals with the same subject, if inconsistent with the law, it annuls the law. This is true as to any laws of the States, whether the legislative authority under which they are passed is concurrent with that of Congress, exclusive of that of Congress.

"5. Since the rights, privileges and immunities, both of person and property, to be accorded to foreigners in our country and to our citizens in foreign countries are a proper subject of treaty provision and within the limits of the treaty-making power, and since such rights, privileges and immunities may be given by treaty in contravention of the laws of any State, it follows of necessity that the treaty-making power alone has authority to determine what those rights, privileges and immunities shall be. No State can set up its laws as against the grant of any particular right, privilege or immunity any more than against the grant of any other right, privilege or immunity. No State can say a treaty may grant to alien residents equality of treatment as to property, but not as to education, or as to the exercise of religion and as to the burial but not as to education, or as to education but not as to property or religion. That would be substituting the mere will of the State for the judgment of the President and Senate in exercising a power committed to them and prohibited to the States by the Constitution.

"There was, therefore, no real question of power arising under this Japanese Treaty and no question of State rights.

"There were, however, questions of policy, questions of national interests and of State interests, arising under the administration of the treaty and regarding the application of its provisions to the conditions existing on the Pacific coast.

"In the distribution of powers under our composite system of government the people of San Francisco had three sets of interests committed to three different sets of officers—their special interest as citizens of the principal city and commercial port of the Pacific coast represented by the city government of San Francisco; their interest in common with all the people of the State of California represented by the Governor and Legislature at Sacramento; and their interests in common with all the people of the United States represented by the National Government at Washington. Each one of these three different governmental agencies had authority to do certain things relating to the treatment of Japanese residents in San Francisco. These three interests could not be really in conflict, for the best interest of the whole country is always the true interest of every State and city, and the protection of the interests of every locality in the country is always the true interest of the nation. There was, however, a supposed or apparent clashing of interests, and, to do away with this, conference, communication comparison of views explanations of policy and purpose were necessary. Many thoughtless and some mischievous persons have spoken and written regarding these conferences and communications as if they were the parleying and compromise of enemies. On the contrary, they were an example of the way in which the public business ought always to be conducted; so that the different public officers respectively charged with the performance of duties affecting the same subject-matter may work together in furtherance of the same public policy and with a common purpose for the good of the whole country and every part of the country. Such a concert of action with such a purpose was established by the conferences and communications between the national authorities and the authorities of California and San Francisco which followed the passage of the Board of Education resolution.

"There was one great and serious question underlying the whole subject which made all questions of construction and of scope and of effect of the treaty itself—all questions as to whether the claims of Japan were well founded or not; all questions as to whether the resolution of the school board was valid or not—seem temporary and comparatively unimportant. It was not a question of war with Japan All the foolish talk about war was purely sensational and imaginative. There was never even friction between the two Governments. The question was, What state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country?

"The people who permit themselves to treat the people of other countries with discourtesy and insult are surely sowing the wind to reap the whirlwind, for a world of sullen and revengeful hatred can never be a world of peace. Against such a feeling treaties are waste paper and diplomacy the empty routine of idle form. The great question which overshadowed all discussion of the Treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative.

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GOVERNOR INAUGURATED

Regis H. Post Succeeds Winthrop as Governor of Porto Rico.

San Juan, Porto Rico, April 19.—Regis H. Post was inaugurated Governor of Porto Rico yesterday in succession to Beekman Winthrop, who retired to become Assistant Secretary of the Treasury at Washington.

Chief Justice Quinones, of the Supreme Court of the island, administered the oath of office. The members of the Supreme Court, the Executive Council and the House of Delegates attended in a body. The Foreign Consuls also were present, as well as a large number of representative business and professional men from all parts of the island. The ceremonies were opened by an invocation by Right Rev. W. A. Jones, Bishop of Porto Rico, after which Mr. Winthrop delivered a farewell address to the people of the island. At the close of his remarks the retiring Governor was given a touching ovation.

The inauguration was more elaborate than any previous induction into office. Mr. Post is the fourth Civil Governor of this island since 1900, when Charles H. Allen was inaugurated. He is the one hundred and twenty fifth man to fill the Governorship in the last 400 years. Mr. Post has been active in the administrative and political life of the island since his appointment to the position of Auditor in 1903. He subsequently became Secretary of Porto Rico and President of the Executive Council. His appointment as Governor is generally approved. He is the author of no less than 70 laws for the insular government, the most important being the election law and the municipal tax law.

Secretary Taft and his party sailed for home on the dispatch boat Mayflower at noon yesterday, accompanied by Beekman Winthrop, the retiring Governor of Porto Rico and Mrs. Winthrop. Mrs. Taft and Miss Margorie Ida. The insular troops escorted the party form the palace through streets lined with people.

Mr. Taft and his party returned her last night from Guayama, where Judge Munoz gave him an informal reception. The Secretary made a speech at Ateno, where an elaborate luncheon was served, but he did not refer to the citizenship question, dwelling solely on the prosperity of the island.

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WEDDING ANNOUNCEMENT

Believed to Explain Suicide of a Wealthy Chicago Man.

Chicago, April 19.—John Alling, a rich broker, member of the Chicago Stock Exchange, brother-in-law of Carl Keith, millionaire Treasurer of the Illinois Electric Company, and cousin of former Alderman Charles Alling, committed suicide yesterday in Hannah & Hogg's Hotel by severing the arteries of his wrists, and then turning on the gas.

Alling was 40 years of age, and until one year ago one of the most popular clubmen in Chicago.

The solution of the suicide may be found in a wedding announcement and a picture of a bride and bridegroom which were left on the top of a dresser in the room.

The announcement read as follows: "Mr. Frank Warren Fowler and Miss Mildred Henlee, married Saturday, December 8."

Across the announcement was a picture of a man and woman. Upon it were printed these significant words: "What do you think of the bride and groom.?"

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