

power in the premises. From this decision an appeal was taken to the United States Supreme court, which has just affirmed the order appealed from.

Meantime, however, and pending the appeal, the question arose as to whether or not the state officers would be justified in proceeding with the execution of the sentence. The prosecuting attorney refused to act, the court which passed the sentence had nothing before it, and here for a time was the entire responsibility of acting or refusing to act placed upon the San Quentin jailor! It is one of those rare cases which are all the more irksome by reason of their rarity, in which one who attends strictly to duty finds himself the only one who is not embarrassed in the performance of it. He adopted the straight course, however, and was proceeding determinedly with preparations for the hanging; when the governor relieved him of his trying situation by granting a respite.

The question in chief—after the murder, of course—is, has a Federal tribunal a right to interfere in contests between a state and one of its citizens, when a provision of the Federal Constitution is constructively or actually ignored? It is a very fine point, notwithstanding the negative decision of the highest tribunal in the land, partly because it has been held otherwise and partly because the great war which was fought out on the question failed to settle it conclusively.

#### PRISON DISCIPLINE.

At Jone, Amador county, California, is situated the Preston Reform school, an institution in which boys of incorrigible disposition, or who are convicted of petty offenses, are detained. A sensational exposure of cruel treatment, said to have been inflicted upon some of the inmates by the superintendent, Dr. E. S. O'Brien has lately been made in the Sacramento Bee. A boy named Frank Russell was accused of a petty theft by Dr. O'Brien. The boy stoutly maintained his innocence, and on his knees begged for mercy. With an oath the superintendent ordered the boy to strip, and then caused him to be held down upon a table while blows were rained upon his bare flesh. The implement of torture was a paddle made of sole leather, half an inch thick, and corrugated in such a manner that it would raise blisters when brought down upon the flesh. More than a hundred lashes were given the boy, when he became unconscious and the inhuman superintendent threw water in his face to revive him. Such are the facts as given in an affidavit made by the victim. It seems that the same boy had been flogged in a similar manner only the day previous, that his flesh was very sore in consequence, and that the pain produced by the second punishment was excruciating. Other cases of similar cruelty are alleged to have occurred under Dr. O'Brien's direction, and his methods are to be investigated by the trustees of the institution.

The time has gone by for the administration of corporeal punishment in prisons with the approval of an enlightened public opinion. The moral sense of modern civilized society holds such a proceeding to be degrading and disgraceful, and no longer to be tolerated. In most of the states of the Union it has been abolished, as it ought to be in all. When a culprit is closely confined, society is safe from his depredations, and this is all that society ought to ask. Of course discipline must be maintained among the inmates of penal institutions; but this can be done effectually and without any degrading or demoralizing effects by other means than physical torture. If milder measures fail, the refractory

prisoner can be kept in solitary confinement, to be released on giving reasonable assurance that he will behave himself. A prisoner shut up all by himself is not likely to do very much harm to the discipline of the institution in which he is confined, even though he may not be enduring physical suffering; and this method of dealing with him is vastly more humane and enlightened than flogging or otherwise torturing him.

In Utah the law forbids the physical torture of prisoners, no matter what the circumstances may be; they may be subjected to solitary confinement on a diet of bread and water for a limited period, as punishment for violating prison rules, but no penalty more severe, or in the nature of corporeal punishment, is allowed.

#### AUSTRIA AND HUNGARY.

The political chaos in Austria is but a natural consequence of the endless and bitter strife between the Germans and Czechs. For years it has been impossible to introduce any reforms in the country of any importance whatever. The cabinets have been handicapped, unable to find support, because there has been no solid majority in the parliament and no probability that the various interests can be united. The consequence is that the political influence of Austria is waning and that Hungary is forging to the front as a part of the dual realm from which the government must draw its support.

Vienna has always been considered as the central point of the Hapsburg monarchy, but if conditions are allowed to go on as they are doing in Austria, it cannot be long before that center will be removed to the Hungarian capital. There are also in Hungary different elements and different interests, and the Rumanians particularly are complaining over the treatment they receive, but the Hungarians are so much in the majority that neither Rumanians nor Slavs can entertain any hope of being heard or of obtaining much political influence. The Magyars control the Hungarian parliament, and the government machinery work satisfactorily. Political interest is growing among the people and every condition is favorable for political progress.

It is not so in Austria where the German element seems to be strong enough to carry on obstructive tactics, but unable to carry any measure whatever. Hence stagnation. And the worst of it is that the German element seems inclined to approach Germany rather than to yield to the Czechs, for recognition in the rule of the empire. Partisanship seems to have made them blind.

#### WATCH THE SKY AT NIGHT.

Three times in a century, or, more correctly, every thirty-third year, a magnificent display of meteors is seen in the heavens. The earth passes an immense group of small wanderers in space, probable fragments of an exploded world. They form a cluster circling round the sun, as do the planets, and so large is this straggling mass that it takes the earth several years to pass it. The last time its proximity was observed was in November, 1866. It is due again in 1899, but it can be observed any night this month and during November next year, reaching a climax on the 14th of November, 1899.

Astronomers cannot yet say whether the display now due will equal or excel those of former periods. The fact is that the form of the aggregation of meteors constantly changes, some of

the small heavenly bodies being deflected from their course and thrown out into space to join the earth or other planets. But the indications are favorable to a grand illumination. Dr. George W. Hough of the Northwestern University says he observed one night forty-seven meteors a minute. The best time for observation, however, is just before dawn, so a great many people will probably not care to watch for the strange exhibition. The astronomers say that there are many signs of a brilliant display on the morning of November 14. It will commence about midnight and last for two or three hours. The immense sky-rockets will be remarkable for long brilliant streaks or wakes behind them. They will be red or orange colored, giving a peculiarly weird effect as they drift through the sky.

The accepted theory of the meteors is that they are remnants of some distant world that met with disaster on its journey through space; the particles of matter continued to move on until they came within the attraction of the planet Uranus, which changed their course and made them subject to the rule of our sun; there are billions of them; when some of them are plunged into the atmosphere of the earth, they become heated, owing to the resistance and friction; soon they melt, leaving a glowing streak behind them across the sky, and finally mix with the air in a gaseous form; occasionally solid fragments fall to the ground.

#### GAME WARDENS WHITEWASHED.

After a real or pretended investigation into the killing of Ute Indians in Lily Park, State Game Commissioner Swan of Colorado has submitted to the governor of the state a report in which he says that, in his opinion, Game Warden Wilcox's version of the "fight" is correct, and "that the killing of the Indians was unavoidable and necessary." This information is gleaned from the dispatches, which are silent as to the extent and character of the inquiries made by Mr. Swan, and fail to state the reasons that lead to his conclusions.

But the information that comes from every other source tends to contradict the findings of Mr. Swan, and to show that the killing of the Indians could easily have been avoided; that they were not making serious resistance to the execution of the laws; that they had neither threatened nor endangered human life, and that their taking off was wanton slaughter, in fact, murder. Mr. Swan's report is not satisfactory, and if the state of Colorado accepts it as sufficient, and takes no further action in the premises, in the estimation of a great many people a disgraceful stain will rest upon its honor as an American commonwealth.

It does not appear that Commissioner Swan gave a hearing to the Indians concerned, and if he did not, his investigation, in the very nature of things, was wholly exparte and farcical. The Indian department at Washington should take up this matter, and collect all the material facts relating to it. The victims were only Indians, but life was as dear to them as it is to a white man, and a red man's right to live is as sacred under the law as is that of a pale face. The Indians feel that they have been the victims of a murderous outrage, and if nothing is done to assuage this feeling, it will tend to retard the civilizing process which the general government is seeking to bring to a speedy consummation.

Besides all this, there is a principle of justice involved, which demands vindication, either by the complete justification or the punishment of the game wardens by judicial procedure.