

THE ALASKA SOCIALIST



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COMMUNICATION

TO THE ALASKA SOCIALIST:

In the Fairbanks Times of Oct. 29th, appears a list of the names of the Grand and Petit Jurors, drawn to serve at the coming term of Court at Fairbanks, in and for the Fourth Judicial Division of Alaska, beginning Nov. 10th, 1913, and it will be seen, as stated in the report, that the great majority of both juries are composed of Fairbanksans. The report also says: "the attorneys express general satisfaction at selections made."

I suppose the attorneys would have been better satisfied if they themselves had been selected jurors instead. It is very doubtful, however, if the people of the Fourth Division, if they amount to anything, will feel as elated over the jury selected. The jury drawn may be composed of honest men and worthy citizens. I have no desire to cast any aspersions on any of them whatever, or forecast what they may do. They may do what their conscience dictates. My intention is to criticize the number selected from one locality to the utter disregard of all others. And that the city, to consider cases that they must of necessity be unfamiliar with. As it is reasonable to suppose that in a country such as the Fourth Division of Alaska the only productive industry is that of mining, that the great majority of civil cases to come before the jury will be those involving mining rights and mining affairs, that those whose life has been spent in the cities are unfamiliar with, consequently they will be more at the mercy of glib tongued attorneys, hence the general satisfaction of the legal fraternity.

Where the majority of the jury is composed of men having a practical knowledge of mining and the cases under consideration, they are more inclined to deal justly between the litigants and disregard the wild vapourings of lawyers; but when they are unfamiliar with mining cases in general and conditions under consideration they are more apt to be carried away by legal bombast.

Now let us analyze and see what the jury consists of that gives such general satisfaction to the Fairbanks' attorneys. According to the Times, of the 23 names of the Grand Jurors, 16 of them are from Fairbanks or 70 per cent. Of the 36 names that constitute the Petit Jury 27 of them are from Fairbanks or 75 per cent of the whole number. That looks like too much Johnson.

It would be interesting to know if those names drawn out of the box was in a fair proportion to the names put into the box from the different voting precincts. The method of drawing the jurors is, to all appearances, fair and impartial and above board. But can that be said about the method of selecting the names and getting them into the box. It would be impossible to draw out of the box what is not put in to it.

Heretofore the persons drawn as jurors in the Fourth Division have been fairly proportionate throughout the Division. But this time Fairbanks appears to be the only place there is any person eligible. It is very evident from the figures that the jury is in no way representative of the people of the different localities, be the cause accidental or intentional. I have always been led to believe that the purpose of selecting a jury was to assist a judge in administering justice; and as far as possible to select it from all classes of eligible persons throughout the district; and

make it as representative of all interests as possible. But such is not the case in the present instance. The jury job is not one that the workingman desires as the compensation is not sufficient to attract any workingman. Yet it is very essential that they should take a part as jurors. And especially those who suffer from loss of wages should be schooled in the intricacies of the law and have some say in determining what it means. Laws for their benefit are very meagre at best. But when they sit as jurors they have some say in the enforcement of that law, however inadequate that law may be. In the present jury, the shovelfist that works in the drift is very conspicuous by his absence, and that we are informed gives "general satisfaction" to the Fairbanks attorneys.

The thing to be considered by the wage-alive, at present, is not who made the laws, but to see that [they are enforced impartially against those who have an interest in defeating, with the aid of their political henchmen, such laws as are on the statute books. Many of the makeshifts of laws that we have would do better service than they do at present if they were strictly enforced. They have always been strictly enforced against the working class. Who are the ones entrusted with the enforcement? Not the working men but their masters.

DAN McCABE.

VAULT, ALASKA.

On the method of drawing the Grand Jury which our correspondent takes exception to, we quote from AMERICAN LAW AND PROCEDURE or what is known as the common law: "A grand jury is the grand inquest of the county (here the judicial division), which should not only inquire into the general subject of crime, but should keep a keen watch upon public institutions and public officials. As a general rule, it should consist of representative men, selected from the county at large. Blackstone says, they should be picked from the county at large, 'some out of every hundred (4 Bl. Com. 302.). Generally the grand jury is impaneled at the opening of a term of court, and is given a few general instructions by the judge, as to their powers and duties; after which they retire to their own room, and proceed in a great degree independent of the court. The sessions of the grand jury are secret. None other than themselves and the witness testifying should be present, except the prosecuting attorney, who by their consent may be admitted into the grand jury room to advise them as to the law or to examine witnesses. He should not express his opinion on the evidence, and he should always retire before they discuss the evidence or take a vote (Gitchel v. People, 146 Ill. 175.). The practice of prosecuting attorneys in entering a grand jury room without an invitation, and remaining there throughout the deliberations and voting, is a pernicious one. His presence, in itself, may have a prejudicial effect, and restrict freedom of discussion among the jurors. Although there may be some conflict of opinion, it is the better rule that any indictment discussed or voted upon in his presence should be promptly quashed by the court."

Of late years, proceedings before grand juries are coming to be regarded as matters of form. Indictments are often voted on hearsay testimony, or upon formal proof at the request of the public prosecutor. Accumulation of business is alleged as an excuse for the undue haste with which cases are con-

BY THE POLITICAL EDITOR

The elections in the states do not show up as well for the Wilson Administration as it hoped for. The Democrat party is certainly welcome to all the comfort it can derive from the results of the elections held on Nov. 5th.

Our local Democrats are rejoicing over their escape from the predicament of their Nome brethren. They are careful not to mention the big Mogul who was the main spoke in the wheel that enable the Valdez convention pledges to be carried out in the Fourth division. The big Mogul was left out in the cold to shift for himself after, it is said, receiving a solemn pledge to allow him to share in the political spoils providing he would get off the path himself and keep others off so that the hungry ones could get to the hominy pot.

Old man McGowan can easily call himself the Democratic party of the Fourth Division. A glance at his vote as an independent Democrat for the Territorial Legislature conveys the impression that he can poll more votes running alone than if he had the Democratic party behind, which they are in Alaska. Of course there are some democrats who will continue to vote for Wick as long as he lives whether he is a candidate or not, all the same Andrew Jackson.

The Republicans are such an insignificant quantity that they refuse to stand up and be counted since the only representative they had in the Valdez Convention could not stomach Gilmore and went over to Jennings. The G. O. P. seems to have gone the way of Big Bill Taft, where none can see the pearly gates of Heaven but the Supreme Court and Bill.

The working class will be alive to the opportunity which is presenting itself, and will have a strong candidate but not of the O'Connor stripe or any one that plays henchman for him under the guise of being labor's friend. It is time for the working class to wake up, if they don't the philistines of Gath will be upon them. Think of O'Connor pretending to represent the working class and fighting the cause of democracy in the Valdez convention. He was put up, it is said, solely for the purpose of breaking up the labor party in Alaska. He and his henchmen failed to deceive any one but themselves.

The Preamble Address And The Power And Weakness Of Trades Unions

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sidered, but if the grand jury cannot properly dispose of all the business upon its docket, it should do what it properly can and leave the responsibility with the court, to impanel an extra grand jury, or to discharge the prisoners awaiting action. The grand jury system properly conducted, stands between the people and unjust prosecutions; and is the means to investigate fraud and official corruption."

BLACK JUSTICE

Frank McLain Of Olness Discovers That His Cabin Has Been Robbed Seeks Out Commissioner Weiss To Get Justice, And Gets It-- "In The Neck"

Petty Thieves Enter and Steal Two Cans of Cream--all He had in the World. Weiss, by his Conduct, Shows Great Contempt for Worker's Home.

In a slow drawling manner Frank McLain of Olness, woodchopper and Christian Science student, on Wednesday, Nov. 12th, told before Commissioner John Dillon at Fairbanks how his cabin had been broken into and two cans of cream all he had in the world, stolen, how he had gone to Chatanika to swear out a warrant for the guilty parties, how the commissioner had told him he would look into the matter, and, under the pretense of looking into the matter, fixed up with the assistance of those who have a grudge against McLain a warrant charging him with being insane.

McLain, according to his statement on the stand, was brought into Fairbanks under the impression that he was going to sign the warrant for the apprehension of those who broke into his cabin, but instead of the warrant being produced for him to sign he was thrown into jail and told he was crazy.

It is not every day that such things happen outside of the pages of story-books, and the manner in which some of the witnesses testified and tried to testify, along with what is known to outsiders gives it the earmarks of a conspiracy.

To be the owner of only two cans of two cans of cream is bad enough, and to be robbed of them is certainly worse, but to be thrown in jail and told that

you are crazy into the bargain,--if that is not enough to drive one crazy, it is hard to say what would. It is said that there is another party at Olness besides those who appeared against McLain, that has been busy circulating evil reports about him but this party works in the background.

[To Weiss, who, besides being the holder of extensive productive private property, is allowed to graze, not only in the Federal bread basket, but also in the Territorial, the theft of two cans of cream probably seems like a light matter, and more so when it is only a worker's cabin that is entered.

Let us see what the Compiled Laws of Alaska say about it. We quote:

Sec. 2382. That when complaint is made to a magistrate of the commission of a crime he must examine the informant under oath, and reduce his statement to writing and cause the same to be subscribed by him, and also take the depositions of any witnesses that the informant may produce in support thereof.

Sec. 2383. That thereupon, if the magistrate be satisfied that the crime complained of has been committed, and that there is probable cause to believe that the person charged has committed it, he must issue a warrant of arrest.

The law does not say that the warrant should be issued immediately if the complainant is rich and withheld if he is poor. Commissioner Weiss should be investigated.

Van Bibber and his partner, Cox, decided to prospect some around here. Bill Maher and his partner are living in a cabin close by. The Episcopal Church has a mission here, conducted by Miss Graves for the benefit of the poor Indian who, in this particular part, is a firm believer in the potlatch system, you to do the potlatching. Miss Graves has been a big help to the people who have been here this year. G. HICKS.

HICKS WRITES FROM TANANA CROSSING

Oct. 25, 1913

We arrived here 24 days from Fairbanks after a fine trip the only drawback being shallow water.