

Wanted — A New Word.

We have reached the last ^{scene} chapter in the tragedy of Johnstown. The jury of inquest have made pronouncement that the owners of the dam whose ~~the~~ insufficiency of which ~~cost a thousand~~ meant a loss of ten thousand lives ~~are~~ responsible for this unparalleled slaughter. This ~~verdict~~ ~~the~~ ~~press report says~~ That ends it. The dead are dead and those whose bodies were recoverable are buried. Why should there be anything more? The press report very carefully states that even "this verdict was a surprise." And yet it was a polite verdict — very polite. It used no names; referred ~~to no~~ ~~made~~ no reference to overwhelming disaster; hinted of no crime. It merely declared that one woman had died; that ^{the cause of} her death was unknown; and that an inquest was necessary and that "the owners were" responsible. How responsible? ~~criminally?~~ ~~civilly?~~ ~~or~~ Who are the owners? ~~Restrained~~ How did they become responsible? Were the waste-gates taken out of the dam on purpose and knowingly obstructed? The grand-jurors are altogether too well-bred to answer such imper-

the American people for knowledge of the calamity. Telegraphers and correspondents by the hundreds have been on the spot. The details on recovery and removal of the wreckage have been given with ~~startling~~ ~~numerous~~ graphic painful minuteness. Yet now that one comes to look back upon it there has been a mysterious silence as to the cause. Not a single instance of frantic imprecation is reported. The living have looked silently and uncomplainingly on their dead. One of the first dispatches was a detailed defence of the Club who had control of the dam. Beyond that hardly a word has been said, by any one in or about Johnstown as to the cause of the disaster. Curious isn't it?

And the Inquest—what has it done? What witnesses did it call? Who represented the Commonwealth of Pennsylvania? Was any search made to find "the owners"? When and by whom were the water-gates obstructed? How did "the owners"

become responsible? The American people — the
tender and true-hearted of all the world — are
interested in these things, great matters. Why
were they not reported? The ~~the~~ manager of the less-
and circled Press himself was on the spot. He has a
reputation as keen as a blood hound's for news. Why
did he not give the world the testimony taken
before this the most important inquest ever
held? ~~Strange~~ isn't it? Every reader in the
United States would have pursued the story
with avidity but no eye outside of
the military lines at Johnstown saw it. What
could have been the reason of this strange silence?
Was it a Star Chamber proceeding? Were they
afraid the guilty parties would escape? How
many readers of the Boston, New York or
Chicago papers ~~see~~ knew that an inquest

was being held at all? In the ~~was~~ meantime,
a score of inquests in cases where only a
single death occurred have been fully re-
ported, but of this phenomenal ~~and~~ in-
quiry as to the cause of ~~some~~ a slough-
ter unprecedented in the annals of crime
or calamity, not one word reached the
millions of waiting ~~was~~ hearts who were
asking the questions who was responsible for
this slaughter? What will the law have to say
about this holocaust of death?

It is a strange thing - almost as remarkable
as the disaster itself. Probably, the horror of the situa-
tion paralyzed the pens of the reporters and they
quite forgot to exercise the graphic art in narra-
tion of the scene of disaster and lost that sense
of public interest in the inquiry "who ~~was~~ is re-

x

responsible which prevails them in ordinary cases. Of course, the fact that "the owners" whoever they may be, are rich and powerful magnates - that they own railroads and telegraphs and possibly newspapers, too, ~~and~~ all this had nothing to do with the strange silence which has brooded over the inquisition as to the cause of ten thousand deaths in the valley of the Conemaugh.

Do, possibly, those who visit the scene of devastation think the public has no interest in the cause of death when so many perish on the murderer's blade, on the assassin's dagger or the poisoner's art play ~~not~~ part in the mournful tragedy!

Perhaps the jury failed to define the responsibility for lack of a proper term. Our legal women

clature is shockingly deficient in this respect. There is the old-fashioned word murder, but it is a ~~terribly~~ terribly coarse and vulgar term to apply to the nameless "owners." It has an unfortunate way of sticking to one in connection with whose name it is once used. Even a verdict of 'not guilty' will not wash it out. Manslaughter is hardly any better. It is horribly coarse and taken in connection with ten thousand water-soaked forms and blurred unseeing eyeballs, & it has a ghastly suggestiveness ~~and~~ ~~remembrance~~ that could not but be unpleasant to "the owners" feelings. Homicide is a nasty, squeaking synonym which is little better than its Anglo-Saxon namesake - perhaps even ~~more~~ worse, for it may include the ~~coarse~~ ugly idea embraced

in murder.

It is strange the jury of inquest did not
full back on that beautiful idea of the common
~~law~~ ~~embodied in the term~~
"the act of God" phrase in which the common-
law records the fact of sudden and violent
deaths in which the hand of man is not
traceable; "the act of God!" The traveller struck
by the thunderbolt is found a stark and blackened
corpse by the roadside. The law inquiring the cause
of death, reverently records the fact, "Died in the
phrase "Perished by the act of God!" He that gave
life mysteriously, hath taken it in like manner.
Man may not be content; but on the edge of the
grave knowledge ends. Why not write this concluding
epitaph on the thousands of graves that disfigure
the green hill-side that bound the narrow
valley of Conemangh? It was evidently God's
act, a mysterious Providence, a terrible

calamity, a terrible text on which to hang a lesson as to life's uncertainty. The ruins fell; the waters rose; the dam burst; the dead choked the river's flow and are hidden in the ~~heap~~ ~~of~~ ~~debris~~ debris of a thousand devastated homes. It was not the dam that killed this becalmed but the cloudburst. This is evidently the ^{real} meaning of the dispatch which appeared in every newspaper in the land, "The accident was a great surprise to every one!"

But this was rather too much even for the politeness of the coroner's jury. They could not bring themselves to wholly ignore the human element. There was, indeed, a cloudburst among the hills; the waters ran down the sharp bare slopes denuded by man's greed and carelessness. The dam bars their way — a dam built for the purpose of commerce, maintained for pleasure —

a huge barrier - seventy feet high, and four hundred feet long. Behind it were heaped millions of tons of power - millions of cubic feet of death-dealing force held in check by the dam - the dam without outlet or waste-gate. It was not God's act but man's! What man's? That is the question the law asks the jury of inquest. What man's? Why "the owners"? Ah, then, these heaped up dead men their fate in the guilty hands of "the owners"? "The owners" killed ten thousand? What? Killed? Guilty? Oh no: "the owners" are "responsible" - nothing more!

After all the jury were considerate. They did not present the ten thousand dead for felix de se or arraign them for contributory negligence. Therein they ~~may~~ showed themselves a great improvement on the "Crown's guest" in Hord's poem of "Miss Killmansey," who declared the heiners who had been

brained with her golden leg a suicide "because
her own leg had killed her!"

The Johnstown inquest ~~one~~ might at least
have divided the responsibility and not have
left the whole upon the owners. The people who
were killed knew that the dam was unsafe
— every body knew it, it seems except the judges,
the prosecuting attorneys, the grand-jurors and
probably "the owners." The people were warned that
it was likely to burst! Nay they were warned
at ten high-noon and at five o'clock in the
afternoon were yet eagerly loitering around
in the narrow rift ~~above~~ above which
hung sixteen million tons of water! If that ~~was~~ ^{is} not
"contributory negligence, what is? Perhaps the fact
that the inquest did not find these dead thousands
guilty of criminal carelessness resulting in their
own deaths, is the reason we are told that

7

"the verdict occasioned a great deal of surprise."

The dilemma in which these "good men and true", who were sworn to make true presentment in the premises were placed shows the pressing need we have of some new term to designate corporate or collective killing for which many good and respectable men are "responsible", but of which no poor, disreputable, bad man is "guilty". Usually a scape goat can be found to whom the ugly words which the law ^{applies} to him who takes his fellow's life may be applied; but every now and then, we have an instance like this "unfortunate affair" at Johnston, where politeness compels a jury to strain ambiguity to its utmost limit, as regard for the oath they have taken will

* lead them to apply to respectable citizens terms which should only be used in connection with the debased and criminal classes.

Instances of this are ~~many~~ numerous. A railroad company economizes in order to make a dividend and requires its engineers to be double duty. After a man has been at the throttle for fifteen hours, there is a collision. The engineer is killed: so are some passengers. It is believed that the engineer was asleep. So far as he is concerned there is no hesitation in finding that the deaths of the others was due to criminal carelessness on his part: but as ^{applied} to the Company such language would never do at all.

There is an accident in a coal mine: forty men are buried in a single shaft. Dangerous? Yes: & everybody knew it. Could it have been made safe? Only at considerable cost. The mine =

7
They should have given warning but did not.
Verdict: The hanged miners died through the
criminal neglect of the subordinate. The owners?
They were recommended to employ a more effi-
cient ventilating apparatus.

Gross carelessness on the part of an individ-
ual is the equivalent of malice. The man who
deliberately fires a gun into a crowd is a murder-
er if ~~some~~ a single child is killed. He is
guilty of the most atrocious crime known to the
law. But respectable gentlemen who hang a
watery avalanche above a crowded valley
without any safeguard or means of relief - they
are not murderers nor man slayers when ten
thousand die by reason of their unintended neg-
lect: they are only responsible.

The man who leads a riot is a murderer:
the man who inaugurates a war, a patriot. He

who kills by ~~wholesale~~ actual is a murderer; he
who slays by wholesale, is, at the worst, only
"responsible."

Civilization has changed our relations
and we ought to have new terms to fit our new
conditions. "Am I my brother's keeper?" was Cain's
resentful answer to ~~the~~ ^{the} inquiry concerning Abel.
It would have been enough, if he had not killed
him. But civilization will not be content with this lim-
itation of responsibility. It has wonderfully ex-
tended the area of ^{moral} scientific criminality. Science
has pointed out the source of peril and the meas-
ure of safety. It informed "the owners" exactly how
much resistance was needed to hold in check the
threatening flood; how large the waste-gates should
be to give safety to the valley below; how
they might be made to work automatically and
so be always secure. But they would have

cost some money. Science is a bad book-keeper and will not balance and will not balance its books with the entry or grave-stone.

Besides that even the term 'responsible' is getting to have an uncomfortable significance. The time was ^{had} and not so very long ago either - when ^{was} responsibility for his fellow if he only let him live: Now, he is ^{held} responsible if he even lets him die. To kill by preventable ill is not yet a crime etc. - cases in a few cases but if it is fast growing into a sin of such enormity that men tremble when it is imputed to them. The parent used to mourn resignedly his smitten offspring ^{and} saying "The Lord gave and the Lord hath ^{taken away}!" Now science drags the red-eyed mourner to the neglected refuse-heap beside the kitchen-door and the defective ~~senses~~ drainage in the cellar and hisses "Murderer!" into his ear. There

should be some political reform.

A city gives ~~the~~ thousands dependent upon ~~its~~ ~~form~~ its aqueducts, water impregnated with filth and disease. Men and women and children die of typhus and kindred diseases. Science says that not only the mayor and Council but every citizen in whose hand is the balance of sovereignty is a murderer. But then science takes no note of parties or political necessities. Yet politics and law and even business are beginning to feel the impetuous force of this new rule of human relation. "Inasmuch as eyes did it not" is steadily growing into a force a mightier force in the estimates of

human responsibility. Johnstown may
not help us to a new word to express
this ~~new~~ fact but it is sure to help us
to a more realizing sense of its existence.
Will it also help me to realize that not all
the responsibility is with "the owners"? That
there are fathers and husbands mourning their
dead today, who by mere neglect of their
own ~~part~~ duties as citizens slew their own
loved ones?