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the meaning of the Constitution, without changing its outward form, that the man who made it could not recognize their handiwork. Yet there are those who pretend that the courts are the only safe guardians of the Constitution.

In the constitutional convention the proposal to confer upon the Federal courts the power to annul laws of Congress came up four separate times. Each time it was debated, fully considered and voted down by a decisive majority. Not more than three states ever favored the proposal. It is a rule of law everywhere accepted that when the interpretation of a law is in dispute the intention of the lawmakers is decisive upon the matter if it can be ascertained. There is no trouble whatever in ascertaining what the intention of the constitution-makers was in regard to the annulment of Congressional acts by the Federal courts. The expressed intention was clear and unmistakably four separate times. Each time they denied the power to the courts. And yet the courts, which pose as the only trustworthy conservators of the Constitution, have usurped this authority and exercised it frequently and contemptuously that they have made the legislative department of the Government nothing more than their submissive vassal. So thinks Judge Clark.

But the usurpation is now so strongly entrenched in custom, he believes, that it can only be remedied by a constitutional amendment. It is proposed an amendment which would make the judges elective and confer their office for a term of years only. Instead of for life, as it now stands. As to the wisdom of such an amendment people will differ according to their temperaments and prejudices. As to its practicability there is no doubt. It is useless to think of amending the Federal Constitution. It cannot be done. If for every desired step forward in government we must wait till the Constitution is amended, we may as well make up our minds to live without progress. The only sensible and practical method is to adopt the President Roosevelt's pragmatic theory that the Constitution means what the National life requires it to mean. To squeeze an elective Federal Judiciary out of it may be a task which presents some difficulties, but we are contented with the present. If the post roads clause does not suffice, another can be managed under the general welfare provision.

WE ARE disposed to agree with one of our correspondents, whose letters are printed today in another column, that a jury of women would be less amenable to the wanton wiles of Waymires and their lawyers than men are. No jury can be composed of the little arts of their sex better than men do, but they are differently affected by them.

For example, it was reported that when the Mayor appeared in court Mrs. Waymire "cast a withering glance upon him." Now, this glance was, of course, carefully studied and appreciated, and it would have been a perfectly definite intention to produce a certain effect upon Judge, reporters and spectators. Had these individuals been women instead of men, one can assert with unqualified confidence that the withering glance would have failed of its object. They would have read its purpose instantly and steered their hearts against it. The men read it equally well, but their poor, silly hearts were butted beneath its beams.

We believe it is agreed by lawyers that a jury of men is by nature unfit to be called upon to decide a woman's case. It is a woman's case, whether she be plaintiff or defendant. Dickens set forth a great truth for all time in his caustic description of the proceedings in Bardell and Pickwick. Sergeant Buzfuz did exactly what every lawyer does when he can make capital of a woman's sexuality before a jury. He appeals to "chivalry" and that sort of thing are repeated in court every day in the year, except possibly Sundays, and they are almost invariably effective.

It is safe to wager that the women of Oregon will be glad to appear at the bitterness of the Mayor's situation far better than the men do, and weigh the circumstances with a nicer sense of justice.

The vilest creature on earth, and the most dangerous, is a woman who abuses the power of her womanhood to betray a man to his ruin. Her words can express her infamy, for she has turned the most sacred of all things to the lowest purposes of evil.

CAPITALIZATION AND PRICES.
It is a popular superstition that a corporation capitalized at more than its actual value must charge prices higher than would be charged if capitalized at its actual value. This quotation is from the New York Evening Post. The courts have held that the Supreme Court would approve of it or not. Mr. La Follette was the only Senator who touched upon the rights and wrongs which the bill was designed to remedy. All the others, Spooner, Bailey, Long, Fulton, discussed simply and solely what ought to be done to the courts. The Supreme Court has no more constitutional right to annul a law of Congress than Congress has to annul a decision of the court. So thinks Judge Clark.

He argues that it never was the intention of the constitution-makers to confer political power upon the courts; and that the authority to annul, or veto, laws is political power of the highest order. It makes the courts our supreme legislative bodies. And the singular anomaly of it is that they are not only beyond the choice of the people and above that of the courts, but they are practically exempt from effective criticism. To utter or publish what is intended to influence a court while a case is pending brings upon one punishment for contempt. But it is in deciding cases that the courts enact new laws and repeal old ones. Hence this legislation, which is more important than any other, goes on almost in secret. Certainly it is entirely exempt from public discussion.

By this half clandestine process of lawmaking, Judge Clark points out, the Constitution has been entirely transformed; and it has been done so quietly, so inconspicuously, that very few people know anything about it. He makes the perfectly true remark that the Supreme Court has so altered

production has very little to do with prices and irrelevant factors almost everything.

WILLAMETTE VALLEY TRANSPORTATION.
Announcement that the Oregon Electric line will extend its road from the present terminus at Salem to Eugene will be most graciously received, not only at Portland and Eugene, but all along the route. The Oregon Electric seems to be one of those corporations which does not confine its building to paper, but actually invests in steel, ties, roadbed and equipment. We have been somewhat "shy" on roads of this class in Oregon, and, for that reason, the work of the Oregon Electric will be doubly valued in the state. The building of this line to Eugene will largely aid to solve the transportation problem for the Willamette Valley. It will supply all of the intermediate territory between Portland and Eugene with quick and frequent transit at lower rates than now prevail, and it will also offer an opportunity for the fruit, hop and lumbermen of the Valley to get their products on the market with much greater facility than ever before.

Operated as an independent enterprise, this line can turn over at Portland the immense traffic originating in the Willamette Valley to the roads which offers the best inducements to the shippers. If it remains clear of entangling alliances with any one of the big roads leading across the continent, its business will be sought by all, and it will also offer an opportunity for the fruit, hop and lumbermen of the Valley to get their products on the market with much greater facility than ever before.

President Roosevelt in his speech before the Deep Waterways Convention at Memphis yesterday disclosed his intimate knowledge of the possibilities of the great river of the West when he said that "the removal of obstructions in the Columbia and its tributaries would open to navigation and inexpensive freight transportation fully 2000 miles of channel." This is a greater mileage than is covered by all of the rail lines controlled by the Harriman interests in Oregon, Washington and Idaho, and with the great awakening in interest in the subject here, almost certain experience, but little difficulty in securing the necessary appropriations for placing these channels in condition to handle the traffic which is already taxing the capacity of the railroads and is increasing more rapidly than ever before. It is something new to receive from so far from home such encouraging tributes to our great system of undeveloped waterways.

"Trade, like water, finds its own levels and follows along the highways of least resistance," said Secretary Straus in a speech before the National Convention of Cotton Manufacturers in Washington, D. C., last week. And then, to make the illustration clearer, the well-informed chief of the Department of Commerce and Labor threw cold shivers down the back of the worshippers of the sacred tariff by telling them if they built tariff walls too high in this country they would encourage the building of higher walls on the other side. To overcome the obstacles now encountered by the trade he recommended revision of the tariff. If these distressing admissions that there is something wrong with our tariff system continue to come from men so high in authority, the next session of Congress will be almost certain to disclose the very common clay of which our long-worshipped idol is constructed.

President Clark of the Mount Hood Railroad, is much chagrined over what he terms the premature announcement of the plans of his company to build a line from Portland to Denver. He bases his objection to the publication of the news on the grounds that it will interfere with securing right-of-way on this country they would project a route of the road is through a country which is so badly in need of a railroad that it seems hardly possible that there would be any attempt to hold up the road for unreasonable sums for right of way. If there should be such attempts at extortion, the road has resources in the country and in condemnation proceedings for such a purpose there would be small likelihood of any one securing an award that would be unfair to the railroad.

SMALLER FARMS, MORE FARMERS.
There will hardly be any widespread sorrow over the new ruling of the Interior Department which compels the farmers who lease Indian lands to dwell on them. It will have the effect of reducing the acreage held by the big kings and of increasing the number of small farmers. An advantage too obvious to require explanation. As stated in a Pendleton dispatch in yesterday's Oregonian, "the importance of this ruling may be realized when it is understood that there are men living in the City of Pendleton who are farming as high as 3999 acres and who own the largest single house. It will mean the cutting up of the big holdings into smaller holdings and the invasion of the reservation by a more humble class of growers and the crowding out of the big wheat kings."

The present season has offered an excellent illustration of the advantages of farming on a small scale as compared with what is generally known as "bonanza farming." Practically all of the damage suffered by the wet weather in the interior wheat fields was on the big farms, where the scarcity of labor made it impossible properly to handle the crop when it was ready. In nearly every case the small wheatgrower who was farming about 150 acres and could work it without much help succeeded in escaping injury. It will be a great many years before divers wheat farms will displace wheatgrowing in many localities in Oregon, Washington and Idaho, but a limitation on the size of the wheat fields will be of great benefit to the country. In the case of Umatilla County it will result in a large increase in the population, something which has not been true for a long time. In fact, there are some townships in the county where the steadily increasing absorption of small farms by the great wheatgrowers has resulted in decrease in population at a time when all other portions of the Northwest outside of the wheat districts were showing substantial gains. In the Willamette Valley, which thirty years ago was producing nearly all of the wheat grown in Oregon, diversified farming has reached a stage where not infrequently ten families are found on a single quarter section that was once devoted to wheatgrowing, and each of the ten farmers is making more money out of his small farm than the former wheatgrower made out of the entire quarter section when it was devoted to wheatgrowing. What the Pacific Northwest needs is

more permanent residents to take the place of that transient army which drifts in at harvest time and drifts out again when harvest is over. The ruling of the department will work a hardship only on the big wheat kings; most of whom have done well enough out of the industry to live quite comfortably on 150 acres for the remainder of their lives.

A young boy, beaten and driven out into the night, which he spent shivering under a pile of lumber rather than brave the wrath of his inhuman father by returning to the shelter that he called "home," is truly an object of pity. One cannot help wondering where the mother was when a case of this kind is reported, and, if present, what she was doing while the beating of the boy was going on. The maternal instinct should rise to meet an emergency of this kind with a weapon that comes handy, from a rolling-pin or iron poker to the broomstick. Force is the only argument that can be used successfully against a bully or that will put to rest a coward who uses his strength brutally against a child. The time to use it is when the emergency occurs. Blood-letting has fallen into disuse in therapeutics, but there is no doubt of the efficacy of nosebleeding when brought on to bring a bully to a realizing sense of the fact that there are some things that he cannot do, even in his own house, with impunity.

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Government is under no keep or obligation to worry about "keeping its word" with criminals. It may be expedient for it to keep its promises of immunity to those who "squeal" but it is not bound to do so. The main reason for keeping them always will be the inducement it will afford to others to "turn state's evidence." It is a prerogative of the state to use one of the parties to a crime to detect and convict another; and where immunity has been promised it is well, as a rule, to keep the covenant. But the state is not bound to keep it.

We have every confidence in the Mayor of Portland, whoever he may be. So, and the same, as to Mayor Lane. "Sad nemo," etc.—"No one is wise at all hours." There is great poetry, of which the following is a passage, to wit:

But should she consent,
As sitting on her throne,
Descend with all her winning charms bright,
To enamour, as the song of Venus once,
Wrought that effect on Jove so well all—
Portland would be up to the emergency. We believe he was.

Merely a coincidence, still the engagement of Gladys Vanderbilt to Count Szechenyi is contemporaneous with the announcement of irrevocable separation of Madame Anna Gould from her French husband.

If the Government is in earnest about wanting to keep the little brown men from sneaking in from British Columbia, why doesn't it put up a barbed-wire fence at the boundary line and hire a bulldog?

One unreported cause for decrease in Union Pacific earnings in July is lack of cars to haul the freight that was offered.

Not the least congratulatory feature of Oregon county and local fairs this year is that every one has more than paid expenses.

MURDER OF EX-SHERIFF BROWN.
His Only Safe Way.
Walla Walla Statesman.

It might not be a bad scheme for Senator Borah to employ Attorney Darrow to precede him every time he enters his front gate.

On the Level of Russia.
Eugene Guard.

If this lawlessness is not curbed and some method found of silencing loud-mouthed demagogues and yellow newspapers, our country will in time degenerate to the level of Russia.

Is Brown But One of Many?
Baker City Democrat.

Is it possible that every man who has been active in ferreting out evidence against the Western Federation of Miners is marked for death? Ex-Sheriff Harvey Brown is not the only one in the case of the Pinkertons. Is it for that reason that a deadly bomb was employed to get him out of the way?

Life of No Man May Be Safe.
Tacoma Ledger.

If what the murdered man said just before death is true, the life of no man who is active in ferreting out members of the Western Federation is safe. It is an awful charge, which all law-abiding and patriotic citizens hope is not true, yet there is the plain anti-mortem statement: "The man who should be caught and the statement of the ex-Sheriff confirmed in the trial, the question of whether Harry Orchard told the truth, which has never been answered, might then be answered."

Reign of Terror Imminent.
Eugene Register.

If anyone in the Federation of Miners is responsible for this dastardly act, and the perpetrators are caught, they should be made such an example of as will put an everlasting quietus on such an organization or any other of similar nature, making it forever, in the future, a high-water mark among the upright citizenship of the country. If this Nation does not rise to the occasion and stop the rehanding fleshiness of anarchy that prevails in the country, it will be the blood of innocents and a reign of terror.

A New and Fearful Terror.
East Oregonian.

What man who speaks his sentiments on these questions is safe from the bomb or the bullet? Who can escape if professional murderers set their plans to "get him," as it is believed has been done in the case of Frank Steinberg and Harvey K. Brown? The dynamite may be at your elbow in the guise of some respectable agent, solicitor or business man. He may be upon you from day to day, in the guise of a sick man, "here for his health"; he may be within sound of your voice, when you are discussing these questions, in the guise of a traveling salesman, or a city-you don't know where they are, what they are doing, whom they are spying upon.

No Palliation for This Crime.
Pendleton Tribune.

Cowardly in the extreme, it was at the same time a fit method to accomplish the murder of a man whose only fault was the performance of his duty in the enforcement of the law, which the people stand as the representatives of the Government—indeed, the Government itself. The unspokeable outrage committed in this manner is all the more damnable for the reason that in the United States, of all countries in the world, any man or woman who ever have a voice to him or her. There is no oppression, nor anything that savors of it, anywhere.

BREVITY ALL RIGHT IN ITS PLACE.
But There Are Other Considerations in Composing Good English.
New York Times.

Thomas M. Loane, Professor of English Literature in Yale, in the current Harper's Magazine, comes to the rescue of such apparent redundancies as "have got an" "widow woman," and indicates successfully those who make a fetish of conciseness. Brevity is frequently bald and jejune, the professor says, and conciseness is not to be expected to perform in public without remuneration. They generally take good care of themselves in this respect.

Why? Because of the dreadful example of Caterina Gabrielli, once a great Italian prima donna. She was the daughter of a cook and "possessed great beauty of person and voice, the latter being a fine, lyric soprano of two and one-half notes. Money came in shoals to Gabrielli who spent it as fast as she made it. And she was capricious. Once the King of Sicily asked Gabrielli to sing for him and when she refused he sentenced her to 12 days in jail. Here she gave daily concerts, of course without charge, and distributed money among the indigent. This continued until her sentence expired and when she was liberated she was received with shouts of approval from the populace. For years she was a popular idol. Her youth, beauty and voice left her. At 60 years of age, when she was a haggard old woman, she died of pneumonia. Whenever you see a musician who declines to work gratis, heedless of the fact that he may be a teacher making his money, or an actor, do not blame him if he declines to work for nothing. He's thinking of Gabrielli.

It is related that Ravelli, the tenor, had a mortal hand at the Hotel Metropole, because she once choked on a high E-flat by a too-comprehensive embrace. To add torture to injury, Ravelli's expression of wrath being mistaken by the audience as great sorrow, the musician was loudly applauded amid cries of "encore." Another tenor, Brignell, who he did not receive from the audience without a proper amount of applause, usually declined to sing the remaining numbers, pretending that he had suddenly been stricken with a sore throat.

Nicholas C. Zan, a baritone well known in this city, is now earning a high salary singing in vaudeville for Keith's circuit in big Eastern cities.

Miss Anna Held began her New York season in "The Parisian Model" last Monday night, with new songs as well as new dresses and scenery. Otis Harlan is in the company this year.

The Ernest Gamble Concert party began its premier this season at Hartford, Conn., with approaching appearances at Boston, Worcester, Lowell and New Haven. Philadelphia, two concerts being given at the latter place. The artists expect to visit this portion of the Pacific Coast about the end of next February. Gamble is one of the most noted American concert singers, his voice being a rare basso cantabile.

The late Edward Grieg might have lived longer had he not been so attached to his home, near Bergen, a picturesque situated villa commanding a splendid view of the island-studded fjord. The climate of the peninsula, where he lived, is excessively humid, and this was bad for a man like Grieg, who had only one lung, and was a victim of frequent asthmatic attacks and other troubles. He knew this quite well, and made up his mind some time ago to abandon Trollidalen if he could find a purchaser who would pay for that villa and other property. Before his death such a purchaser appeared. The famous firm of Peters, in Leipzig, which prints all his music, day made a present of it to Grieg, at the same time begging him to accept the privilege of living in any part of the world he chose, entirely without expense. It was a generous offer, but it came too late.

Lovers of Wagner's music will be glad to hear that Francis Moore, who is to be one of "Concord" singer at the Metropolitan the coming season, is herself again. Idolized in Munich, she had to retire from the stage a few years ago because of a damaged voice. After a long rest she returned to the stage, and the reports led one to fear that she had been premature. At the recent Wagner Festival at the Prinzregenten theater, however, she appeared as Elizabeth, in "Tannhauser" and as Isolde in the Alcegaire. Her voice sounded more beautiful and fresher than ever, not a trace being perceptible of her indisposition.

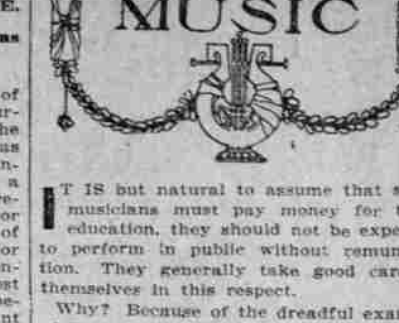
New York is not the only city in which opera houses are multiplying. St. Petersburg has three. The city has been growing so fast that the opera houses are not able to hold room for all who wanted seats. A few years ago Prince Zeretelli opened a second opera house, but this, too, was so remarkably successful that it was necessary to build all three eager to hear operatic music—especially those whose means are limited. Consequently, arrangements are being made for a People's Opera-House, which will hold 2,000 spectators, who will be sold at a low price. Several Russian capitalists have provided the funds, and a number of young artists will cooperate in an attempt to produce the masterpiece in strict Italian style. The new opera house will include two operas that will be new to St. Petersburg—Wagner's "Flying Dutchman" and Goldmark's "Queen of Sheba."

The Italian publisher Sonzogno paid \$500 for a prize libretto by Faustoaldovini, and asked Mascagni to set it to music. In the hope that the opera "Cavalleria Rusticana," Mascagni accepted it, although he admitted at once that he was not particularly interested. He has now definitely decided to compose. When Salvatori asked on what ground Mascagni replied: "I cannot set to music a system of philosophy." The plain truth is that Mascagni has for years been so unsuccessful with all of his operas and his recent tour in this country, where he ran into debt, that he is not going to take any chances with a doubtful libretto.

Miss Matilda de Lerma, the singer who is to be the star in the next grand opera season, has been in Mexico with her married husband for some time. At Laredo, on the Mexican border, her baggage was inspected, and the officials wanted her to pay duty on her jewels and furs. She stated that she was an opera singer in Mexico for five or six weeks, and that the duty was unjust. The official did not give much credit to her claim, because opera singers seldom travel alone.

The matter seemed difficult to solve, when Miss de Lerma started to sing some high notes, going up as far as A sharp, and every one present in the station applauded her. The official was won over in this way that Miss de Lerma is a singer.

A chorus singer's life in "opera"—Morning rehearsals lasts until noon, when there is a half hour or less for lunch, and back the warblers go again for either a matinee or the regular afternoon rehearsal. For instance, he runs in Chicago all summer, but rehearsals go on every morning just the same.



MUSIC
It is natural to assume that since musicians must pay money for their education, they should not be expected to perform in public without remuneration. They generally take good care of themselves in this respect.

Why? Because of the dreadful example of Caterina Gabrielli, once a great Italian prima donna. She was the daughter of a cook and "possessed great beauty of person and voice, the latter being a fine, lyric soprano of two and one-half notes. Money came in shoals to Gabrielli who spent it as fast as she made it. And she was capricious. Once the King of Sicily asked Gabrielli to sing for him and when she refused he sentenced her to 12 days in jail. Here she gave daily concerts, of course without charge, and distributed money among the indigent. This continued until her sentence expired and when she was liberated she was received with shouts of approval from the populace. For years she was a popular idol. Her youth, beauty and voice left her. At 60 years of age, when she was a haggard old woman, she died of pneumonia. Whenever you see a musician who declines to work gratis, heedless of the fact that he may be a teacher making his money, or an actor, do not blame him if he declines to work for nothing. He's thinking of Gabrielli.

It is related that Ravelli, the tenor, had a mortal hand at the Hotel Metropole, because she once choked on a high E-flat by a too-comprehensive embrace. To add torture to injury, Ravelli's expression of wrath being mistaken by the audience as great sorrow, the musician was loudly applauded amid cries of "encore." Another tenor, Brignell, who he did not receive from the audience without a proper amount of applause, usually declined to sing the remaining numbers, pretending that he had suddenly been stricken with a sore throat.

Nicholas C. Zan, a baritone well known in this city, is now earning a high salary singing in vaudeville for Keith's circuit in big Eastern cities.

Miss Anna Held began her New York season in "The Parisian Model" last Monday night, with new songs as well as new dresses and scenery. Otis Harlan is in the company this year.

The Ernest Gamble Concert party began its premier this season at Hartford, Conn., with approaching appearances at Boston, Worcester, Lowell and New Haven. Philadelphia, two concerts being given at the latter place. The artists expect to visit this portion of the Pacific Coast about the end of next February. Gamble is one of the most noted American concert singers, his voice being a rare basso cantabile.

The late Edward Grieg might have lived longer had he not been so attached to his home, near Bergen, a picturesque situated villa commanding a splendid view of the island-studded fjord. The climate of the peninsula, where he lived, is excessively humid, and this was bad for a man like Grieg, who had only one lung, and was a victim of frequent asthmatic attacks and other troubles. He knew this quite well, and made up his mind some time ago to abandon Trollidalen if he could find a purchaser who would pay for that villa and other property. Before his death such a purchaser appeared. The famous firm of Peters, in Leipzig, which prints all his music, day made a present of it to Grieg, at the same time begging him to accept the privilege of living in any part of the world he chose, entirely without expense. It was a generous offer, but it came too late.

Lovers of Wagner's music will be glad to hear that Francis Moore, who is to be one of "Concord" singer at the Metropolitan the coming season, is herself again. Idolized in Munich, she had to retire from the stage a few years ago because of a damaged voice. After a long rest she returned to the stage, and the reports led one to fear that she had been premature. At the recent Wagner Festival at the Prinzregenten theater, however, she appeared as Elizabeth, in "Tannhauser" and as Isolde in the Alcegaire. Her voice sounded more beautiful and fresher than ever, not a trace being perceptible of her indisposition.

New York is not the only city in which opera houses are multiplying. St. Petersburg has three. The city has been growing so fast that the opera houses are not able to hold room for all who wanted seats. A few years ago Prince Zeretelli opened a second opera house, but this, too, was so remarkably successful that it was necessary to build all three eager to hear operatic music—especially those whose means are limited. Consequently, arrangements are being made for a People's Opera-House, which will hold 2,000 spectators, who will be sold at a low price. Several Russian capitalists have provided the funds, and a number of young artists will cooperate in an attempt to produce the masterpiece in strict Italian style. The new opera house will include two operas that will be new to St. Petersburg—Wagner's "Flying Dutchman" and Goldmark's "Queen of Sheba."

The Italian publisher Sonzogno paid \$500 for a prize libretto by Faustoaldovini, and asked Mascagni to set it to music. In the hope that the opera "Cavalleria Rusticana," Mascagni accepted it, although he admitted at once that he was not particularly interested. He has now definitely decided to compose. When Salvatori asked on what ground Mascagni replied: "I cannot set to music a system of philosophy." The plain truth is that Mascagni has for years been so unsuccessful with all of his operas and his recent tour in this country, where he ran into debt, that he is not going to take any chances with a doubtful libretto.

Miss Matilda de Lerma, the singer who is to be the star in the next grand opera season, has been in Mexico with her married husband for