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The House Furnishing Co.

269 Liberty Street, Stores at Salem and Albany.

WILL THE LAW STAND

Judge Sherwood Declares it Against the Constitution

Says the Initiative and Referendum is in Conflict with Section Eleven of That Document

(Continued from yesterday.)

(Oregon Law School Journal.)
We understand that it was the practice with the people of the early colonies, where their charters permitted them to enact laws, to meet in general assembly and vote directly upon the passage of laws. That when the people became more numerous and were distributed over a larger territory, it became impracticable for them all to meet in one general assembly for the purpose of enacting laws, and that this was the sole reason for adopting the representative system. We do not believe that a single instance can be found in the history of our forefathers where the direct voice of the people in the enactment of laws proved prejudicial to good government. We do not believe that the framers of the Constitution considered that it was dangerous to permit the people to vote on their laws, or that they intended to prohibit the people from voting directly upon the enactment of laws if a practicable means could be devised for obtaining such a vote. We do not believe that they considered that representatives were better qualified to know what the people required, or that they would enact laws more in the interest of the people, or that they were more stable or less corruptible. Legislatures had their records of dishonesty, bribery and betrayal of public trust, which was well understood by the framers of the Constitution. It is true, that the money power, trusts and corporate greed were yet in their infancy. They did not have their armies of trained lobbyists; the art of electing men to office who would serve them faithfully had not then been practiced.

The learned Judge insists that a republican government must be such a government as "come up to the standard of such a form of government as understood at the time of the adopting of the federal constitution." And says that the Supreme Court of the United States interpret it in that light. Very well, let us see how our forefathers have construed the Constitution. In the New England states at the time of the adoption of the Constitution and ever since they have their township meetings in which matters relating to the local government and laws of such township are submitted to a direct vote of the people. In Massachusetts, in all cities and towns of twelve thousand inhabitants or less, the people assemble and vote directly upon the enactment of laws for their local government. If these practices were in direct violation of the Constitution, why were they then tolerated? Why have they ever since been tolerated? Shall we say that the delegates and people of these different states were ignorant of the subject they were voting upon when they adopted this clause of the Constitution, or shall we say that such a construction was never intended by its framers? We can not believe that the delegates and people of these states either in letter or in spirit have knowingly or willfully trampled under foot any of the principles of the Constitution. These patriots have too many glorious records in the heroic struggle of independence to be attainted with such a treasonable charge. Descendants of that little band from the Mayflower, Green Mountain Boys, Warren, Putnam, Prescott, Starr, Knowlton, Brooks, Patriots of Bunker Hill, Trenton, Monmouth, Yorktown, Camden, Bennington, Saratoga, and the many other places where you bled in the defense of your country, lie still in thy graves and rest on in peace for this great American Nation which thou hast reared will never permit your noble records to be stained with such charges.

Now keeping in mind the fact that there did exist a desire of a considerable number of persons in this country to centralize the government and to abolish state governments and to create monarchical forms of government, it appears to us at least that this was the mischief which the framers of our Constitution desired a

safeguard against. That they wished a protection against changing our government into a monarchy, in case persons of such tendencies should get into control. We believe that this was the sole cause which this clause was intended to guard against; and if so, we can not see any reason in the present case for limiting the general meaning and understanding of a republican government, viz.: "A government by the people, in contradistinction to government OVER the people, as all European governments at the time of the adoption of the Constitution were. The vital point is, where the source of power? If in the whole people, then the government is republican, which includes democratic. Republican seems to be the more general term, including the other, but the difference, if any, is one of form, not of substance. In fact, every government has to act more or less through representatives; and the legal maxim applies, what one does through another he does himself." Thomas Paine, an author famous for his connection with both the American revolution and with the French revolution and also with his advocacy of infidel opinions, and who was chosen by Napoleon to introduce a popular form of government into Britain, after Napoleon should have invaded and conquered the island, speaking of what constitutes a republican government, says: "What is called a republic is not any particular form of government. It is wholly characteristic of the purport, matter or object for which government ought to be instituted, and on which it is to be employed." * * *

"It is not necessarily connected with any particular form." In Scott's Woodstock, he says: "Theoretical politics had long inclined him to espouse the opinion of Harrington and others who adopted the visionary idea of, establishing a pure democratic republic in so extensive a country as Britain." Emerson, in his essay on Politics, calls our government a democracy. He quotes Fisher Ames: "A republic is a raft, which would never sink, but then your feet are always in water!" Will the learned Judge deny that there is such a book as DeTocqueville on "Democracy in America," because we do not have a government which is democratic in any respect and because such a government which is wholly contrary to the principles and express provision of our Constitution?

We can not believe that the framers of this memorable document, of which every American holds the greatest reverence, had in mind or believed that the people were dangerous to themselves or to any thing else that tended toward good government; or that they should be restricted in the exercise of enacting good and wholesome laws for the government of their particular states or that they should be shorn of the right to control their representatives when they misrepresented them, or to reject laws passed by their representatives contrary to their best interests. Our forefathers surely did not desire to tie the hands of the people and make them slaves to large corporate interests who thwart legislation by powerful lobbies with vast sums of money to corrupt the people's representatives. Our forefathers did not have any reason for wresting this power from the people and making the representatives their perpetual guardians. And, therefore, we most earnestly contend that the "initiative and referendum amendment" is not in conflict either in letter or in spirit with the Constitution either because the people are given the power to reject laws enacted by their representatives, or to directly enact laws themselves.

They are just, let the people rule, "the voice of the people is the voice of God." Let not the people be forever enslaved because the individual frailties and weaknesses of our representatives permit them to be corrupted and made hirelings of trusts and aggregated monopolies. Let not the avarice, greed and wealth obtained by monopoly and corruption which caused proud Rome to decay, crumble and fall, take hold of our fair Country. Let not the rights of man be surrendered and liberty banished from among us, but let the words of that martyred President, the immortal Lincoln, sink deep into our hearts, "that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people shall not perish from the earth."

CONSUMPTION

the most dreaded and deadly of all diseases, as well as pneumonia, and all Lung Troubles are relieved at once and cured by ACKER'S ENGLISH REMEDY "The King of All Cough Cures." Cures Coughs and Colds in a day. 35 cents. Your money back if dissatisfied. Write for free sample. W. H. Hooker & Co., Buffalo, N. Y., D. J. Fry, Drug

CLASSIFIED ADS

Advertisements, five lines or less, in this column inserted three times for 15c. Six a Week \$1.50 a month. All over five lines at the same rate.

WANTED.

Wanted—A second-hand safe. Must be in good order and cheap. Call on Dr. J. H. Brewer, Gray block. 6-9-1f

Wanted—Ten or 12 carpenters to begin work at Chemawa next Monday. Inquire of C. A. Gray, Salem, Oregon. 6-8-1w

Wanted—A widow woman or girl in want of a permanent home in small family (three). Terms to suit. Address C. H. Varnsey, Crow, Oregon, Lane county. 6-23-2w*

Wanted at Once.—3000 strawberry pickers at Hood River. Plenty of work. Good pickers can earn \$3.50 a day. Take Regular line steamers from Alder street wharf, Portland, daily at 7 a. m. Fare for round trip \$2.00. Children \$1.00. 6-20-1m

Wood Wanted.—100 cords of big fir, or large second growth, also some heavy oak. Send sealed proposals to Hofer Bros., Journal office. 6-9-1f

Wanted.—Young men to prepare for government positions. Fine openings in all departments. Good salaries. Rapid promotion. Examination soon. Particulars free. Interstate Cor. Inst., Cedar Rapids, Ia. 4-28-1m*

LOST AND FOUND.

Lost—In Salem, by the Dallas stage, a small red hand grip, containing some clothing, also grain needles. Leave at Red Front Livery stable. 6-9-31*

Lost—A purse containing about \$5 in silver, receipt and other papers. Return to this office and receive reward. 6-8-31*

FOR SALE.

For Sale.—A first-class singer sewing machine. Inquire at this office. 66-8-31

For Sale.—90-acre farm in Marion county, 1/4 mile of Santiam river, in good settlement. Five-room house, barn and necessary outbuildings. Well watered with spring water at the door. Ten acres of fruit of all kinds, principally winter apples. A fine fruit and dairy farm, with lots of out-range; within 1/2 mile of railroad, school, church and business town, with large monthly payroll. This is a beautiful farm of good, black, productive land, and if sold at once will take \$2000, with half down, and the balance from \$ to 5 years, at 6 per cent interest. Immediate possession. For further information address J. E. Ray, Mill City, Ore. 6-8-3m*

For Sale.—Full set Hets Hot Air apparatus. Apply to W. G. Robbins, 157 Court street. 6-2-1f

For Sale.—A home in North Salem. Mrs. H. L. Huffman, North Salem Grocery. 6-28-2wk

FOR RENT.

Rooms for Rent.—Upstairs, Cottle block, by day, week or month. Also light housekeeping rooms. Electric lights, open all hours. Mattie Hutchison, prop. 4-23-1yr.

MISCELLANEOUS.

Choice Stock Sheep to let on shares, Wm. H. Egan, Gervais, Ore. Route 2. 6-8-61*

\$2500 for \$5.—Best, cheapest insurance, accident, sickness; claims promptly settled; agents wanted; liberal pay. International Company, 231 Broadway, New York. 6-6-31*

O. W. BEAN—Physician and surgeon, office over Fry's drug store. Calls answered by day or night. Phone, office, 1941; res., 1921 Main. 6-22w*

WM. ARMSTRONG has removed one block south, opposite Gilliam's stable, where he will repair the understanding — Shoes made or repaired in connection with J. O'Donald, carpenter, saw filing and general jobbing. 6-5-1m

Unique Cleaning Rooms—Shaw & Johnson, the cleaners, are now located at 299 Commercial street. They do a general pressing and repairing business. Specialties; Skirts, silk waists, kid gloves, gaiters' clothing, etc. Phone 2614. 6-23-1yr.

Headquarters for Fencing.—Woven wire fencing for all purposes. Smooth wire for hop yards, etc. Correspondence solicited. Walter Morley, 65 Court street, Salem. 6-5-1f

Removal—The Salem Carriage Factory, Werner Fennell proprietor, has moved from Commercial street to North Liberty, at the bridge. Call and see the new place, and inspect the work done. Satisfaction guaranteed. Werner Fennell.

Eggs for Setting.—Pure bred White Plymouth Rock and Black Minorcas, the best layers known. T. H. Bundell, Morningside. Telephone No. 2066 Red. 8-29-1f

You will always find the choicest meats and groceries at the lowest prices at Edward's & Loschers, 408 and 410 State street. Phone orders given special attention.

LODGES.

Central Lodge No. 18 K. of P.—Castle Hall in Holman block, corner State and Liberty streets. Tuesday of each week at 7:30 p. m. A. E. Strang, C. C., R. J. Fleming K. of R. and S.

FORESTERS OF AMERICA—Court Sherwood Foresters No. 18. Meets Friday night in Turner block. S. W. Minturn, C. R.; A. L. Brown, Sec.

Modern Woodmen of America—Oregon Cedar Camp No. 5246. Meets every Thursday evening at 8 o'clock Holman Hall, Frank A. Turner, V. C.; A. L. Brown, Clerk.

Protection Lodge—No. 2, Ancient Order United Workmen, meets every Saturday evening in the Holman Hall, corner of State and Liberty streets. Visiting brethren welcome. J. G. Graham, M. W., J. A. Sellwood, Recorder.

OSTEOPATHY.

Dr. M. T. Schoettle, Frank J. Barr and Anna M. Barr.—Graduates American School of Osteopathy, Kirksville, Mo., successors to Dr. Orace Albright. Office hours 9 to 12 and 1:30 to 4:30 o'clock. Odd Fellows' Temple. Phone Main 2721; residence phone 2603 Red.

Dr. H. H. Beevell, Suggestive Therapeutics and Osteopathy. Nervous, functional and mental diseases, neuralgia, headaches, nervous prostration, dyspepsia, constipation, diarrhoea, rheumatism, asthma, etc. D'Arcy block, State street. Phone Main 2885.

W. G. Robbins, Dr. of Osteopathy, has added to his practice the system of superheated air, for the treatment of acute and chronic diseases. 187 Court street, Salem, Or.

TONSorial AND BATHS.

Ryan's Shaving Parlors—Seven first class barbers engaged. Finest bath rooms in city. We use antiseptic sterilizer. J. Ryan, Prop.

Evans' Barber Shop—Only first-class shop on State street. Every thing new and up-to-date. Finest porcelain baths. Shave, 15c; hair-cut, 25c. Baths, 25c. Two first-class hair blacks. C. W. Evans, proprietor.

Detroit Shingles. I have just received a carload of these shingles. Orders given prompt attention at P. L. Larson's wagon shop, or at residence, 373 Church street. S. P. McCRACKEN. 6-25-1m*

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Successor to Dr. J. M. Keena, 15 White Corner, Salem, Oregon. Parties desiring superior operations at moderate fee in any branch are in especial request.



CHICHESTER'S ENGLISH PENNYROYAL PILLS. Remedied and gently dissolving. It is the best and most effective remedy for all cases of indigestion, flatulence, biliousness, headache, neuralgia, rheumatism, and all other ailments arising from the stomach. It is also a powerful cathartic and purgative. Price, 25c per box. Sold everywhere.

CAPITAL CITY Express and Transfer. Meets all mail and passenger trains. Baggage to all parts of the city. Prompt service. Telephone No. 341. HICKMAN & HEDRICK.

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STONE'S DRUG STORES, SALEM, OREGON. The stores (two in number) are located at No. 225 and 297 Commercial street, and are well stocked with a complete line of drugs and medicines, toilet articles, perfumery, brushes, etc.

Has had some 25 years experience in the practice of medicine, and now makes no charges for consultation, examination or prescription.

HUIB WING SANG CO. Importers and Dealers in Chinese and Japanese fancy and Dry Goods, silks, ladies' underwear, furnishing goods, mattings, ornaments and silk handkerchiefs. We make up all kinds of wrappers and waists, white underwear, etc. Every goods in store now sale cheap. 100 Court St., Salem, Or. Corner Alley.

SALEM WATER COMPANY OFFICE CITY HALL. For water service apply at office, bills payable monthly in advance. Make all complaints at the office.

Harper's Whiskey is the best. Get some into your vest. Gus Schreiber keeps it. And you know the rest.

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A FEW BARGAINS THAT HELP.
50 lb. Sack Corn Meal, Regular Price \$1.15, now 90c.
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A man often gets when he takes his linen to a laundry that hasn't the reliable reputation that the Salem Steam Laundry has for the careful handling of your linen and madras, as well as the beauty of the work that is always put upon your shirts, collars and cuffs when done up at the Salem Steam Laundry. "The proof of the pudding is in eating it."
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