

Oregon City Courier

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In the United States senate republicans will have a two-thirds majority. In other words there is practically no change so far as the party's numerical strength is concerned.

Klickitat county's citizens joined in a monster optimistic rally at White Salmon, Washington, last Saturday. Expert publicity men and railroad officials were present from Portland to take part in the event, which was one of the most successful ever held in the "Evergreen state".

The women of Colorado have succeeded in re-electing Judge Lindsay, famous throughout the country for his juvenile court work.

It is all officially arranged that Mr. Roosevelt will become an editor. How long he will remain satisfied to be heard from but once a month remains to be seen.

A St. Louis woman wants a divorce because her husband has given her only one hat and one dress in twenty-five years. There is no justice in the courts if she does not win a suit this time.

Five years ago the sales of automobiles amounted to \$5,000,000 annually. For the past year they reached the sum of \$100,000,000, all of which shows how increasingly eager people are to buy trucks.

The Kaiser has suppressed an interview which he gave an American magazine writer. He probably preferred this method to the less original one of organizing an Annapolis Club.

Now that the campaign, the speech-making, the voting, the congratulations, and the shouting are all over, it must give Mr. Taft a bad taste to think of those promises about tariff revision.

South Dakota has voted away a \$200,000 annual income and the glory of her divorce courts. Where in the state now that will come to the rescue of the slightly married and reap the reward of gratitude and a full treasury?

In line with the general railroad development of this Northwestern country was the completion of the railroad from Elgin to Enterprise, which affords an easy market for the Walloa valley. The final terminus will be Joseph.

Not less than one-hundred complete cabinets have been offered to Mr. Taft, but the newspapers will probably learn that Mr. Taft is something of a cabinet maker himself.

No more interesting talk was ever made before the Portland Ad Club than the address delivered by Dr. W. T. Williamson on "Suggestion the chief force in advertising." Members and their friends filled the hall.

The gunning season in Maine has scarcely opened and there are nine hunters killed already. It is clear that it is going to be a great season for game.

It must be consoling to Senator Thomas Collier Platt to see that the people believe it will take a man like Root or Roosevelt to fill his seat.

Even the hens are responding to the effects of the election. Eggs are selling for forty cents a dozen as a sign of the prosperous times ahead.

Well, at least Mr. Bryan may reflect that he had a run for his money and that now Mr. Taft has all the hard work to do.

North Dakota Decision Does not Affect Statement No. 1. Frederick W. Mulkey, former United States senator from Oregon, head of the Oregon tax commission, which drafted some of the most important laws now on the statute books, and prominent attorney of Portland, takes the stand that the Oregon direct primary law and Statement No. 1, is not parallel to the law of North Dakota.

Portland, Or., Nov. 14.—To the Editor of the Journal—In compliance with your request that I give you my opinion upon the application of the recent decision of the supreme court of North Dakota upon the provisions of the primary law of that state, in as far as its primary law deals with the election of United States senators and the pledging of members of the legislature to support the choice of the party for United States senator, to the primary election law of the state of Oregon upon the same subject, I desire to state as an introduction to my opinion that, in my judgment:

First—The decision of the supreme court of North Dakota is sound in every particular.

Second—That those parts of the primary law of North Dakota which were held to be unconstitutional and void by the supreme court of that state are not contained in the Oregon primary law upon the same subject, either by precise language, by implication or analogy.

Third—That the obiter dicta of the supreme court of North Dakota in that part of its opinion which holds the pre-election pledge of members of the legislature to vote for the party choice for United States senator to be void and unconstitutional is not unfavorable to the constitutionality of the Oregon law upon the subject.

Fourth—That the opinion of the supreme court of North Dakota upon those portions of the primary law of that state are analogous to the Oregon primary law upholds the constitutionality of the law in so far as it is within judicial power to pronounce upon the subject.

The part of the primary law of North Dakota which the supreme court held to be unconstitutional and void was as follows: Section 4, chapter 109, of the laws of 1907, which requires a candidate for legislative nomination to make the following pledge before his name could be placed upon the primary nomination ballot:

during my term of office, I will support and vote for that candidate for United States senator in congress of the party of which I am a member who has received a majority of such votes for that position at the primary election next preceding the election of the United States senator in congress; provided, that in case no candidate of my party receives 40 per cent of all the votes cast for the office of United States senator of my party, then and in that case I pledge myself to vote for the candidate of my party who receives the highest number of votes of my party at the general election succeeding such primary election.

The court very properly held this pledge to be unconstitutional, because the constitution of the state contained all the qualifications for holding office, and to require the candidate to take an additional statutory qualification before his name could be placed upon the ballot contravened the organic law upon the subject and was, therefore, void. In this respect the opinion says:

"If the provisions of the act (section 4), requiring said oath and pledge conflict with section 211 of the constitution of this state, then of course, those portions of the act are null and void. We think it plain that they do thus conflict, as they add another oath, declaration and test as a qualification for the office."

But this cannot be considered a decision from which it can be concluded that the pledge contained in the Oregon primary law (Statement No. 1) is unconstitutional, because the statute providing for the Statement No. 1 pledge does not make the pledge a qualification for office. A legislative candidate is not required to take the pledge to be for the choice of the people before his name can be placed upon the primary ballot. He may, however, within his own discretion, take either Statement No. 1 or Statement No. 2—that is, he may regard the choice of the people merely as a recommendation or he may take no pledge at all. The law being specific upon the point in that it leaves it all to his discretion.

As to the obiter dicta of the North Dakota opinion that declares the pledge under the law of that state to be unconstitutional, it is the application to the Oregon primary law, which, as I have said, does not contain the pledge as a qualification to hold office, the court says:

"We shall assume for the purpose of this case that if these contentions are sound, the writ should issue, although we confess our inability to understand just how the writ prayed for, can, if issued, operate to undo what has already been done by defendant pursuant to this law. The candidate for the legislature have long since taken oath, and made or given the pledge as directed by the sections 3 and 4 of the act. Such a pledge is most merely created a moral obligation to fulfill the same. If the law under which the pledge was exacted is held void the moral obligation will still continue, and no judgment of a court can obliterate it. It would be to make a success of lies—Do you want to know how to double the business you are now following?—Do you desire to learn a profession or business of your own? IF SO CALL ON

PROF. SIZER Room 1, Masonic Bldg. Oregon City

Do You Want to know what to follow to make a success of lies—Do you want to know how to double the business you are now following?—Do you desire to learn a profession or business of your own? IF SO CALL ON

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under this decision the name of the party's candidates for the nomination of United States senator under the Oregon law can be constitutionally placed upon the primary ballot to ascertain the candidate who is entitled to party support and this as a basis for the moral obligation to support the candidate—the right being guaranteed under the right to petition. If this be true can it not be said if there be no legal interference with party integrity for the same can be done by placing the name of the party nominee for United States senator upon the general election ballot to ascertain the person who is entitled to the support of those members of the legislature who have placed themselves under a moral obligation? If the right under petition is given to the members of a political party can not the same right under petition be given to the entire electorate of the state?

In the North Dakota case the moral obligation existed because certain candidates for the legislature bound themselves under an unconstitutional law. Under the Oregon law the candidate is left free to take a moral obligation or not as he may see fit; if he does take it all the primary law of Oregon does and all the general election law upon the subject does, is, first, to furnish evidence of the moral obligation by filing with a proper state officer the pledge (Statement No. 1) and then by ascertaining the party's nominee at a primary election and thereafter the people's choice at the general election furnish a basis by which the electorate of the state may determine whether those who voluntarily placed the moral obligation upon themselves have or have not performed that moral obligation at the time the legislature votes for United States senators.

FREDERICK W. MULKEY.

Colton. After a long spell of nice, dry weather, we are having a shower of rain. This is quite welcome to farmers.

A. B. Countryman is busy moving to the Snogross place at Meadowbrook. He has rented this tract.

A basket dinner was given at the Swedish church last Sunday. A large crowd attended and a good time was reported.

Chester Corbett, of Oregon City, was a visitor at Colton last Sunday.

Dolph Freeman, of Elwood, is busy hauling gravel from the Mill creek. U. S. Dix did some chopping for Carl Stromgren last Saturday.

George Wallace, of Highland, went to his ranch in the mountains last Sunday.

Mr. and Mrs. Patz visited Mr. and Mrs. Scherubel last Sunday.

Mr. Extrum and family moved to Portland last Monday.

The road supervisor of district No. 21 has a crew of men building a new bridge on the Gorbett road.

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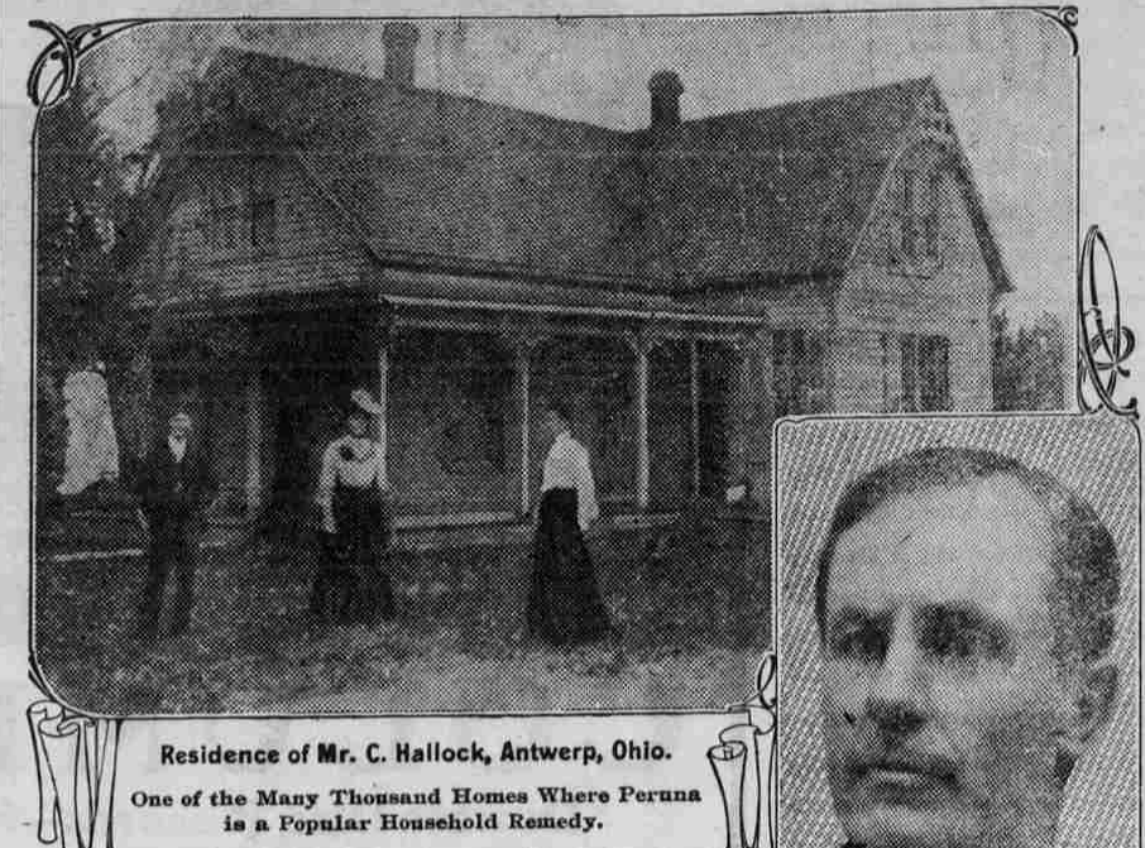
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A HOME WHERE PERUNA IS USED.



Residence of Mr. C. Hallock, Antwerp, Ohio. One of the Many Thousand Homes Where Peruna is a Popular Household Remedy.

CATARRH OF THE HEAD.

Mr. C. Hallock, Antwerp, Ohio, writes: "My daughter, Alice, after taking three bottles of your Peruna, is entirely cured of catarrh of the head of two years standing. "We have used Peruna as a general tonic, as well as for catarrh, and are well pleased with it, and recommend it to anybody who has catarrh. "Anybody wishing any information can write to me."

Mr. William F. Burke, 1265 Frankfort Ave., Philadelphia, Pa., writes: "On the 10th of February, 1901, I was taken with cramps that extended from just below my throat to the bottom of my stomach. They were so severe that my wife had to go for a doctor about two o'clock in the morning. "I had from February until July of that year three doctors, and they were giving me medicine for kidney, liver and bladder troubles, and after taking all kinds of their mixtures, in the month of July I could neither eat nor drink. For three weeks I had not taken a morsel of food except in a liquid form. At the end of that time I could not drink milk or water except in small sips, which caused me great pain. "I had given up all hope of living more than a week or two at most. I told my wife I thought I had catarrh of the stomach. She seemed to think so too, and having read of Peruna I decided to give it a trial. "I took several doses that evening, and for the first time in weeks rested fairly that night."

Mr. J. C. Crumpacker, R. R. 1, Kokomo, Ind., writes: "I can say that I have nothing to complain of now. I feel well, rest well at night, have a good but moderate appetite, can eat almost any kind of food. "I have no aches or pains anywhere, and can do some kind of work every day. I must say I can stand as much fatigue as I ever could, and feel good over it. "The hemorrhage has yielded to Peruna, the grip has done the same, as well as pains and aches of all kinds. "The roaring noise has entirely left my ears and head, my mind is clear, my recollection good, my bowels are regular, and I just simply feel easy all over. "The cure of my case was surely a victory."

Catarrh of Long Standing. Mr. C. A. Reunstrom, 870 Seventh St., Ogden, Utah, writes: "I take great pleasure in stating to you that your medicine, Peruna, has completely cured me of a long-standing case of catarrh. "I had consulted noted doctors without any relief. By persistent urging of a friend I commenced the use of your wonderful Peruna with the best of results, and today I highly recommend it to any one suffering from catarrh in any form. "As for myself, I suffered untold agony, but today I feel as spry as any one, with more ambition and confidence in myself than I have enjoyed for years. "All my friends say I look better than ever before, and I urge them all to try Peruna, and have sold dozens of bottles with the greatest of satisfaction. "Your Peruna is the greatest tonic and builder for a broken-down constitution arising from that dreadful disease, catarrh. "Some people prefer to take tablets, rather than to take medicine in a fluid form. Such people can obtain Peruna tablets, which represent the medicinal ingredients of Peruna. Each tablet is equivalent to an average dose of Peruna."

Peruna Relieved All Symptoms. Mr. J. C. Crumpacker, R. R. 1, Kokomo, Ind., writes: "I can say that I have nothing to complain of now. I feel well, rest well at night, have a good but moderate appetite, can eat almost any kind of food. "I have no aches or pains anywhere, and can do some kind of work every day. I must say I can stand as much fatigue as I ever could, and feel good over it. "The hemorrhage has yielded to Peruna, the grip has done the same, as well as pains and aches of all kinds. "The roaring noise has entirely left my ears and head, my mind is clear, my recollection good, my bowels are regular, and I just simply feel easy all over. "The cure of my case was surely a victory."

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DON'T HITCH YOUR HORSE IN THE RAIN

E. W. MELLIE & CO. Will Furnish Free Stable Room

The Name

(E. W. Mellien & Co.)

1000 Articles on counters marked 5c, 10c and 15c. Look them over every time you come to town. What you want is there. Quit paying 25c for articles you can buy for 10c.

The Place

Opposite the Court House. Here is your first stop. Get a Free Stable Ticket and take your team on down to the barn—bring your feed. Take care of your team, and if you need anything around the store come back and help yourself.

The Man

He's accommodating; he'll show you he appreciates your call and he'll make you want to come back. He is equally accommodating to the 5-cent customer and the 50-dollar customer. He knows that a good word from you to your neighbor is worth more than a sale to you.

You Want

All your money will buy. It is up to us to keep a reputation for reasonable prices and fair dealing. There's just one way to do it. Visit our store and you will become one of our best advertisements.

E. W. MELLIE & CO.

Opposite the Court House Everything for the House

Desperate Coughs. Dangerous coughs. Extremely perilous coughs. Coughs that rasp and tear the throat and lungs. Coughs that shake the whole body. You need a regular medicine, a doctor's medicine, for such a cough. Ask your doctor about Ayer's Cherry Pectoral.