

The Oregonian

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PORTLAND, THURSDAY, NOVEMBER 23.

A GOOD PIECE OF WORK.

A franchise has been granted by the City Council of Chehalis, Wash., which by its modern and enlightened provisions shows that Chehalis has a Council alive to progressive thought and careful of the public interests for which it is trustee. The franchise is granted to an electric railway and power company; and since such franchises are now in great demand and are bestowed too frequently in reckless disregard of the interest of the public, some study of its excellent features may appear neither untimely nor profuse.

To begin with, the grant is limited to thirty-five years. The Council wisely refrained from trying to settle for all time what the relations shall be between Chehalis and its street railways. The easement of the corporation in the highways of the city is to terminate with the life of the generation which confers it. This is well. Future generations have their rights also, and may desire to make terms entirely different. New inventions are likely to appear within thirty-five years which will supersede the existing system, and it is free to adopt them upon advantageous terms. Long franchises amount to a renunciation of all improvement. They deliver the future to the inexorable tyranny of greed. The St. Helens Improvement Company, which is seeking franchises over the county roads of Washington, asks for a fifty years' grant. This is too long. The lifetime of one generation is ample. Perhaps it is excessive. The best thought of our day suggests twenty years as fair to both the grantee and the public.

How the street railway property created under the admirable Chehalis franchise is to be disposed of at the termination of the thirty-five years is not stated in the news report. Two ways suggest themselves. The grant to the corporation may be renewed upon terms more favorable to the city and for a shorter period, or, should our progress in civic virtue be what it ought during the next third of a century, Chehalis may perhaps take possession of the property and manage it as successfully, as many foreign cities do. American patriotism and business sense are as yet probably unequal to such a task, but may we not hope to grow somewhat in the course of thirty-five years? Are we to remain so content with civic ideals so low and public dishonesty so flagrant that America must forever hide her face in shame as the moral pariah among the nations?

Again, it is noteworthy that the City Council has exacted compensation for the franchise. After ten years the city is to receive 25 per cent of the net earnings of the corporation. This is a very moderate compensation, but it is something. It indicates that the shameful custom of squandering the rights of the public in the highways, as the debauched monarchs of other days flung privileges right and left to the infamous instruments of their vices, has passed away. At any rate, it is passing. The divine right of corporations to plunder the public is no longer accepted with meek submission. A franchise is not a thing of wealth, but it is wealth and has value as such. The recognition of immaterial property is ancient and firmly fixed in Anglo-Saxon jurisprudence. Blackstone expounds its nature as a commonplace. He adverts to advowsons as an example. An advowson is the right of presentation of a candidate to a living in the English Church. It is absolutely immaterial. It cannot be seen or weighed or measured. Yet it has value. It is bought and sold. The same is true of franchises. While eluding the senses they are property none the less. The New York statute so declares and the Federal Supreme Court has sustained the statute. The Assessor of Multnomah County has fixed the valuation of the franchise in the Portland Railway Company at \$600,000, and the Board of Equalization has confirmed his estimate. The market value of this franchise is some \$4,000,000, so that the public is still far from receiving its dues; but the assessment is a step, and a long one, in the right direction.

Consider finally the provision in the Chehalis franchise that the books and records of the grantee must be open at all times to inspection by the City Council. This is the provision which President Roosevelt told the railroad employes he would like to see enforced against the railroad corporations. The Interstate Commerce Commission in-

cludes it among its recommendations to Congress. It is honest, equitable and thoroughly commendable. The attorney of the grantee argued against free inspection of its books by the Chehalis Council. One wonders why. Is no public a party to the transaction, and a most interested party? Has not the creator and benefactor of a corporation abundant right to inquire what use its benefactions are put to? Too often the right has lain in abeyance and the creature of the law has taken advantage of the public indifference to plunder and outrage his benefactor; but for all that the right remains intact and it is encouraging to see it exercised in Chehalis. Why should the railway company object? Have they some nefarious scheme to conceal? Are they planning some game of stock-watering which requires secret and misleading complexities of bookkeeping? How could the city exact its 25 per cent of the net earnings without access to the grantee's accounts? What a corporation really likes is first to wheedle or defraud the public out of an unconditional, perpetual grant, and then to turn on the silly spendthrift and tell him to be damned for his folly. But this fashionable and agreeable method does not seem to work in Chehalis.

PURGING THE BAR.

"The bar," remarked Mr. Corwin S. Shank, of Seattle, before the Bar Association, "ought to be purged of its unworthy members." In this beautiful and touching sentiment all men must acquiesce. The bar made purging, needs it sadly; but so far as we can see from its report, the grievance committee of the Bar Association is not the cathartic to suit this particular patient. The committee has done as well as its predecessors, let us hasten to add, which amounts to saying that it has done nothing. The resolutions of the Oregon bar to purge itself have always been a very much like Faust's resolution to purge and expel from certain walks, turn squarely at corners, never look at an upper classman, never talk to girls, observe certain regulations about eating, and reply most respectfully when spoken to by upper classmen. All this transpired at the Meriwether court-martial yesterday. Meriwether is a young braggart, a loafer, and who knows about his own dignity and very deservedly—low notions about the morale of the institution. He became greatly incensed at a fellow-midshipman named Branch and grossly insulted him, knowing that, under the cadets' code, Branch must challenge him to a fist fight. Branch under coercion did challenge him, and after twenty-two rounds of furious fighting received a wound from which he subsequently died.

Now the academy authorities are quickened into action. They propose to punish somebody. But Meriwether is not wholly, or even primarily, responsible for the death of young Branch. He did not intend to kill Branch. They simply proposed to fight it out, precisely as many a demagogue has fought it out, to satisfy the demands of the mob, the code is to blame, and the naval authorities are to blame for the code. Why not put the commandant at Annapolis on trial? It will doubtless develop, if inquiry is made, that he knew all about the code. If he didn't know it, he didn't know much about what the cadets were doing, and he was and is unfit for his place.

But no doubt there will be a little flurry about this Meriwether-Branch episode, and then it will be forgotten and the young gentlemen at Annapolis, who are so jealous of their honor and so careless of their country's honor, will take things again in their own hands and the obstinate under-classes on railroad tracks, or bind them hand and foot and take them by force many miles from the country leaving them there, or roll them in barrels until they succumb from sheer exhaustion. It was this latter variety of playful entertainment that caused the death at Annapolis, some years ago, of young Strang, an Oregon midshipman. One might think that so shocking and deplorable an event would lead to stern discipline at Annapolis, but it didn't.

COMPULSORY VACCINATION.

There is never a time in which agitation in regard to compulsory vaccination is not in progress in some part of the country. Between the advocates of vaccination, who demonstrate volubly from the records that it is the state's duty to protect its citizens against an always possible epidemic of smallpox; and the opponents of the measure, who are in open revolt against the introduction of the virus of a loathsome disease into the human system, a wide gulf is fixed, each side being invulnerable to the arguments of the other. Of late years the complication has been increased by injection into the suffering blacks. The slave trade, through a country that has been thickly settled for half a century, this year has added 139 locomotives to its equipment and has appropriated \$15,000,000 for other improvements.

The Citizens' Industrial Association of America adopted at St. Louis a resolution that labor unions, which it calls labor trusts, should be prosecuted in like manner as are trusts of capital. Labor unionists who know how trusts of capital are prosecuted will not be much scared at this threat.

The policy-holders are now to pay McCurdy only \$75,000 per year, which is only 50 per cent more than the people of the United States pay President Roosevelt. But, then, McCurdy has a large family to support—also at the policy-holders' expense.

The Government is determined to ascertain, through the Meriwether court-martial, whether the commandant or the midshipmen are running the Annapolis Naval Academy. The inquiry might well extend to the average American college.

Mr. Platt never asked the insurance companies for that money, and never promised them anything. It was policy-holders' money, and the benevolent management had to get rid of it somehow.

A Montana man wagged that he could drink a quart of gin, and he won his bet. But he died. Which is of less importance in Montana—than to be a loser.

State and Unprofitable. One day a football player appeared in the classroom during the football season. The students were deeply shocked, yet they managed to preserve the outward forms of respect. But when presently it turned out that the fellow knew his lesson there was none so poor to do him reverence.

each instance will soon be reported at Washington. These are but a few of the great activities that are in progress for the reclamation of arid lands. We have heard nothing that indicates that any of these projects are abandoned in the Rocky Mountain States is likely to be "turned down" by the Interior Department. They have been conducted carefully, under strict Governmental supervision, as have been the several smaller projects in our own state, and they appear to have found favor at Washington. For this we are glad. Any scheme that proposes to extend the arid area of the country and multiply its homes is significant of National progress—of help that looks to self-help—and of effort that tends to relieve congestion in the great cities so incompatible with the genius of our National life.

Oregon asks to be permitted to share, to the extent of her needs in this line, the funds favor of the Government. All of the state's uncultivated lands are not timber lands, liable to suffer spoliation from timber thieves, aided and abetted by venal officials; nor are all of these lands in the well-watered valleys of Western Oregon. A vast expanse in Eastern and Southeastern Oregon awaits irrigation "to laugh into plenty beneath the seller's feet," as Hamilton Carhart emphatically expresses it. The state is in an unfortunate position at the National capital just now. Its interests have suffered—are suffering—severely from lack of representation. And when to this is added the apparent hostility of the Secretary of the Interior to its irrigation projects, and the apparent hostility of the Secretary of War to the improvement of its rivers channels, it must be conceded that the time for vigorous protest is at hand.

HAVING FUN AT ANNAPOLIS.

Here is the "code" at the Annapolis Naval Academy for fourth classmen: They must keep away from certain walks, turn squarely at corners, never look at an upper classman, never talk to girls, observe certain regulations about eating, and reply most respectfully when spoken to by upper classmen. All this transpired at the Meriwether court-martial yesterday. Meriwether is a young braggart, a loafer, and who knows about his own dignity and very deservedly—low notions about the morale of the institution. He became greatly incensed at a fellow-midshipman named Branch and grossly insulted him, knowing that, under the cadets' code, Branch must challenge him to a fist fight. Branch under coercion did challenge him, and after twenty-two rounds of furious fighting received a wound from which he subsequently died.

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George B. Robbins, president of the Armour Car Lines, a corporation operating in 200 cities, refused in a recent hearing before the Interstate Commerce Commission, to answer the question as to whether the company gave preferential rates to Armour & Co., declaring in substance that it was none of the commission's business if it did. It is evident that some power, to which railroad corporations are amenable, will have to be invoked or the railroads will have the "land grab" on all the business of the country. The business of Armour & Co. being with the public in the widest sense, is not a "private matter into which the Interstate Commerce Commission has no right to inquire," as alleged by Mr. Robbins. It is a matter in which the public has a vital interest, and this inquiry was in direct line with the purpose for which the commission was created. Yet a little longer and the world will be brought to book.

The remarkable prosperity of the railroads is not confined to the lines that traverse the new and rapidly developing districts of the West, for complaints of car shortage are heard in all parts of the United States. Another evidence of the enormous increase in traffic is the Erie Railroad, one of the pioneer roads of the East, running through a country that has been thickly settled for half a century, this year has added 139 locomotives to its equipment and has appropriated \$15,000,000 for other improvements.

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such legislation is permissible under the Federal Constitution. The editor of the Green Bag, in calling attention to the decision, notes that the court sustains the right of the state to enforce a compulsory vaccination law with reference to adults, and by implication sanctions the requirement as applied to children attending the public schools. The Massachusetts law was attacked on the plausible ground that it interferes with personal liberty and is opposed to the spirit of the Constitution. This contention the court of last resort holds is untenable. The police power of the state is extensive, and operates according to the emergency presented. In its legitimate exercise the liberty of the individual may be reasonably restrained for the public welfare. The contention in this state is confined to the school authorities, who use discretionary power in the premises. We have no state compulsory vaccination law, and the power of the School Board extends no farther than to decline to receive children into the public schools who have not, within a reasonable length of time, been vaccinated. This power, according to a late decision of the Attorney-General, is arbitrary and not in consonance with law. In the meantime, smallpox, like the poor, we have always with us. The type of the disease in recent years, owing to sanitary regulations, is not malignant. But since nobody wants to have, and the quarantine that it involves, and the distasteful, the majority of people will accept vaccination as a precautionary measure and become immune to the vexatious and disgusting malady. The matter is one of which it may be said, "The prudent man foreseeth the evil and hideth himself, while the simple pass on and are punished."

The atrocities perpetrated on the wretched natives by the Congo Free State under the jurisdiction of King Leopold of Belgium crused in systematic, coldblooded cruelty even those that the Jews have lately suffered in Russia. The Congo cruelties are perpetrated in the name of trade, the natives being compelled, by the most horrible punishment, to bring in rubber to the Belgian monopoly that controls the rubber trade. The natives are punished regardless of the fact that the rubber forests are worked out the people cannot execute the command of their masters. The Rev. C. B. Antisdell, a Baptist missionary, publishes in a late number of the Independent a review of the evidence that was brought out before the commission appointed by the British government to investigate the matter, and concludes his paper with the statement that the British government is bringing some pressure to bear on Leopold to put a stop to these atrocities, adding: "If the United States would do likewise, the combined effect of such action could not be resisted by Leopold." It is certainly time that measures were taken by civilized nations to force the conscienceless mercenary who wears the crown of Belgium to withhold his oppression from the suffering blacks. The slave trade, with its dire cruelties, has no chapter in all its history that records greater outrages upon humanity than are detailed in the bloody record of Leopold's government of the Congo State. And yet these shocking cruelties go on and on, year after year, practically unchallenged by civilized nations.

The Old-Timer's Story.

Yesterday, after the adjournment of the State Bar Association, Major Gulliver G. Gristleback and his friend, Judge Ananias Chickengizzard, dropped into the club, and after eating a few oysters of neck trench, the Judge lapsed into a reminiscence mood. "I remember the great deer hunt we used to have in the breaks of the Yamhill, Major," asked he, "fishing an unsanitary-looking sardine out of the free-will lunch offering." "Ah reckon as how Ah do, southern," responded the Major, in his soft Southern Oregon drawl, "and pesky good times we had, too."

The Judge was silent for a moment, and then began to narrate with his mouth full. "I recollect in particular a race we had after a big buck, one day in that old Winter of '94 and '95. We started the deer about nine miles south of Dayton, in the safe hills. We were mounted and had a pack of Siberian spaniels and collies, the best deer dogs anywhere in the county. They were known as the dogs in the manger, and have made Yamhill famous. As I said, we started early in the morning, and by the time the sun was up, I remember it as if it was yesterday, for sugar-beets and castor-beans were ripe, and life seemed worth living. The scent of new-mown hops was in the air, and I felt almost reconciled to Cleveland's election. As I say, the bear was flushed about nine miles west of Dayton, and struck out across the prairie, bounding over rocks and fallen logs as if he were scared to death. I emptied both barrels of my Smith-Prigg hammerless into the flock, and broke one's wing, but he hid in the grass and there was no time to look for it, as we were in full cry and he was running like an express train, with his antlers held high, like the masts of a ship. By this time it was getting well along in the afternoon, and the sun was hotter than blazes. We could see the tall pines along the banks of the Yamhill, far away, and we knew that the deer was making for the river. We quickened our pace, expecting every minute to break the springs of our buggy, for our team was in a dead run. Instantly we were at the river's brink. The broad stream was a glare of ice, and the bear did not hesitate a moment, but, sliding and slipping, he lumbered across to the other side, the dog right at his heels. On the other side was a big wheat field, with a lot of men harvesting. Right into that waving field of yellow grain ran the splendid buck, with his eyes bulging and his tongue bulging out. He dashed right by a binder which a big, brawny blacksmith was driving, who, quick as a flash seized the psychological moment and the pitman-rod of the binder and cut that deer's head off clean as a white and by the time we caught up with the dog, the harvester had the carcass skinned and dressed. It weighed 350 pounds, and I have the antlers in my hall to this day."

The Judge panted, panting with excitement at the recollection of the stirring scene. Mayor Gristleback's eyes were also beaming. "Ah remember perfectly well that hunt," he said, "I was the man with the pitman-rod. Have another dill pickle, sah, for old time's sake."

A man who can pay compliments as gracefully as Harry Whittier should be able to break up every happy home in Portland.

It seems to be a fact that a criminal always breaks down before he coughs up.

There certainly are enough Smiths in Oregon to elect E. L. of Hood River, Governor.

Gents discuss gentlemen, but gentlemen never discuss gents.

The world has grown so old that it laughs at its own senility.

He who practices the habit of thinking should talk through a filter.

When the wedding presents and the marriage settlement come in at the front door, Cupid climbs out of a back window.

He who would teach should first learn. Not many do.

ARTHUR A. GREENE.

SILHOUETTES

Perhaps if an investigation were made it would develop that the evil influence against Oregon in Washington City is the reputation and character of some three certain members of Oregon's Congressional delegation.

Why don't the Administration let the railroads alone? They will regulate their own rates all right, all right.

Senator Burton is another man who should make it a practice to burn his letters.

He who is not prepared to suffer is not prepared to live.

When a woman says "You rascal," to a man, he wants to kiss her. When one man says it to another, he wants to fight.

When life ceases to be a puzzle, it ceases to be a pleasure.

The Boyville vigilantes ought to tar and feather that under-Sheriff who arrested the boy who climbed the fence to see the Sherman-Chemawa Indian football game. That arrest was the meanest act done in this town during a whole year.

It is funny to see a freshman make up in college togs, but it becomes distressing when a man of 40 wears an ingrowing hat.

The discovery of gold in Vermont is reported. It must have been made in a dentist's office.

The difference between a young man's fiancee and his "steady company" is the difference between King's Heights and Slabtown.

A person who wears the smile that won't come off is as great a bore as the one who carries his troubles around in a sieve.

It will be noticed that when a preacher "accepts a call" a "raise" usually accompanies the "call."

Whenever I see "a man who was" I think of haunted houses and shivers.

For a man who wears whiskers Jim Hill seems to be considerable of a success.

The time has come in Republican politics in this state when the voters should call for a new pack of cards, see them opened and watch the deal.

The Old-Timer's Story.

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JAPAN'S GREAT NEW NAVY.

Will Build Huge Battleships of High Speed. VICTORIA, B. C., Nov. 22.—The Japanese Admiralty has entered upon an elaborate scheme of naval expansion which is expected to be approved at the coming session of the Diet. According to news by the Shantung today, Admiralty officials say Japan's best ships are beginning to be out of date, and larger ships with much heavier armament and higher speed will be built.

The Jiji Shimpo says the battleship of the future navy of Japan will displace 25,000 tons and have an armament of 14 12-inch guns and a speed of 20 knots, while the future cruisers will displace 15,000 tons and have a speed of 25 knots, but no official announcement has been made in this regard.

The Nippon gives a list of warships about to be laid down in Japanese yards, as follows: At Yokosuka, battleship Satsuta, 18,000 tons; Kaga, battleship Aki, 18,400 tons; armored cruiser Tsukuba, 14,000 tons, to be completed in February, 1906; armored cruiser Ikoma, 14,000 tons, to be launched in December, 1905; armored cruiser Ikumi, 14,000 tons, to be laid down at Yokosuka; armored cruiser Kurama, 14,000 tons.

The five submarines recently added, built in America in sections, gave a total of 20 that the squadron will be increased. The destroyer Asakaze was launched at Kobe on October 23, and four others are in course of construction. A second-class cruiser and a dispatch-boat are being built at Sasebo.

The steamer Shantung, of the Boston Steamship Company, arrived here today from Manila with a cargo of 14,000 tons of hemp, madder, tea and general merchandise, valued at \$1,200,000.

RETURN OF VICTORIOUS ARMY.

Soldiers Laud With Great Acclaim. Mikado to Receive Generals.

VICTORIA, B. C., Nov. 22.—Great preparations are being made for the return of the Japanese army from Manchuria, according to advices by the steamer Shantung. Major-General Sakai and the Japanese army are expected to be landing at Ujima, amid great acclaim, when the steamer sailed, and 35 transports were waiting at Dairen (Dairen) for the troops.

Traffic on Japanese railroads has been interrupted, and preparations are being made to make a record in celebrity. All the troops are expected to be home in six months. The plan of the organization will be demobilized. Kuroki's army will arrive after the Tumen army.

Marshal Oyama and staff are expected at Tokyo in December. Merchants of Yokohama have erected an arch costing \$800 at the railway station in honor of the troops.

Enemies Unite to Fight Fire.

VICTORIA, B. C., Nov. 22.—News was received from Sakhalin that, when the Japanese were landing over Northern Sakhalin, the Russians, first broke out at Alexandrovsk and destroyed 30 buildings. Russians and Japanese fought the fire side by side.

Return of Russian Troops.

VICTORIA, B. C., Nov. 22.—The Russians propose to send six army corps home from Manchuria to advance an army corps of 22,000 men and 160 guns to remain for the time being. The movement of the six horse-going armies is expected to occupy 15 months.

Japan's New Big Gun Factory.

VICTORIA, B. C., Nov. 22.—An immense gun factory, with 20 large gun shops, covering 82 acres, is being established on the Sumida River, near Tokyo, by the Japanese military authorities, where 400 men will be employed in making heavy ordnance.

ST. PAUL WAS INTERESTED

Opposed Franchise Asked by Northern Pacific.

TACOMA, Wash., Nov. 22.—(Special.)—President Jones of the Chamber of Commerce tonight indignantly gave away the secret of the ownership of the lands recently transferred to the Pacific Railway. The disclosure was made while Mr. Jones was relating the history of the opposition to the franchise for the proposed Dempsey mill on the tide flats. President Bellingham of the Council, declared the members of the chamber, were to blame for the way the matter had been delayed. If they had knowledge of the inside facts and had not made them known to the members of the Council.

JEWES FLEEING TO PALESTINE

Zionist Movement Given Great Impetus by Massacres.

ST. PETERSBURG, Nov. 22.—Dispatches from Southwestern Russia indicate that the Zionist movement has been given a powerful impetus by the recent Jewish disorders. Hundreds of Jewish families are leaving or preparing to leave for Palestine. Three hundred fled from Odessa today.

NORTHWEST DEAD.

Peter Irving.

TACOMA, Nov. 22.—(Special.)—Peter Irving, pioneer of Tacoma, and one of its most prominent and wealthiest citizens, died at 11:45 tonight from paralysis, with which he has been stricken, week ago. His nearest relatives are a married sister in Ontario and two nephews—Peter H. Irving, of Tacoma, and H. E. Irving, of North Yakima. Mr. Irving had never married.

Mrs. C. A. McFarland.

EUGENE, Or., Nov. 22.—(Special.)—Mrs. C. A. McFarland died last night at the home of her daughter in Springfield, from the effects of injuries received last week, when she received a fracture of the hip-bone in a fall while she was 87 years old and came to Oregon from Minnesota in 1872.

Report on Devil's Estate.

TOPEKA, Kan., Nov. 22.—The report of the U. S. Circuit Court at Topeka, Kan., that the estate of the late John W. Devlin, which was valued at \$1,500,000, and the total liabilities were estimated at \$74,000, but their value has not yet been fully determined.

FIGHTS BETWEEN UNIONS.

Longshoremen and Seamen Will Arbitrate Their Feud. PITTSBURGH, Nov. 22.—One of the most interesting features of today's sessions of the American Federation of Labor convention was the reading of a reply from Governor Pennypacker to the communication of the convention asking that he issue a supplemental call for the extra session of the General Assembly which would include certain legislation in the interest of labor unions and employers' liability laws. The answer was read just before the convention adjourn