

TEN MILLIONS THIS YEAR

(FISCAL YEAR CLOSSES MAY 10th, 1907)

Shipments for First Seven Months of Ninth Year

\$5,793,858.54

Gain in Shipments for First Seven Months

(COMPARED WITH SAME PERIOD LAST YEAR)

\$1,403,740.00

No Other Shoe House in the World Ever Made Such Gains

Shipments this year have shown an average monthly gain of \$200,000.00.

This indicates a gain for the year of \$2,400,000.00.

Gains made in seven months indicate that shipments for ninth fiscal year will be

\$10,240,000.00

Remember—This Record is for Only Seven Months and We Are Not Yet Nine Years Old.

"STAR BRAND SHOES ARE BETTER"

ROBERTS, JOHNSON & RAND SHOE CO.

ST. LOUIS, U. S. A.

FOR SALE IN PORTLAND BY THE CHICAGO

Society
SHOE FOR WOMEN

The increased demand for Star Brand Shoes makes two more factories necessary and work on them will begin at once. One at Washington, Mo.; one at Cape Girardeau, Mo. Daily manufacturing capacity will then be 6,000 pairs.

Patriot
SHOE FOR MEN

Now operating six big specialty factories—one each at St. Charles, Mo., Hannibal, Mo., and Jerseyville, Ill., and three in St. Louis—employing nearly 5,000 shoemakers. These six big factories cannot supply the greatest demand.

OFFERS A REMEDY

Lawyer Tells How Supreme Court Can Be Helped.

RELIES ON CONSTITUTION

Says Circuit Judges Are Now as Much Justices of the Higher Tribunal as They Ever Were.

SALLEM, Or., Dec. 13.—(To the Editor.)—

Inasmuch as considerable discussion is being had as to the necessity of providing additional help for the Supreme Court, I write this letter to suggest a solution of the difficulty, which appears plainly provided by the constitution of Oregon. It is surely a misconception of that article to suppose that when the state acquired 200,000 population the Supreme Court was reduced from five to three Justices without power to increase the number, and that a constitutional amendment is necessary to secure a sufficient number of Justices. It is not fair to presume that men who were able to prepare so good a constitution as ours should not have foreseen that Oregon would at some time equal at least the states from which they came and require an extensive court system.

Before Oregon acquired 200,000 population the Judges elected from the respective districts, under Section 2 of Article VII, of the constitution, acted both as Circuit and Supreme Judges, and I believe from an unbiased construction of the constitution the Circuit Judges are now as much Justices of the Supreme Court as they were then. There is nothing in the constitution making any change in their duties or oaths of office; hence, Circuit Judges are now, as then, Associate Justices of the Supreme Court.

In construing a constitution it is elementary that all sections bearing upon a given point must be construed together so that if possible all may stand as a perfect whole.

Again it is said it must not be interpreted on narrow or technical principles, and if two constructions are possible the one which gives a meaning to every word and clause should be adopted.

Sections to Be Read Together.
Upon reading the constitution of Oregon in the light of these rules it will be found that Sections 2, 6, 8, 10 and 21 of Article VII, must be read together and so construed that all may stand in harmony. Section 2 provides:

amount to 100,000, and shall never exceed seven.

Section 10 provides:
When the white population of the state amounts to 200,000, the Legislature Assembly may provide for the election of Supreme and Circuit Judges in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform Circuit duty, and the other class shall consist of the necessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges.

Section 21 reads in part:
Every Judge of the Supreme Court shall take the following oath: "That I will faithfully and impartially discharge the duties of a Judge of the Supreme and Circuit Courts of said state."

Thinks Construction Untenable.
I have recently perused carefully an opinion of an eminent jurist wherein he attempts to construe Sections 2 and 10 together and arrives at a conclusion that the Supreme Court may have not less than three nor more than seven Justices; but I think such conclusion is surely untenable, because the argument seems to omit from consideration Sections 6, 8 and 21, as well as the latter part of Section 10, which provides for the oath of office.

Section 6 provides:
The Supreme Court shall have jurisdiction only to review the final decisions of the Circuit Courts; and every cause shall be tried, and every decision shall be made by those Judges only, or a majority of them, who did not try the case or make the decision in the Circuit Court.

Section 8 provides:
The Circuit Court shall be held twice at least each year, in each county organized for judicial purposes, by one of the Justices of the Supreme Court, at times to be appointed by law; and at such other times as may be appointed by the Judges severally, in pursuance of law.

According to all rules of construction these sections now stand in the constitution and are still enforceable, unless there be something to indicate that some of them should not apply after the population reaches 200,000. However, no such construction can be placed upon any section as will eliminate Sections 6 and 8. By reading Sections 10, "that Circuit Judges shall take the same oath after the state has 200,000 as they took before," and Section 21, providing that they shall swear to do both "Supreme and Circuit Court work," the plain inference follows that Section 8, providing that the Circuit Court shall be held by one of the Justices of the Supreme Court, and Section 6, providing that "the Supreme Court decision shall be made by the Judges who did not try the case," still stand in the constitution.

The whole constitution is one instrument, and the provisions thereof should not be construed like conflicting legislative acts passed at different times. If any sections were to be wiped out upon the happening of a given event, such would have been expressed in the section taking the place of those to be eliminated. Section 10 cannot be construed to eliminate sections 6 and 8, because by remaining, they are in perfect harmony with it.

Provisions of Section Ten.
Section 10 provides that the three Supreme Judges elected in one class shall not do circuit duty, but does not say that the Circuit Judges shall not do Supreme Court duty. It then provides that the Circuit Judges shall take the same oath, which means the oath provided in section 21, that they will discharge the duties of Judges of the Supreme and Circuit Courts. Section 8 then provides that the Circuit Court shall be held by a "Justice of the Supreme Court," and section 6 provides that while acting as Supreme Justices the decision shall be made by those

who did not try the case in the Circuit Court.

There is no provision for the holding of the Circuit Court by any other than a Justice of the Supreme Court, who has taken the oath to do both supreme and circuit duty. The provision in section 10, that the three Judges shall do circuit duty, modifies the oath to be taken by them, but there is nothing to modify the oath provided by section 21 as to the Circuit Judges; and it will be noted that the oath provided is for Supreme Judges only. Why should the Circuit Judge be required to take an oath to do Supreme Court duty unless he were a Supreme Judge? Why should we wipe from the constitution sections 6 and 8, without any reason therefor, either express, or implied by the wording of other sections? Is it not more reasonable to suppose that after the state should acquire 200,000 population it would become necessary to have the Supreme Court in session all the time, and for this reason three Justices were provided for who should not do Circuit duty, at the same time leaving the Circuit Judges to act as associate Supreme Justices, when leisure permits, or necessity requires?

In Harmony With Constitution.
Such is certainly in perfect harmony with any and every section of the constitution, which distinction I think no other construction can claim. It also credits the constitutional convention with uniform wisdom and foresight. It is in harmony with our present method of electing the three Supreme Justices at large, and the other Judges, who are to do supreme and circuit duty by districts, as provided in section 2.

It cannot be said that it is at variance with our present judicial system more than other constructions which have been heretofore advanced. For instance, question has arisen in the past as to the proper construction of section 2, some claiming that we cannot lawfully elect more than seven Circuit Judges; and others that we cannot create more than seven judicial districts. It appears, however, that the legislative construction is not wholly correct.

We have now 16 Circuit Judges, which may be construed as constitutional, because section 10 provides that after the state shall have acquired 200,000 we may elect the necessary number of Circuit Judges, thus modifying section 2, in that respect. However, no such construction could be applied to the number of districts now organized, for section 2 expressly provides the number of districts shall never exceed seven, and there is nothing in the constitution to modify this positive restriction.

We have violated section 2 of article 7 by creating more than seven judicial districts in the state, and this might be remedied by a constitutional amendment, by adding such districts. Possibly most people would vote for such an amendment, as we have been increasing the number of districts, and no fault is found by the public.

Added Districts Not Needed.
Nevertheless, is there any necessity for more than seven judicial districts? With the right to elect the necessary number of Circuit Judges in any district, as is done in Multnomah and elsewhere, and with our present system of deputies to assist the District Attorneys, it is doubtful if there is a necessity for more than seven districts. The districting of the state only divides the territory at election times, and the Circuit Judges often exchange work, and hold court in other districts than the one from which elected. Then why not make less districts, and keep within our constitution. The coming Legislature could relieve all difficulty by reducing the number of judicial districts to seven, and providing for the necessary number of Circuit Judges in each, and thus bring the state back within the letter and spirit of the organic law. The Circuit Judges, by complying with their oaths, would assist the three Supreme Justices when leisure permits, or necessity requires, thus avoiding the necessity of any commission to assist the court, or any constitutional amendment to increase the number of Justices.

We do not need constitutional amendment so much as the enforcement of the present one.

M. E. POGUE.

HEARINGS ON FREE SEEDS

Hope That Graft May Be Killed at This Session.

WASHINGTON, Dec. 13.—(Special.)—While it is not expected that the House of Representatives will devote a week to discussing the question of whether the Government should continue distributing pumpkin and squash seeds, as it did last session, the matter will no doubt again come before that body when the agricultural appropriation bill is considered. Last session the House committee on agriculture reached the conclusion that the farmers had been well educated as to the characteristics of the seeds sent out and it was a waste of money to spend \$342,000 annually in distributing such common varieties. The committee also recognized that the distribution of the seeds entails a burden on the Postoffice Department, estimated at from \$50,000 to \$100,000 per annum. The committee omitted the item from the bill, but it was reinserted by the House by a vote of 153 to 53.

One of the strongest objections to the omission of the item was that the committee had acted without any one appearing before it to object to the distribution. A large delegation appeared before the Senate committee and it reported that a distinct majority was opposed to free seed distribution and hoped at this session to be able to make a satisfactory change. In order that those opposed to free seeds should have an opportunity to present their case to the House committee, that committee has granted a hearing at which the entire matter will be very carefully gone into.

The anti-free seed movement has the support of the National Grange, National Farmers' Congress and other National, state and local organizations of farmers, together with the horticultural societies, both state and local, and the faculties of many, if not all, of the state experiment stations and agricultural colleges. The American Seed Trade Association, the Wholesale Seedsmen's League and all associations interested in the seed trade are also opposed to this distribution.

When the West Was Unknown.

Putnam's Monthly, "Between the Missouri and the Pacific," said a member of Congress, "I have a strip of culturable prairie not above 300 miles wide, the region is waste and sterile, no better than the Desert of Sahara and quite as dangerous to cross." The author of these words was Edward Bates, of Missouri, whom Horace Greeley long afterward boomed for the Presidency in the New York Tribune and in the Chicago Republican convention in 1849, and who became Attorney-General in Lincoln's Cabinet. This was in the session of Congress of 1850. As late as 1843 McDuffie, of South Carolina, in a speech in the Senate which was applauded by many persons in and out of that chamber, declared that for agricultural purposes he would "not give a pinch of snuff for the whole territory west of the rocky Mountains."

Milwaukie Country Club.
Eastern and California races. Take Sellwood or Oregon City car, starting from First and Alder streets.

GRAND OPENING, SATURDAY, DEC. 15

NEW STORE--NEW GOODS FOR CASH OR CREDIT



Extra Special—Worth \$7 at \$3.95

This large and comfortable Rocker, made in quartered golden and weathered oak, polish finish.

MARTIN FURNITURE CO.



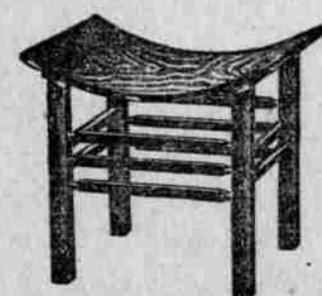
A \$14 Rocker For \$7.95

In quarter-sawn golden oak, polish finish, upholstered in Spanish leather and very strong.

Satisfaction Guaranteed or Money Refunded

SOUVENIR TO EVERY VISITOR

We take great pleasure to announce to the public that we have just opened our new store with a complete line of household goods, and are now in a position to furnish your home from top to bottom for cash or credit. Our motto will be, "The House of Quality," honesty and courtesy. Dependable goods at reasonable prices. We heartily invite you to visit our store and inspect our goods.



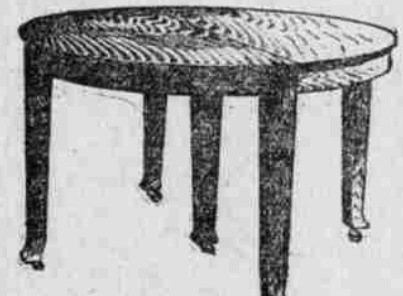
In golden and weathered oak, mahogany finish and birdseye maple, from: 95c Up

SOUVENIRS GIVEN AWAY



In golden ash, white maple or imitation mahogany, for:

\$16



Extension Table Like Cut For \$21.00

A mission design, made of quarter-sawn golden or weathered oak, polished with a 48-inch top.

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