The Oregonian

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PORTLAND, THURSDAY, JAN. 23, 1908.

LINES OF PARTY ACTION.

It is known to all its readers that this newspaper, though it has in the main supported the Republican party century, has continually criticised its action on many subjects. When its conventions were juggling with silver it denounced their action and appealed to the people. Against its tariff legislation, which has supported protection to excess, it has continual protest. This journal has not falled to denounce the course or action of the Republican party when it has deemed that course action wrong. It does not, therefore return thanks to those who congratulate it on taking a position of independence, which relieves it from support of the Republican party in matters wherein the party, in its judgment, has taken wrong courses. simply has supported the Republican party in the main, while it has criticised its action on certain matters not of first importance in comparison A short statement will make this plain.

In politics The Oregonian has supported National principles, as against tice hurtless breaks; arm it in rags, sectional or factional divisions. By this it means that it has preferred the Mr. Rowley presents but a repetition National principles of Washington, of a world-old complaint. His in-Webster and Lincoln to the sectional and factional efforts of time began the petry thief has been Jefferson, Calhoun, Jefferson Davis punished out of proportion to his and Bryan. In other words, it has supported the idea of a strong National and consolidated government, against the assertion that our system vas merely a loose league of states. each sovereign, and in dispute and conflict therefore with the central government, on all the important matters of National policy and ac Here always has been the main line of division between parties in our country. It remains so today

The tariff never has been more than minor issue. This is the reason why there are multitudes of protection Democrats and other multitudes of free-trade or low-tariff Republi-When the Democratic party came into full power through the elections of 1892 the protectionists were completely in control of it. Its tariff bill only aggravated the unjust features of protective policy, shifting to meet new partisan demands. The country quickly rejected it.

The money question was one of National scope and importance. It was juggled with a long time, yet finally was brought to an issue. Its importance was far greater than that of any phase of the tariff question, centuries ago. There were Republican silver men and Democratic gold men. But the issue cut right through party lines. McKinley never understood the issue. He was almost indifferent about the his canvass. Fortunately for mocracy on free coinage of silver great numbers, who hate protection. community to this day the names of | vile their prosecutors?

laughed at for calling it-a question. It affords no basis, therefore, for division of parties on Na-tional lines. The solid South has a some of the strongest Democratic districts in the North are firmest and steadlest in sending Democrats to Congress. On the whole there are to bring about any close or clear di-1892, among the people, but it did statutes of Oregon declare unequivo-not have its effect in Congress; for in cally that in all actions for criminal the side of power. Protection, thereties will clearly and sharply divide. plain facts of the case is not a Republican principle, therefore; no more is free trade a nam's published charge that the Democratic principle. The real issue grand jury of Jackson County ought between the great parties of the count to have indicted a certain Barnum

free government.

the policy and the measures neces-

and the policy and measures of op-

SAVE THE STREETS, Runsas City, Mo.—Ricksschar Cigar Co., A great many unfair and unreason-linth and Walnut; Yoma News Co., Misserapolis—M. J. Cavanaugh, 50 South able propositions are annually sub-Cleveland, O .- James Pushaw, 307 Su- mitted to the people of this city, and in the past, to our lasting regret and cost, many of them have slipped through the Council like logs adown a well-greased skid. But there are very for effrontery excel the present attempt of Iuman, Poulsen & Co. to oure possession of a large number of streets in East Portland. For fully ten years this rich and powerful cor-400,000 square feet of property owned by the city. Some of this property lies low in gulches and sloughs, and dumping ground for thousands of mill, which ought to have been the city for fuel.

> reached the enormous sum of \$1,000,-With such a showing as this it seems doubly ridiculous for a moment to entertain any suggestion permitting them to have any further use of this city property. How much of this enormous profit is due to the free use of more than 400,000 square feet of city streets? By what peculiar line of reasoning can we arrive at any the presumption is not conclusive, excuse for granting to a rich firm free then evidence may be offered to rebut use of our streets, without extending the same favor to some other corpo- such evidence. The inference is unrations or to small taxpayers?

The city's birthright of waterfront. treets and franchises has nearly all been frittered away for less than the proverbial "mess of pottage," and, now that we have reached a point where we can get a very accurate view of what we have lost, there is no incentive to give away the little that is left.

AN OLD COMPLAINT.

Long ago a greater than Mr. E. M. Rowley enlarged upon the theme which he discusses in his letter to The Oregonian. The letter is printed today in another place, but the reader will peruse it in vain for any new light upon Shakespeare's old problem. "Plate sin with gold," said problem. Lear, in his passionate accusation of society, "and the strong lance of jusa pyemy's straw will pierce them." stance is modern, but not new. Since crime and the gilded plunderer of the poor has sat in the sents of the

mighty with a halo over his head. The starving man who stole some tools to sell for bread was sent to the penitentiary for eighteen months. The banker who accepted the poor widow's portion knowing that he could never return it is probably in of impriso little danger for eighteen days. The contrast is

It would be interesting to have seen ow the man who stole the tools would have fared had he gone to work with them instead of selling them. Perhaps his industrious proclivity would have assuaged the wrath of justice in some degree, and perhaps it would not. But very likely this phase of the discussion is futile for the reason that the poor fellow could not have found a job. and adjusting them in various ways, be it, then. Let us pass on to another phase. For Mr. Rowley's comfort we recall the undeniable truth that, however unequally distributed fustice may be between rich and poor oday, it is much more fairly parceled out than it was a century ago; infinitely more fairly than it was five

Although our laws and the machinery of instice are more or less tainted with bias for riches, the taint grows less noticeable every day. The prog ress toward impartiality is so rapid gold standard, and while in Congress that we can observe it in comparing had voted for free silver coinage. two successive uccases sentence Bryan didn't know anything about ago Judge Landis' exemplary sentence that a sentence of the standard of company for free silver coinage. two successive decades. Ten years political agitator was instinctively for would have been unthinkable. Even The Republican platform was today it excites astonishment in the devoted largely to protective tariff. opulent offender and the courageous McKinley had been an advocate of judge is covered with calumny by the extreme protection all his life. On powerful criminal he has dared to this tasue he expected or intended to punish. Still, the triumphant fact remains that one court at least has achim, the insistence of the Bryan De- tually handled a mighty corporation exactly as a poor thief would have made this impossible. From first to been handled. Is there not hope in last neither tariff nor protection was this fact that after a while, perhaps ever heard of in the canvass. The a long while, the indigent scalawag fight over the money standard was all and the rich banker will stand side in all. Democrats everywhere and in by side at the bar of justice and that they will also receive the same treatvoted for McKiniey, in order to sup- ment from high society? May we not gold standard-the bitterest actually expect a day when it will no pill in politics men ever took. It sim-ply was unselfish patriotism. In every to uphold millionaire thieves and re-

We think our contributor manifests saved the country from a financial excessive regret that the number of bare necessaries of life is not at all and industrial disaster greater than imprisoned bankers is small. Has it anxious to break into war with the any it ever has known. - occurred to him that most bankers - it is not possible, nor will it be are honest? The mere fact of their possible, to get a straight issue be-tween parties, on tariff and pro-rant their imprisonment. The law conflict with Russia was so "groggy"

just what General Hancock was insistence is strained in comparison and we can all hasten the coming of lot of important products for which the good time by voting for honest it wants and will have protection, and prosecuting officers and upright legis-

THE PUTNAM CASE AGAIN.

The Oregonian has received a copy more free-traders or low-tariff men of Judge Hanna's charge to the jury in the Democratic party than in in the Puttern libel case, and candor the Republican; but it is impossible demands the admission that it contains no evidence of premeditated unvision of parties on this subject-for fairness. That it does contain, howprotection or against it. There was ever, a disastrous misconception of some approach to such division in the law seems fairly obvious. The cally that in all actions for criminal body Democratic protectionists libel the truth may be offered in eviheld full sway. Every great interest, dence. Mr. Putnam was prosecuted on change of parties, shifts at once to for criminal libel and he was forbidden by the trial judge to offer the fore, is not a question on which par- truth in evidence. These are the The cause originated from Mr. Put-

between the great parties of the country remains what it ever has been, for murderous assault, but falled to namely, the difference between two do so. He stated the matter in such opposing interpretations of the right- a way as to imply that the jury and ful powers of government; between the Prosecuting Attorney must have corruptly negligent of their for efficient central government, duty. In the prosecution for criminal libel which ensued, Mr. Putnam de-sired to show that the assault was position to it. It is, in fact, the line of distinction between all parties in really murderous and to raise the inference that the grand jury, with the facts before them, could not have falled to indict Barnum unless they were corrupt. Judge Hanna for bade Mr. Putnam to prove this. He ruled that the grand jury had already determined the truth about the assault, and that this "truth" was all that could be offered in evidence. Mr. Putnam could not go behind their verdict. He could introduce nothing few of these schemes of the past that to show that they were mistaken; nothing to show that their mistake was so egregious as to amount in itself to proof of corruption. "The whether or not Barnum was guilty of an assault was a fact to be deterporation has been using for its pri-wate business an area of more than presumed to have determined the Hanna's own words. He says also Inman, Poulsen & Co. have used it as to have been legally and regularly performed. No libelous publication cords of slabwood and refuse from is justified under the law which makes such a charge against a grand available at low cost to the people of jury unless the charge against the points. The chief practical use which ne city for fuel.

A few weeks ago one member of shown," etc. And again, "The law is that of maintaining a one-rail car firm testified under oath at presumes official duty to have been Washington that the profits of the regularly performed, and therefore ing to the report of the United States firm for the past five years had presumes that" Mr. Putnam's "charge Vice-Consul at Newcastle, the maagainst the grand jury or State's Attorney is untrue. This presumption is sufficient to make it necessary" for Mr. Putnam "to prove both the truth of the charge and his good motive." Clearly Judge Hanna meant to instruct the jury that the law makes a conclusive presumption that the ver-

dict of a grand jury is correct. If it; but Judge Hanna would admit no avoidable. Now the law of Oregon does presume that the verdict of a grand jury is correct; but it does not make the presumption conclusive. The Oregon code enumerates seven conclusive presumptions, but the verdict of a grand jury is not among them. It adds that any other pre-sumption shall also be conclusive which by the statute is expressly made conclusive," but nowhere does the verdict of a grand jury conclu-On the contrary, the law says that all other presumptions besides the seven are disputable and may be controverted by evidence; and among the disputable presumptions is expressly enumerated the one which Judge Hanna ruled could not be dis-

puted, "that official duty has been regularly performed." it led the disastrous. He pro-Mr. Putnam's charge against the grand jury to be untrue. This, of course. amounted to instructing the of the surplus. jury that the law presumed Mr. Putnam to be guilty. This could not have been possible. The law makes no such presumption in a criminal case. The defendant is always presumed to be innocent until he is law made no presumption whatever concerning the truth or falsity of the grand jury's verdict. It did assume that the grand jury had acted law-fully; but it went no farther. It could not have gone farther without violating the great fundamental presumption of Mr. Putnam's innocence.

Judge Hanna must have been aware of the absurdity of telling Mr. Putnam he must prove the truth of his charges against the grand jury and in the same breath forbidding him to prove them if he could; for this placed the defendant in a dilem ma from which he could not possibly escape. The whole difficulty from the judge's neglect of the dictinction that the presumption of law in favor of the correctness of the grand jury's verdict is disputable and not conclusive.

JAPAN'S TREMENDOUS HANDICAP.

In connection with all of the ruors and sensational stories placed in circulation since the Japan war talk started, it is a noticeable fact that neither money, stocks nor any line of business has been in the slightest degree affected by the alleged strained relations between the two countries. This feature of the situation becomes all the more noticeable when it is recalled that political disturbances of the past, both at home and in other countries, have almost invariably made their presence felt in the money and stock markets in this countr In the utter indifference shown by the business world to the alleged Japanese war scare is a most encouraging sign that the possibilities of war are quite remote. The business element in this country has kept in much loser touch with conditions in Japan than have the people who are making dire predictions of war. This is especially true of the Pacific Coast business men who have personal rep-

resentatives throughout the Orient. They know that a country so close to the verge of bankruptcy that it has great difficulty in paying bills for the richest country on earth. The finan-The reason is that it is insists upon some overt act. If the that she has been wobbling ever since, cent in the past two years.

and her most far-seeing statesmen do local with what is asked in the case of a not want war because, in her present therepoor man, there is reason to hope poverty-stricken condition. Japan cannot afford war. The country is and we can all hasten the coming of staggering today under a war debt so onerous that it is crushing the people and, on top of that awful debt, there have come extravagant expenditures for armament, a proffigate system of ship subsidy, and other reckless in-dulgences in exploitation in which the cost was out of all proportion to the

> The Nippon Empire has built up a moderately large merchant marine and navy, and her arsenals and navyyards are still busy; but in securing this prestige she has been obliged to lay such burdens on her own people that starvation threatens to kill triotism, and food riots and civil war may require the attention of her warriors before they go beyond the seas in search of trouble. At a Cabinet meeting held in Tokio, in November, proposal to increase the tax on sugar, oil and tobacco was made, although these staples were already carrying a very heavy war tax. the feeling of unrest and dissatisfaction among the taxpayers was so pronounced that this was abandoned and retrenchment in certain branches the War Department recommended as

In such poverty-stricken conditions and with her credit so impaired that the last loan launched could not be floated in London, it would seem that the only safe policy for Japan for many years would be one of quiet, economical endeavor again to get on a firm financial footing. War at this time would be suicidal and Japan will undoubtedly pocket her pride, if it undue display of hostility. Until our neighbor across the Pacific finds i easier to secure funds for flour, lumber and other actual necessities of life, there will not be much uneasiness in business circles over the prospect for war.

It is now proposed to use the gyroscope as an instrument to prevent the rolling of ships at sea or on the Great Lakes. As every one matter rightly." These are Judge Eyroscope is a heavy and rapidly revolving wheel the center of that "the law presumes official acts axis is the center of gravity of the machine. The principle upon it operates is that unless gravity intervenes the wheel will not change the direction in which its axis in an upright position. Now, accordchine is being used by steamship companies engaged in traffic across the English Channel. The gyroscope is nstalled in a ship and hung upon frame which can oscillate, though the oscillation is controlled by a strong brake. By this means the rolling mo tion of the ship is practically eliminated. Apparently the use of the gyroscope is suggested for only the naller ships, which roll when heavy seas are encountered.

It is only in recent years that the Chinese have adopted butter as an growing. This fact gives promise of an ever-extending market for Pacific Coast butter, provided the Coast produces enough to supply the home demand and leave some for export. But-ter, wrapped in oiled paper, sells in China for about 50 cents a pound. few years ago America furnished a the law of Oregon expressly make large proportion of the butter for the Chinese market, but the trade from this country has been gradually decreasing, while Australia gets the penefit of the change. Better shipping facilities has had a great deal to do with the shifting of the place of purchase, though it is also likely that the high price obtainable at home has been an important factor in cutting off the exports to China. This assur-This ruling was clearly erroneous; ance remains, however, that the Chithere should be a tendency to overceeded to infer that the law presumed production here on the Coast, which is unlikely for some years yet, there would be a ready means of disposing

The powers that be apparently in tend keeping a closer "Watch on the Rhine" in the second act of the Ber lin scandal, for the court-martial trial of Count von Hohenaus and Lynau is proved guilty. For the purposes of to be conducted with the greatest sethe libel case against Mr. Putnam the crecy, the courtroom being cleared as soon as the charges were read, and will not be opened again until a verdict is reached. This policy may pregusting details, but it will not serve to convince the respectable element in Germany that some of the pristoo racy has not been reveling in an atmosphere of filth.

> It seems to The Oregonian that Atorney Smith needn't apologize for the judge nor try to excuse himself for the decision in the Putnam case. The attorney who uses the word "suspicion" as a verb ought not to expect to win. But perhaps Mr. Smith came from a state which has no law for compulsory education.

Seats have been provided for 14,000 people at the National Democratic Convention hall. This, of course, does not necessarily mean that there are that many Democrats in the coun try, for there will be a "right smart sprinkling" of Republican seatholders on hand for the fun.

J. Laurence Laughlin, professor of political economy at the University of Chicago, calls Roosevelt a "flashy bluffer." With no intent to provoke a controversy with so learned a man, it may be asked of him to point out any one who has "called" one of the President's "bluffs."

Bryan talked to the Kentucky Democrats at Frankfort "behind closed doors." Later in the game he will probably wish that he had discussed public ownership of railroads and a few other theories behind closed doors or in the deaf and dumb language.

The Hon, Leslie M. Shaw says he may shy his castor in the political Wonder can tell you details of every big fight since Corbett whipped Sullivan are able to translate the Iowa statesman's

language. At a meeting of Democratic leaders in Multnomah County this week, eighteen "warhorses" showing an increase of nearly 5 per

DOOLEY FEARS NOT HARD TIMES JUDGE HANNA'S LIBEL RULING But He Favors the Relief of Sev-Full Text of His Instructions in the eral Distressed Millionaires.

Putnam Case, 'Mr. Dooley" in the American Magazine.

"If hard times come ye'll niver notice

called an' locked up without ball. Our peeryods iv hard times are broken now an' thin be more hard times. Just as with too much work, we have worse hard times with less work. "What diffrence does it make to ye how far ye move forward, if ivrything else moves forward ahead iv ye? Now, as thin, ye are chasin' th' willow-th'wisp iv good groceries. As ye begin to retreat they come back, but there's niver a day whin ye can reach out an' slezo thim. Th' dinner pail is always full. but not full tv angel cake. Don't ye be throubled be th' end by prospertly. Ye have nawthin' to feer fr'm hard times that ye haven't suffered durin' th' peeryod so charmingly described in th'

Thanksgivin' Day proclamations.

"I've been through manny pecryods to hard times; most to thim I caused mostle with me neefaryous vote. Two panies I caused be votin' again th' tariff that makes ye'er wages almost enough higher to pay fr th' increased cost iv ye'er nts. At other times th' country was ought to room be th' fear in high reles that I was goin' to vote again th' riff again. In eighteen ninety-two, I tariff again. managed to land me vote f'r a sound, consarvitive man, that had niver shook his fist at Flerpont Morgan, save in th' way iv kindness, an' eighteen ninety-three hard times began. An' I cudden't see anny diffrence in ye. Ye were thrown out iv employment more often, but ye worked less. Ye got less money, but corn beer was ten dints a pound. An'

"But befure th' winter's over I expict to see our frinds th' pluthycrats in a very bad way. Th' Saint Vincent de Paul Society will sind riprisintatives to acta-visit th' homes on th' Lake Shore Dhrive when an' invistigate their condition an' recite th' number iv childhur livin' in thim, if anny. Th' ligislachure will appint a a that will report five or six

D. R.-Sixty-five years ly age;

Walla Walla Bulletin.

How to keep the public school supplied with competent teachers is the greatest problem before the people of Douglas county. The greater part of the population is made up of ranchers who are bachelors, and their winning ways and presperous farms prove trresistible temptations to many of the fair pedaies who come into the county. Douglas

Within the boundaries of Douglas sunty there are 174 school districts. Allough the attendance in none is very arge, the teachers get good pay, ranging from \$50 to \$70 a month. The member-ship of each school board usually in-cludes one or more bachelors at the start, out before the end of the term the benedicts are in the majority, and then a search for new teachers must be made. More trouble than ordinarily has been encountered this year in getting good educators for the hopefuls of Douglas County, with the result that there are openings for forty women teachers in the various districts. Some of them have

from past experiences, it is expected that a new lot of teachers will be chosen, only to deplete the ranks of the eligible bachelors once more. Because of this condition fathers and mothers of this condition fathers and mothers are constant that the grand jury be not only proved, against the grand jury be not only proved, februshed with the law of the law which makes such an accuration against the grand jury be not only proved, for husband or parent, or to any open public to the female. It is subject to a fine of \$100 to \$1000; provided that this act the law which makes such an accuration against the grand jury be not only proved, for sening or provided that this act the law which makes such an accuration against the grand jury be not only proved. ecause of the dread possibilities in store continuing the sessions. School oards in Douglas County have come to be regarded as matrimonial bureaus-for the benefit of their bachelor members.

Mrs. Glyn Doesn't Reach White House Washington (D. C.) Dispatch in Philadelphia Ledger.

Mrs. Elinor Glyn, sometimes called
'the 21-day writer," has left Washing-

"the 21-day writer," has left Washington without having gained the coveted distinction of a visit to the White House. She will return later to reap the harvest from the letters of introduction with which, in a week of industry, she has sowed the Washington field.

It is no secret that the style of literature affected by Mrs. Glyn finds no place in the Rooseveltian library, but there is in the Rooseveltian library, but there is no intimation that any bars against the lady herself have been erected at the White House. Though the fact that Mrs. Glyn re-

Though the fact that Mrs. Glyn re-ceived no invitation to the diplomatic re-ception or the musicale given by Mrs. Rocesvelt is admitted by the writer's friends to have been a disappointment, it is not taken as an affront, as it does not appear that any one of official position at the British Embassy or of dominating influence in society asked the courtesy of a card for her.

Highwaymen Save Victim's Life.

Columbus (O.) Dispatch.

Highway robbers near Columbus, O., who had beaten and robbed W. A. Fut-mer, when they saw the man unable to get off the rairoad track as a locomotive was approaching, ran back and balead history. helped him.

A FEW SQUIBS.

"I don't know anything good about that Jones girl, do you?" "Yes; but I won't tell!"-Lifte. Magazine Writer (to etsnographer)—Break up these compounds and cut cut the hyphens. Don't you know I get paid by the word?—Judge.

The public naturally looks for traces of prussic seld or ground glass in any financial medicine Senator Aldrich may prescribe.— Kaneas City Star. He—It has been said that a woman can make a fool of any man. Do you believe it? She—Of course not. The best she can do is develop him—Chicago Dally News.

Mrs. Houlihan (sobbing)—I never saw you lill th' day before me unforchnit marriage. Mr. Houlihan—An' I often what ye hadn't seen me till th' day afther!—Puck.

Woman of the House, the three follows.

Woman of the House—A big, strong fellow like you ought to be willing to work and earn his own living Languid Launcelot—That's wot alls me, ma'am. Me nuncles is all right, but me will power is all gone.—Chicago Tribune.

Chicago Tribune.

Modest request of awakened householder to burglars—Pray don't let me disturb you; but when you go—if it's not troubling you too much—would you be so very kind as to post this letter? It must go tonight. It's my ourglary insurance—Punch.

"We thought," said the reporter, 'you might care to say something about these charges against you. "No," replied the crooked public official, 'I believe that 'filence is goiden. "Well," replied the reporter, 'yerlaps the public might believe it's mustly slit in this case."—Phindelphia Pross.

Heren in New York restaurant, as orches-

Hiram (in New York restaurant, as orchestra starts)—For the land's sake. Now, what dyou spose that band is playin for in here? Mandy (exroastically)—My, sin't we green! Hiram Hubble, you keep right on eatin', no when the leader up that outfit passes his hat around, don't you give him a dam penny, or you'll hear from me!—Town and Country,

Putnam Case. The Oregoning has received and here with prints the official stenographic re-port of Judge Hanna's instructions in the thim. That's one good thing about th' station in life to which we have been Putnam criminal libel case at Jackson-

Gentlemen of the Jury: Under the law it is made the duty of the Court to give the jury such instructions as should govern them in their deliberations in the case. The same law makes you the exclusive judges of every fact in the case, and of the credibility of the witnesses testifying before you

judges of every fact in the case, and of the credibility of the witnesses testifying before you.

The defendant is on trial before you under this indictment charged with libel. It will be necessary for me to read the indictment to you again, although it has been read in your hearing. It is entitled as follows: (Court reads indictment.)

In order to warrant a conviction of the defendant you must be satisfied of the truth of each material allegation contained in this indictment. The material allegations are that about the time alleged the publication was published in the manner set forth and in the paper set forth and that it was scandaious—fate and scandaious—and you must be satisfied of there facts, that it was fate and scandaious and so published, by the evidence or by the presumptions of law that will be given you by the Court, before you can find the defendant suffix.

that will be given you by the fore you can find the defendant gullty as charged in the indictment.

The defendant has interposed to this indictment a piec of not gullty, which is a specific denial of each and every allegation, and he is also presumed under the law to be innocent of crime until the contrary is

be innocent of crime until the contrary is shown.

He has interposed as a defense here the truth of the publication, claiming that the allegations published were true and that they were published with a good motive. These are affirmative matters that he has endeavored to set up as a defense to this indictment.

Libel is defined under our statute to be the publication of any false and scandalous matter against a person with intent to injure or defame such person. The word "scandalous" means such matter as would dafame or be distraceful to his reputation or that would bring shame or infamy to the one referred to.

The natural and probable consequence of a libelous publication is to injure and defame, and the law presumes the defendant intended the natural consequence of his acts.

acts.
You are instructed that in determining whether or not the alleged article is libelous, you should and must consider the whole article published, which contains the alleged libel. for the purpose of determining the real meaning of the language contained in the indictment to a person of ordinary intelligence in the light of the whole article and the ordinary meaning of the words used.

years hence:

"J. D. R.—Sixty-five years iv age; married; large fam'ly also married; capable hard workin' millyonaire; has had on'y half time at his thrade since last year; a very sud case.

"X Y. Z.—Retired banker; twinty-three years old. Has completely lost control iv both his railroads. Fam'ly obliged to go to Monty Carlo f' th' winter. Very courageous in th' face iv adversity, Says ivry man shud do his part in this moment iv naytional disaster an' eight autymobills is enough durin' a peeryod iv rethreachmint. House in shocking condition. Elicthric flivator broken. Ball room not dusted. Champagne corked. This is a very worthy case. Advise th' state threasury to advance him twinty millyon dollars as a measure iv timpry relief."

RANCHERS WED THE TEACHERS

Doughas County, Wash, Confronted With Grave Educative Problem.

Walla Walla Bulletin.

The Court instructs the jury that all fair The Court instructs the jury that all fair criticism of the official acts of the officers of courts, published in a newspaper, are privileged publications. But every injurious publication of and concerning another. If it contains libelous matter, is presumed to have been maliciously made.

You have nothing to do with what transpired between W. S. Barnum and Dr. Reddy on December 11, 1907, when it is cialined that Barnum assaulted Reddy. The fact of whether or not Barnum was guilty

claimed that Barnum assaulted Reddy. The fact of whether or not Barnum was suity of an assault was a fact to be determined by the grand Jury. They are presumed to have determined the matter rightly. They are not above criticism for mistake, but a newspaper has no right to question the honesty or the motives of the grand jury unless such criticism is both true and nub-lished with good motives and for justifiable ends.

ends.

The law requires the State's Attorney to retire from the grand jury room during the deliberations of that body. He is not permitted to advise the grand jury whether to indiet or not. In the absence of any proof to the contrary the presumption is that the Deputy District Attorney in the Barnum investigation isolated from the grand jury room, and left the matter entirely to the consideration of the grand jury.

the various districts. Some of them have offered premiums in the way of bonuses, but the supply does not seem to equal the demand.

Annual school elections will be held in all parts of the county in March. in all parts of the county in March. the presumes officers to prescute all cares of libel, no matrix is expected. The law makes it the duty of the state's officers to prescute all cares of libel, no matrix whether the injured party desires a transmitted under

against the grand jury be not only proved, but is shown to have been published with good motives and justifiable ends.

The law presumes official duty to have been regularly performed, and therefore presumes that such a charge against the grand jury or State's Attorney is untrue. This presumption is sufficient to make it necessary for the defendant to both prove the truth of the charge, and his good motives and justifiable ends. If he falls in either, he should be convicted.

Gentlemen: I do not know that I can say anything more to you in this case. It is a matter to be determind by you entirely from the evidence.

A statement of the case, from the

standpoint of the prosecution, is likewise appended:

The grand jury investigated the Barnum case as fairly as in their judgment they were able, and examined all of the witnesses of which they had knowledge, except one Oswald West, railroad commissioner, who had promised to come before them when wanted, but when the hearing was had the grand jury was unable to reach Mr. West. This, five of the grand jury statistic to reach Mr. West. This, five of the grand jury statisted to on the trial of Putnam, and they further testified that they investigated the matter fairly and in their best judgment returned not a true bill, it appearing to the grand jury upon all of the evidence before it that the alleged murderous assault lacked both ingredients—murderous and assault—and was merely a street fracas. Mr. West testified on the trial of Putnam that he made a mistake in dates and was at Nysas, in Eastern Oregon, and did not receive the telegram sent by the grand jury's direction to him at Salem. The grand jury investigated the Barn

in the said was at Nyssa, in Eastern Orecon, and did not receive the telegram sent by the grand jury's direction to him at Salern.

On defense Mr. Putnam was allowed by and did teatify in his own behalf that he will detectify in his own behalf that he will detect that he is settlined that the saw and that he told that who the eye-witnesses were himself and Mr. West. He also testified that the assault was murderous and an outrain and the same and the same to the waster. Then he sought to produce other witnesses, whom he cleimed were eye-witnesses, whom he cleimed were eye-witnesses to the assault (notwithstanding the fact that he had already stated in his paper and the papers, simply because they are concept, or will they prove many steal H, and there were but two) and proved that there were but two) and proved that there were but two) and proved that the same and proved that the he assault (notwithstanding the fact that he had already stated in his paper and the same that the same fury of the sam

ONE THING AND ANOTHER

A lot of men who play poker wouldn't find as much pleasure in the game if it was in the Ten Commandments.

A French newspaper says that "oc casionally" Count Boni de Castellane uses profanity. Perhaps the Count hopes that if he makes a noise like a man Anna will pick him out of the discard.

Oregon is awaiting with interest the second round in the Bourne-Fulton barries over Christian Schuebel. Bristol holds the sack and is ready to take the count.

"Marry and kiss in moderation," says a woman lecturer. The male world is still wondering what she calls "marrying in moderation."

A scientist has discovered a way to transplant arteries from an animal to human being. All this does not help the fellow who has money in a defunct bank Oregon Democrats seem to think the

Republicans should be defeated every time now because they are accustomed It will soon be the time of the year

when that wise collection of men who

wisdom has kept them from buying wildeat mining stock, can bet on the election The Montgomery Herald wants to know If there is anything more uninteresting "than to listen to one end of a telephone conversation." Listening to a prospective

My idea of a good bluff is a 118pound man who sings bass.

candidate tell of his qualifications for

office.

Man is a creature of environment. Caruso gets \$3000 a night for singing on the stage of the Metropolitan Operawould probably get \$10 for disturbing the peace.

The poet's reference to "the cold chaste stars" does not necessarily apply to the theatrical profession.

Almost every man should have a few alibis filed away for future reference.

In the long run you will usually find that although skepticism is the hare, there is a tortoise called faith which wins the race.

The Wagner music, they say, was invented to drown the yelling of the baby in the flat below.

The spirit having moved Mrs. Woodcock one Sunday, she attended divine services in the First Presbyterian Church and took a seat as near Mr. Ross as she could get. When the plate passed up to her, she yelled: "Pass that thing over to Ross; he's got all my money." Subsequently at a prayer meeting the devout lady aforesaid was heard praying in powerful tones: "The Lord giveth and Ross taketh away."

LAW ON WOMEN AND SALOONS. No Female May Remain in and About

Where Liquor Is Sold. PORTLAND, Or., Jan. 22.—(To the Editor.)-Having noted with interest the action of the City Council in drafting a drastic ordinance that shall keep women out of the saloons, and noting Noland, would it not be well to call attention to the fact that there already exists a law that at least covers the Noland case? Would it not be a pertinent question to ask the Councillonia law is not enforced? The

reads as follows: S. B. 207.—Any person under 21 years of age to runry 21, 1907.

That it might be of great service to the cause of morality to keep all women out of the saloons, no one would surely question but it occurs to some of us that it might be well to insert a clause in that drastic ordinance that will allow a wife to enter when in search of a husband whose wages were sadly needed at home, and whom it was of very great importance to re-move from the saloon, before he reached a state that would make him a menace to that home.

a menace to that nome.

It is certainly a problem that may well occupy the public mind why a place is unfit, unsafe, for the women, the mothers, and yet there is the right to license the place as fit for the the fathers

Poor Men and Justice.

PORTLAND, Or., Jan. 22—(To the Editor.)—In The Oregonian Sunday I notice that W. A. Speer, who was hungry and out of work, stole sor penter tools to sell for food. His sen-tence was 18 months in the penten-tiary. To show the difference, a cer-tain "bank" in this city deliberately took \$2000 of a poor woman's insurance money that she had just received from her husband's policy just before the bank closed, and there it is. She is