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PORTLAND, TUESDAY, AUG. 25, 1908.

PROBLEMS FOR LAWYERS. Uniform divorce legislation for all the states of the Union is one of the

important topics which the American Bar Association will discuss at the meeting in Seattle, but it is not the most important by any means. The "divorce evil," as it is called, is but one phase of a disease which has be come epidemic in many parts of the country, and whose symptoms are various. This disease shows itself now as restlessness under legal or customary obligations, now as contempt for the law and disrespect for the courts, and too often as bold defiance of regular authority.

A uniform divorce law throughout the country would relieve many inconveniences which innocent persons now suffer and would prevent a great deal of injustice, but it would hardly touch the root of our National disease of lawlessness. If the American Bar Association can discover the cause of this disorder and remove it, the divorce evil need give us comparatively little worry. Of course the United States is not in a condition of anarchy. The great majority of us obey the laws and respect the courts. If we have suffered wrong we either obtain justice through legal process or go without it. Still there are facts in ominous muititude which seem to show that here and there in this country society has almost disintegrated.

In Kentucky, for example, there are the tobacco rioters, who burn buildings, torture their enemies and take life very much as the wild Indians did in Daniel Boone's days. Parts of Kentucky are still dark and bloody The anti-negro riots in Springfield, which the Illinois militis has just quelled with some difficulty, show how lightly the duty to respect life and property sits upon the population of the city where Lincoln prac ticed law. If the veneer of civilization is so thin in the capital of Illinois, how thick is it in the outlying sections of that and other states? Besides these egregious instances where whole communities rise in defiance of the law we must remember that crimes of violence are more numerous in the United States as a whole than in any other civilized country except Russia. Some say this is because of our numerous low-class forcigners, and perhaps it is; but why do they commit so many more crimes

here than they did at home? More ominous than the actual num ber of offenses is the apparent incapacity of the courts to punish them. The law is like Gulliver on the shore of Liliput. It is bound and swathed and pinned to the earth by technicalities as by a million strands of fine thread until it is almost helpless. To say that the conviction and punishment of a criminal is a rare exception is to reiterate a notorious truth. Cases of lawbreaking are seldom disposed of upon their merits, but almost always upon some trifling point of scholastic logic when they reach the appellate courts. Future historians in commenting upon our time will quote some of these Supreme Court decisions as monuments of incredible folly. They will wonder how grave judges could deal so childishly with justice

There can be no doubt that the demonstrated impotency of our legal machinery accounts for a good deal of lawlessness. Virtual immunity from punishment tempts men to commit crime. When instances like the famous strap decision of the Oregon court, the release of Ruef in California and Judge Grosscup's discharge of the Standard Oil fine are continu ally occurring, it is useless to hope that all ordinary people will respect When the courts grant men the law. of wealth and influence the privilege to be a law unto themselves, they must expect others to assume the same privilege. The increasing delays and expense of litigation are another incitement to lawlessness. find it cheaper to seek justice with a gun than to litigate. There is a distinct tendency in the legal profession to discourage small suits. This, of course, encourages crime. A Federal judge of great eminence was once heard to say that "the law was the worst remedy a poor man could choose when he was wronged." What comment on our administration of tustice! It is a trite maxim among country people that a man "who goes to law loses even if he wins his cause. Naturally men who think thus resort to primitive means of righting them-

When the courts abdicate, lynch law is the only alternative. Society has been engaged for centuries in devising ways to make men submit their differences to the courts. Now the courts say to the poor, "Your petty trouble are of too little consequence for us to bother with." Thus the masses are thrust back toward savagery by the very men who ought to uphold the law as the universal umpire for great and small alike. The feeling is stimplated that courts are a luxury for the rich instead of a necessity for everybody. To this we must add the unpleasant truth that some tribunals have fallen into the practice of treating state laws as of slight obligation. They are set aside on insufficient pretexts and with slight ceremony. When judges contemn the law, who shall honor it? If it is flouted in its own temple, will it be revered in the mar-

Clearly, therefore, the great task of the legal profession is to make justice speedy, certain and reasonably cheap. To check the growing belief that the courts are class tribunals and re-establish them as universal arbiters.

And toward this goal the first step is to set merit above method in every Scholastic logic must give way to common sense in the courts, or els law will fall before anarchy in the

A GRATIFYING REPORT

Americans forget big things unles the newspapers jog their memory. We know, of course, that the United States is building a canal at Panama; at any rate, we started to work on it a few years ago. Unlike Mr. Harriman's railroad to Coos Bay and Mr. Lytle's Tillamook line, we hadn't heard that operations were suspended. This colossal enterprise, each day one step nearer completion, lacks the element of news until suddenly announcement will come that the great work is done Press agencies don't take time simply o report progress. It will not be long before the Pennsylvania Company wil be running trains into New York City. Then a few of us who keep close track of affairs may be reminded of the greatest and costllest terminal work ever undertaken by a railroad.

It must gratify every American, in cluding the most rabid anti-expansionist, to read the report of the special committee which inspected the canal, made public yesterday. Figures on millions of cubic yards excavated every month during the Winter mean nothing to the layman, but every one understands that yellow fever has been exterminated, and he rejoices. It s no small achievement to convert a pest-breeding and deadly region into a healthful habitation. Colonel Goethals has an army of 26,000 men at work, satisfied with their wage, their food and their sleeping accommoda tions. Besides that, they are on the best of terms with their employer. Note this comment by the commis "From the outset we were gion: strongly impressed with the spirit of good will and loyalty of the employes

This spirit of loyalty and interest in the work was evinced on many occasions, and should be counted as an asset of the highest value to the Government in the accomplish-

ment of its colossal work." At the outset the supply of human abor was the most difficult problem that the Government faced. Happily this has been solved. The canal going to be built as fast as men and noney can do it: then watch the Pacific Coast grow.

CIRCUS DAY. For the elephant now goes round,
And the band begins to play,
And the boys around the monkey cage
Would better keen away.
—Old Song.

When the poet wrote of "how dear to his heart are the scenes of his child-hood" he may have been thinking of an old oaken bucket, but if he had taken thought No. 2 it is a safe venture to say its object would have been the scenes of circus day. From the nagerie, to Van Amburgh, Phineas T Harnum and the Ringling boys, circus day has all others "faded to a frazzle. Bright boys are good when a Sunday school picnic is in sight; they are bet-ter when Christmas approaches nothing but the superlative degree will describe them when the circus bills decorate the boards. It is an inherited trait, from the time "dad" got up at daylight to watch the little old one ring show trall into town over the

pike to the present day, when half a dozen trainloads are hardly enough to

hold the aggregation of wonders that

threatens to make a man cross-eyed

and wall-eyed in his endeavor to see whole performance. Everybody wants to go and everybody should go. There is relaxation of the mind in watching the acts and there is relaxation of the nether exremities in leaving the board seats. The circus is the great democratic en tertainment of the age, and is run sp cially for parents and children. The child who misses it has a bitter memory all his life, and the father who does not take his boy is an old grouch

TIME TO CALL IN THE ASSESSOR.

News dispatches from Pendleton convey the information that the people of that city are considerably agitated because a water and power company has filed on all the water of Umatilia River just a few days before the city intended to locate a diversion point for municipal purposes. According to the view taken by the Pendleton people, this gives the power company the upper hand and the city must get permission from the company to take water from Umatilia River.

But if Pendieton really wants water from Umatilla River, this is no time to acquiesce in the claims of any rival appropriator of water. This is the time to get your fighting clothes on and go after what you want. Take a big stick along. The policy of lying down and asking permission doesn't pay. It is one thing to file notice of an appropriation of water, and quite another thing to get the water. It is one of the fundamental rules of law in the appropriation of water that the water must be put to a beneficial use within a reasonable time, and what is a reasonable time depends upon the circumstances of each particular case. If the power company has actual use for the water upon which it has filed there is no need to question its right nor to ask its permission to take water. If there is more water than the power company needs for its own Pendleton has a right to take it without asking the power company's permission. If the power company has water to sell, or give away, that is pretty good evidence that it has more than it needs, and other appropriators have a right to it. The law of appropriation does not recognize any right to seize water for speculative purposes

Use is the measure of the right. But, assuming that the power com pany has use for the water, what then? There are several things a good fighter can do, but there is only one course for a quitter. The quitter must pay the price. The fighter can bring a suit to condemn, and when the owner of the water right places a valuation upon it, the Assessor can be quietly notified of the astonishingly large addition to the value of taxable property in the county. A good fighter will manage to catch them either a-coming or a-going, and perhaps both. If a water right has a high value when the public wants to buy it, it ought to have a high value when the public wants to tax it. The people of Oregon have been altogether too slow finding that out, and some of the Assessors and Boards of Equalization are so stupid they haven't found it out yet. Perhaps some of them

never will. A few years ago, it will be remem-

bered, the State of Oregon engaged in over the right to take a small quantity of water from a ditch at the state prison. The owner of the ditch put an enormous valuation upon the water, but a few months later, when the Assessor listed the ditch at a fraction of the valuation placed upon it by the owner, there was a protest and a vigorous contest. At various imes the state has been compelled to buy land for its state institutions, and almost invariably it has paid many times the amount for which the property was assessed. There is no sense in such methods of doing business.

If Pendleton wants to buy some body's water right and wants to know the value, don't send the Mayor or a committee of the City Council around to inquire what the property is worth. Send the Assessor. That is a plan that may well be commended to the favorable consideration not only of Pendle ton, but of the boards of trustees of State University, the Agricultural College and other institutions that are in need of additional land.

RADIATING DARKNESS Dr. Straton's theme at the White Sunday was the Bible Temple and in elaborating it he seems to have taken great pains to discredit the results of modern scholarship and enlightened research as much as he possibly could. What any Christian ienomination has to gain by obscuring perfectly well known truth it is diffi cult to conceive. For example, Dr. Straton undertook to defend the moral character of the Jehovah of the Pentateuch. Of course that tribal delty needs no defense, since he was precisely what he had to be in the onditions of the people who adopted It is just as wise to defend the binomial theorem or the law of gravitation as Jehovah. These should be explained, not defended.

To defend Jehovah or any other tribal delty implies that we ought still to conceive of the Almighty as the primitive barbarians did. We must renounce all those attributes of love, justice and mercy which we have enshrined in the modern concept and return to the being who hated every ody but the children of Israel, who delighted in slaughter and who spared neither old nor young in the fury of his vengeance. The deity of the modern church is a very different person from this. Not even the Jews themselves would think of picturing the ruler of the universe as he appears in the Pentateuch, for those progressive people are hospitable to scholarship and their religion moves with the adancing world.

One cause of the weakened influence of the churches is the reluctance of many ministers to accept demonstrated They cling to errors as if there were something sacred about them Once a mistake is made in forming a reed or interpreting the Scriptures, these deluded leaders seize upon it with avidity and never give it up. Surely, as Dr. Aked has so well said, we must change this mental attitude if we wish the church to retain its proper place in the world.

THE FULL DINNER PAIL AT SALEM.

"The full dinner pail is not in evi-dence," complains Colonel E. Hofer, editor of the Capital Journal, whose perpetual grouch must find expression some way or other. It is possibly worth while to inquire just what the 'Colonel's" special grievance is and upon what basis it rests.

When he says that the full dinner pail is not in evidence he certainly does not speak of his individual dinner pail. An examination of the issue of his paper in which this complaint is Salem give him most liberal advertistried heroically to keep the Colonel's dinner pail full, and its enterprising citizens, it would seem, are entitled to expressions of gratitude rather than censure and complaint. When a man has been given as much advertising business as is indicated by the columns of this one issue of the paper, it would be absurd to say that his full dinner pall is not in evidence. The conclusion is inevitable that the Colonel was not speaking of his own pail. It is full, surely.

Since the Journal is a local newspaper, making a survey of only a portion of the local field, it can scarcely be assumed that he has gone out seeking evidence of a full dinner pail of National prosperity. That is out of the question, so he must have been alluding to the conditions in his own mmediate locality or in the State of Oregon. And yet it is difficult to be lieve that Hofer spoke thus of his community dinner pail. The facts are directly opposite to the declaration quoted above. The full dinner pail is in evidence in the locality in which the Hofer paper is published, and the Colonel will so acknowledge if he will cheer up a bit and look around him. If news dispatches have told the truth. Salem and Marion County are exceedingly prosperous, and it is almost a slander upon the enterprise and business sagacity of the people of that section of the state to say that the full

dinner pail is not in evidence. Has not every man in Salem got work if he wants it, and at wages scarcely any lower than when it was impossible to get help enough a year or two ago? If any man is out of work in that part of the state, is it not his own fault? Is it not a fact that real estate transfers have been larger and more numerous in Marion County in the last few months than they have been before for twenty years? Is not Salem undertaking more public improvements now than ever before in its history? Is not every residence in Salem occupied, and is there not a clamor for more houses for the people to live in? Are the owners of store buildings complaining that they cannot find tenants? During the panic last Fall was there the least doubt as to the stability of Salem banks, which, it was reported at the time, paid every depositor all the money he wanted Has there not been more railroad construction work in progress in Salem and vicinity in the past twelve months than ever before, and has not the new road done a paying business from the day it sold its first through ticket and

accepted its first carload of freight? All these questions, it seems certain, must be answered in such a way as to discredit the assertion that the full dinner pail is not in evidence up in Salem. Nor does it appear that there is just cause for complaint as to the fullness of the more extensive dinner pail of Marion County. Crops have been immense and prices are reasonably high for all products except hops and, as everybody knows, the price of this commodity may take a boom at other kind are run over by trains.

any time. There have been no recent reports of foreclosure of mortgages or Marion County farms, nor do the names of Marion County farmers or business men appear in the recent rec ords of the bankruptcy courts. On the contrary, a number of Salem capitalists have found their dinner pails so full that they came down to Portland and invested money in city real estate, with the result that they doubled their money and took the

profit back home with them. In view of all these circumstances one must take issue with the statement that the full dinner pall is not in evidence. It is in evidence. The first intimation to the contrary is the astonishing declaration on the speckled editorial page of the Hofer paper. But if it were not in evidence, would it help matters any to go about the country parading that fact? Would it bring new settlers or encourage the investment of new capital? Cheer up; smile a little; boost, don't knock. is only imagination that makes you think your own dinner pall is not full. It is full, notwithstanding your desire to add a piece of ple in the form of a Gubernatorial salary.

Hard-surface streets are not an unmixed blessing. They don't always urnish a foothold for horses. In such weather as prevailed here yesterday many animals were terrified when driven on roadways having a slight grade. At every step they slipped. Some of them fell. After a short season of dry weather, the first rains falling on a layer of dust make a paste, and the surface of the street is as if oiled. Horses can scarcely stand. It is impossible for them to draw a load uphill or to sustain it downhill unless hey are shod with long calks and these not worn smooth. Driving a horse with flat, worn shoes on such a pavement may not be cruelty to animais, within the meaning of the statutes, but it is painful to the spectator and involves unnecessary danger. Proper shoeing of draft horses to meet new conditions is a timely subject for the Humane Society as well as the owners of teams and managers of the editor's severe censure transfer companies.

When the donkey engine superseded the ox team as a motive power in dragging logs from the forest, the cost of producing logs was materially re-Now we have the donkey engine in use in clearing land from fallen trees and stumps. The engine not only pulls the dead trees together, but piles them up so that they will burn easily. This is work that men could scarcely do with any number of ox teams. Tillamook has apparently been the first section of the state to use the donkey engine in clearing land, but there should be genera adoption of that method wherever there are extensive acres to clear. In Tillamook, and in all the coast counties, logged-off land, even though the stumps be left, produces an abundance of pasturage the year round. It is worth while to clear the land of logs even if it be used for nothing but

The rattlesnake warns its intended victim before it strikes. The hyena snarls in defiant tones before it makes an attack. The untamed Indian uttered his war whoop before he sprang upon his enemy with tomanawk in hand. But Peter Cooper Hains and his brother stole unawares upon their victim and shot him as he stood helpless in a canoe, unarmed and unable to grapple with his assailants. One of them had not the courage to go alone on the murderous er They planned the killing carefully, taking pains that they should be made shows that the business men of | well armed, and their victim stripped to a bathing suit. There is not the ing natronage. Salem has certainly slightest Indication of insanity. All the evidence points to a depravity which places these murderers a little ower in the animal world than the rattlesnake, the hyena and the savage.

> When Thaw was on trial the cour held that whether the stories his wife teld him were true or not was immaterial to the case. The fact that she told them and that they had an influence upon his mind was what made the evidence sufficient. Now, quite likely, we shall see a repetition of this ruling in the Hains case. Mrs. Hains made a confession, so it is said Whether she was any more true in her confession than she had been in her past life will not be material.

> From her sick bed over in Seattle the discarded wife says she has suffered so much herself that she has no desire to make others suffer; so she probably will not prosecute her faithless husband. It is a good thing to ive in an orderly town like Portland, where the people let the law take its course instead of taking summary action against a man who thus wrongs a woman.

> Bryan ought to be able to write a book on the "Third Battle," for it is so different from his "First Battle" that there would be plenty of material. It might bother him to get as much per word for it as Roosevelt Is to get for his stories of African jungles, but if it should sell as well as the "First Battle" it would not be a bad venture.

> T. Jenkins Hains, who wielded one of the revolvers at the murder of Annis, is said to be a novelist, but he evidently has not worked at it success fally enough to become known as such. Perhaps he figured that it would help the sale of his stories if he killed some one. But it won't.

> It is argued with all seriousness that if the restricted district be abolished and the inhabitants driven out the city would become unsafe for decent men. How would it do to put halters on a certain class of men and tie

> date Kern. It is generally believed in Indiana that he will accept, for he has never been known to dodge anything but a barber. Bill Squiers has lost that world's championship again. However, Bill is

doing very well for a pugilist that

never had a championship or won a

They are going to break the news

loday as gently as possible to Candi-

fight. Mr. Bryan won't speak at the Syracuse (N. Y.) fair because they are going to charge an admission fee. Now we know he isn't the same Bryan.

That Eugene bull was unquestionably a most valuable animal. No

WOMEN ON THE STREETCARS. This Writer Says They Are Uniformly

Courteous PORTLAND, Aug. M .- (To the Editor. -With a heart yet warm with gratitude for spontaneous expressions of sympathy for weakness, extended by women of tland to an unknown member of their sex. I am impelled to enter a protest against our wholesale condemnation by against our wholesale condemnation by The Sunday Oregonian editorial, "A Phase

of Feminine Selfishness." The gentleman from Willamette Heights was indignant at what he saw, which was, certainly, an unfortunate exhibition of thoughtlessness and indifference on the part of gentlewomen. He stated facts as they occurred, hoping for improve-ment upon their presentation, and left the matter there. But the subject must certainly have touched a sensitive spot in the editor's mind, for, devoting two-thirds of a column of space to expressing his sentiments, he just includes the entire female population of Portland in one class and gives them all a good

I doubt not but it will do us good, and we will try to improve, but I must af-firm that that occurrence of the woman with the baby in her arms being allowed to stand in the streetcar is a most un usual incident for Portland. I have man times seen men and women give their seats to women with babes, and to men. too, without it being considered an un-usually creditable thing to do.

I am defending a large portion of Port-land women against what I feel to be unjust denunciation because of my own experience. Having lately, through a minor accident, been compelled for time to use a crutch, and to use the streetcars also. I have been greatly impressed with the protecting care and sym-pathy extended me both by the carmen and the passengers.

Upon entering a car the ladies do not wait for the gentlemen to rise when the seats are all taken; I nover passed through the door once, with my crutch in hand, before some daintily-gowned, sweetnand, before some daintily-gowned, sweet-faced young woman or girl sprang to her feet and beckened to me. I have been deeply touched at this constant action, and feel that I must pay this tribute of love to the gentle hearts of our young women. In some instances, perhaps, som of us deserve the scathing rebuke of the editor, and it will help to improve our manners, but there are many, women in Portland-I believe a large ma-jority of those usually called "represent-ative"—who do not deserve one word of ONE WOMAN.

It only needs to be added that the writer of this communication is a very wellknown woman, who "doesn't want her name used," since it will call attention to her misfortune. Isn't it just possible that that fact, viz., her wide acquaintance, may have a little to do with the great consideration and courtesy every where extended to her by women and men?

Where Hide the Muckrakers? Des Molnes Capital.

Where are the jaundleed irresponsibles who some time ago sought to defame the fair name of William B. Allison through yellow magazine articles by picturing him as one who had fattened financially through opportunities afforded in Governmental service? We note the following paragraph in the

New York Globe: "During the heyday of the muckrakers

one David Graham Phillips in his series on 'The Treason of the Senate' featured the late Senator Allison as a multi-mil-Honaire who had amassed his in public life. The will of the departed Senator was read yesterday; and it appears that his estate was worth less than \$100,000—a few pieces of real estate and odds and ends—not a dollar in the securities affected by legislation in which Senators are represented as trafficking. And 25 years chairman of the Senate committee on appropriations, Senator Al-ison disbursed ten billions of money.

The foregoing is a sample expression of sentiment which may be found in nearly every newspaper in the country just now. The people who a year or so ago were wont to give ear to the space-filling sen-sation-mongers in their malignings of the best men in our public service are realizing today that they were listening to a pack of as conscienceless llars as ever diagraced American journalism

raker will be the object of universal contempt.

Toy Railroad for the Czar's Son. Chicago Inter Ocean.

A pretty story relating to the recent neeting of President Fallieres and the Czar of all the Russias at Reval has just become public. The Czar's son, who accompanied his

imperial parents, quickly made friends with the President, and on discovering what a magnificent present M. Fallieres had brought with him the lad was sim-ply delighted. It was an electric railway, with stations, tunnels, viaducts and engines and trains, all worked by means of an ingenious electrical device. This toy cost

ore than \$1500. The little Prince went up to the President and, taking off his hat, said:
"Mr. President, I do not know how to thank you sufficiently for your mag-nificent present, and I hope that when I grow up my father will allow me to ome and see you."

Sight of Ambulance Cures Him. Pottstown (Pa.) Dispatch to Chicago Inter Ocean.

Driver Kirlin, of the Good Will Fire Company's ambulance ran into a pecul experience when he was called out Scarcely able to walk from threatened blood polsoning, resulting from steeping on a rusty nall. Bauerman got one glimpse of the ambulance as it stopped in front of his home, and then all his physical disability disappeared. With bound he reached the door of his homeand locked it. All the persuasion of With a neighbors failed to get him to open the

He had mistaken the ambulance for ar undertaker's wagon, for he said that he did not want to be buried until he was

Bryan "Feels the Need."

Springfield (Mass.) Republican. As the campaign advances, Mr. Bryan eems to feel the need of making some ittle political capital out of the panic Had the conservative Democrats con-trolled the party and named the candi-date, the panic and the hard times ould have been their strong suit. Re publican responsibility for the business smash-up would have been thundered from every political stump. Mr. Bryan, however, exenerated President Rooseveit personally from all blame, and in so doing he was consistent, inas-much as he had claimed to be the original exponent of Mr. Roosevelt's policy.

New Railroad of Twists and Turns Kansas City Star.

On the new extension of the St. Paul road through the Northwest, in one section, in a stretch of 117 miles there are 415 bridges, the line going from Fergus County, Montana, into Yellowatone Coun-59 times and returning to Fergus County 58 times.

Smuggled Chinamen's Neckties Betray Washington (D. C.) Dispatch. Ten Chinamen, smuggled from Car

nto the United States via House's Point, were betrayed because each pair wore neckties of the same pattern and color, in order, it is said, to be identified as relatives by other Chinamen.

STORED-UP WATER FOR ARID LAND MR. TAPT AND THE METHODISTS

Favors New Law Creating Reservoirs Distant From Water Supply Source. PENDLETON, Or., Aug. 24 .- (To the Editor.)-From time to time The Oregonian makes editorial mention of the need of a revision of the irrigation and water laws of Oregon.

It seems that there is one needed change or addition to the water code of Oregon which should be made by the coming session of the Legislature, and which so far The Oregonian has not mentioned. This is a provision by which stored water and reservoir sys tems might be utilized in feclaiming the arid lands which are situated at ne distance from the source of water

As it is, we have laws regulating the turning of the usual flow of water out of streams, transporting it by canals and ditches to the land, but we have no law by which water may be stored on the upper rivers and transported down the channel to the property of those storing it. To illustrate: Suppose A, B and C own 1000 acres of land at the mouth of the Umatilla

River, but there is not enough water in the ordinary flow of the river to re-claim this. The entire amount of water in the river has been filed upon by prior rights, and A, B and C cannot secure an inch from the ordinary flow of the stream. The result is their arid land remains arid; instead of being worth from \$500 to \$1000 per acre as fruit land, it is worth nothing, adds nothing to the taxable property of the county and is a menace to settlement, because it harbors weeds, thistles, squirrels and other pests.

Suppose that Oregon had a law al-lowing A, B and C to go to the head-waters of the Umatilla River, where hundreds of square miles of mountain surface sends down millions of inches of water to waste each year, and build a reservoir to hold water for irrigating their 1000 acres 30 miles below. Suppose they were permitted by measure into the channel of the Uma-tilla River 1000 inches, or 5000 or 10,000 inches to be diverted by them at their headgate 20 miles below, regardless of intervening water rights, headgates or Hitches. They would simply use the channel of the river to transport their ditches. stored water from the mountain roir to their land and would not interfere with the ordinary flow of the river. They would turn in 18,000 inches and allow say 10 per cent for evaporation, seepage and waste, and would then turn out 9000 inches as their own 20 miles away, where their

arid land is situated. arid land is situated.

If Oregon had such a law, it would reclaim hundreds of thousands of acres now lying idle. But as it is now, every drop of water running in the channel of a stream belongs to the vested rights on that stream. There is no pro vision for storing and transporting water through the channels of streams. Under the storage law, hundreds of reservoirs could be builded in the high countains to catch the waste water o Winter and Spring, and then as this water was needed by its owners below. they could measure it out into the channel of the stream, transport it 10 20 or 30 miles to their headgate, and

turn it on their land. This would no interfere with vested rights along the streams, but would be an actual benef to the adjacent lands by keeping a flow of water in the stream at stages, when ordinarily it would be almost dry. In all of the Eastern Oregon countles are hundreds of sites for reserv reservoirs mense quantities of waste water might be stored in Winter and Spring this water could be transported to arid

lands below, it would work a revolu-tion in the agricultural developmen of the state. It would give individuals and companies the right to pool to-gether and store this water of the flood seasons and transport it to needy land in the dry periods, and thus transform many of the idle tracts into homes and erdant fields. Another benefit of this storage law

would be that it would prevent floods. With the gates of reservoirs open to catch any unusual flow of water, the most threatening flood might thus be dissipated and distributed into the waiting reservoirs, and thus become, the development of the

There could be no objection to this law permitting the storage of water, from any interests in existence. would not take from vested rights one lots of their privileges; it would not divide up the flow of any stream; it would not take a drop of water from any man, company or municipality, but would allow land-owners to go into the watersheds of the mountains and create a new supply. This new supply would be the absolute property of the owners. It could be measured into the stream by inches and measured out again, inch for inch, under state con-trol. It would not hinder or affect the operation of any ditch, canal, headgate, power plant or any other river prop-

erty.
It would simply give the people of the state the right to store water, hold it as their property and use it as they saw fit, using the nat-ural channel of the river to transport it to their land.
I hope The Oregonian will give this

careful consideration and urge it upon the coming Legislature. It is even more important to the people of Oregon than Statement No. 1. BERT HUFFMAN.

Dog Wins His Own Case. New York Times.

At a recent reception in New York. Gutzon Berglum, the sculptor, was presented to a well-known society woman. The latter looked at him hesitatingly for moment, then said. a moment, then said.
"Yes, I am certain. I am very glad
to see you again. Mr. Borglum."
"I haven't the great pleasure of re-

membering," replied the sculptor.
"Yes, it was in Los Angeles." weman, "and you were the defendant in a police court case." Borglum was flabbergasted, but man-

Borgium was habbergasted, but man-aged to stammer out that he was never, in a police court in his life.

Then the woman explained. It seems that Mr. Borgium, where in Scattern fornia, owned a magnificent English mas-tiff. The dog was amiable, but the chli-dren of the neighbor were frightened by its great size, and so, one morning

the dog's owner was arrested on the charge of allowing a vicious animal to run at large. The Judge ordered the ani-mal to be brought in, and the great beast gravely marched down the aisle to the bench, and, putting a huge paw on the Judge's knee, looked solemnly into his The case was at once nonsuited.

Mr. Bryan Fintters the Printers Philadelphia Enquirer

"If I am not a printer myself," ex-claimed W. J. Bryan at the banquet of the Lincoln (Neb.) Typographical Union, I have given printers more work think, than any other man in the United Mr. Bryan's boast would be unimpeach

able if he had not left one little word out.

No man in the United States has had the distinction of supplying the printers of the country with three "bootless" speeches of acceptance as nominee for the Presidency of the said States.

Waiter Refuses to Accept Tip Baltimore News.

When Honus Muller, a waiter in a restaurant in New York, refused to accept a tip, the walking delegate of the Waiters' Union threatened to call a strike unless Muller were instantly discharged. matter is under discussion.

Dr. Cline Says It Isn't So; Then "Goes

After" Unitarians and Catholies. PORTLAND, Aug. 24 .- (To the Editor.)-Just why my good friend Dr. Dyott, in his sermon published in this morning's Oregonian, should designate the Methodists as being dissatisfied with Mr. Taft's religious predilections is not easy to understand. About the only expression thus far reported on the matter was from a negro onvention and an Eastern Chautauqua, where a big crowd at the latter, not more Methodists, perhaps, than others, responded enthusiastically to an expression of regret by one of the speakers that the next probable President refused to accept the divinity of Jesus

Christ, Dr. Dyott likewise, in showing the favorable attitude of the Presbyterian Church toward the Republican nominee, failed to mention the fact that at a great Methodist missionary meeting in New York city not long ago, published in the Associated Press dispatches, Mr. Taft was one of the principal speakers. It is taken for granted that Dr. Dyott, by some means, failed to have knowledge of that occurrence.

A second reading of the synopsis, however, leads one to that the speaker set out, among other things, to eulogize Unitarianism, no a difficult task, by the way, for a Con gregationalist, as the two tions have been good backdoor neigh-bors a long time. In this connection it may be noted that the Congregational School of Theology at Andover has just gone over boot and baggage to the Unitarians at Harvard.

It is not surprising that everything in relation to a candidate for the Presidency should be brought out. It has always been so, and it is no secret that Mr. Blaine's interest in the Roman Catholic Church cost him the Presi-dent's chair. And Mr. Taft may expect that what most people regard as grant-ing that church the big end of a sharp bargain in payment for church claims in the Philippines and Porto Rico will not be overlooked at the ballot-box in November. An ecclesiastical hierarchy that has proved a menace to good gov-ernment in Germany, Italy, France Mexico and every other place where it has had the right of way, may expect to be watched in a republican form of government like ours. In the opinion (which is worth but little) of this writer, a man's church affiliations should not enter into the consideration where his whole character is most ex-traordinary, like that of Mr. Taft. Nor is it well, on the other hand, to atsuch as marched out at their country's call in 1861, and now are many of them in the evangelical churches, into something or anything they do not and will not like. They are mostly, with their descendants, a hardheaded lot. Only a small percentage are Methodists. Re-ligious convictions, right or wrong, are ard to jostle. Tirades from the pulwell as ironical editorials in The Oregonian, will prove futile C. E. CLINE.

SNAKE BITES A FRUITGROWER. Variety of Accidents Happen to Fred Morgan, Near Ashland, Or. Ashland Valley-Record.

Fred Morgan was bitten by a rattlemake this side of the Tyler place on he Ashland-Klamath Falls stage road last Friday and badly poisoned. Mr. Morgan was taking a load of fruit to Klamath Falls and at the creek stopped to let his horses drink. A large rattlesnake was on the scene for the same purpose and Mr. Morgan felt the time-worn instinct creeping into his blood and proceeded to get down off the wagen and bruise the serpent's head. The rattler was seemingly retiring to clump of brush when Morgan at a piece of board in the vis grabbed the rattler's tail and was startled with the rapidity with which the rattler fronted and socked his three-quarter-inch fangs into the middle linger of his right hand, clean to the bone ooth strikes and discharging its load

of poison into the flesh. Morgan's companion soon dispatched the rattler, which measured five and one half feet in length, and was as thick as a man's arm and had his tall rnamented with eight rattles and a

button. Unexpected and unavoidable circum-Unexpected and unavoignose circumstances developed in his arrival in Ashland, and it was five hours before Morgan arrived at the Southern Oregon Hospital with his arm tightiy bandaged to obstruct the passage of the daged to obstruct the passage of the poison through his system. His finger was cut to let the poisoned blood run out and three pints of whiskey in his stomach and one pint injected fail to make him drunk. One-thirtieth of a grain of strychnine every two hours, all night, was administered to help the whiskey undo the work of the rattier's stock of goods. Mr. Morgan was unconscious and had a close call before being brought through his critical eing brought through his critical

poisoning.

Mr. Morgan had only been out of the hospital a brief time, as just a week to the very hour he met with an accident at the C. C. Fisher place near the Normal School, that came within a moment of sending him to his eternity for a reckoning with the powers that be. While employed sinking a well, Morgan had lift a fuse and the horse had drawn him to the surface with a Morgan had lif a firse and the abuse had drawn him to the surface with a rope tied around his waist. As he was placing his hands on the curbing, on the top of the well, the rope broke and he went down 35 feet and struck the back of his head such a stunning blow to a stunning blow to a stunning blow to a stunning blow to be to a stunning blow to be to a stunning blow to a stunning blow to be to a stunning blow to be t that it required several stitches bring the wound together. Tho bring the wound together badly stunned, he was just conscious enough to gather himself together and extinguish the burning fuse a second before the deadly discharge was prepared to take piace.

Insists That Eve Was Negress.

Philadelphia Inquirer.
Rev. C. F. Choolzzli, B. S., M. A., grad-Rev. C. F. Choolzzil, B. S., M. A., graduate of King's College, Oxford, Trinity College, University of Berlin, special ecclesiastical envoy of King Menelek of Abyssinia, and descendant of a line of ecclesiastical priests of Abyssinia 5500 years old, is visiting here. He is telling the blacks that Eve was a negress, that Moses was a negro, that Solomon was a negro, and that Homer was a negro.

His present business in this country is to tell the blacks to go back to Africa, where he says they belong. He bases his assertion that Moses was a negro on a Biblical story to the effect that God told Moses to put his hand in his bosom.

told Moses to put his hand in his bosom and that when Moses drew the hand out was white; therefore he must have been black.

CONJUGAL COMMENT.

The bride—Just think of it, dearest, fifty ears from yesterday will be our golden nulversary.—Brooklyn Life.

anniversary.—Brookiya Life.

Mrs. Benham—Death loves a shining mark. Benham—I wish your mother had more polish.—The Bohemian.

Mr. Bacon—Now, I want you to act natural when we are in church. Mrs. Bacon—Don't he silly! How am I to act natural when I can't talk!—Yonkers Statesman.

Mrs. Bacon—Brookiya Life. Among an perioh." and Highs.

when I can't this "leave an ostrich," said Hicks, angrity, as he tried to sat one of his wife's biscults, but couldn't. "I wish you were," returned Mrs. Hicks. "I'd get a few feathers for my hat."—Globe.

ers for my hat."—Globe.

Wife (who always looks on the cheerful side of things, to husband who has put the lighted end of his cigar in his mouth)—How lucky you were, dear, to discover it immediately!—London Opinicn.

Mrs. Newlywed—My husband admires everything about me—my voice, my fives, my form, my hands! Friend—"And what do you admire about him? Mrs. Newlywed—His good taste.—Philadelphia Press.