# The Oregonian

PORTLAND, OBEGON.

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PORTLAND, MONDAY, JAN. 11, 1909.

### PROBLEMS OF DEMOCRACY.

It is certain that under our system, the people rule, and will continue to rule. Nobody can take a stand against the principle, and expect to effect anything whatever. The only question is whether the measures of the people are wise and sound or not. Hence there is a sound view of democracy, and an unsound one.

The unsound view is that since the

majority rules, then if it can be discovered what the majority wants, that at once should be enacted. But it was precisely to prevent this consequence, or at least to put a check upon it, that our constitutional system was adopted. Men in masses have impulses and often passions, but not always thoughts or wisdom, and they easily adopt the errors of their leaders. For the people do follow leaders, must indeed have them; and it is childish to suppose they will not. Constitutional restrictions are intended to check such movements, till the people shall have had time to debate them, to reconsider them, and to form an ultimate opinion. Few believe, for example, that if the changes that have recently been made in Oregon were now to be voted on, they would receive the degree of support and approval they received when adopted, and many think they would fail to carry a majority.

The other view of democracy that, though the term means the rule of the people, and that the people must rule, yet the temporary majority is not the people, for there is a mi-nority also; and as the majority will surely be but temporary, time should given for mature consideration of measures, especially those which include important principles and imply radical change. The people indeed must rule, but only in the long run can they rule and then with wisdom and justice. To establish the rule of the people on this basis was the declared object of our constitutional system; which now, however, may be brushed aside by a single election.

There are two kinds of leaders of democracy. Of one William J. Bryan is perhaps the best modern representative. His idea is that what the majority of today may want, or imagine it wants, should be enacted. Best recent representative of the other description was Grover Cleveland, of whom President Butler, of Columbia University, in his remarks at the close of Cleveland's life, said: "The real leader does not follow the crowd, but by his insistence upon sound principles he compels the crowd to follow This Mr. Cleveland did.

Between these two (Bryan and Cleveland) Mr. Roosevelt appears to te a sort of middle course; yet it grave matter, he would act in accord with the Cleveland principle, rather than with that of Bryan.

Herein is the everlasting problem inherent in the subject of democratic government. Masses of the people in all ages have done things in which they have repented at leisure. This fact was constantly in the minds of those who made our National and state constitutions.

As to election of Senators of the United States, the reason why the present rule was adopted is thus stated in the sixty-eighth number of The Federalist-the Expositors' Bible of the Constitution:

It was desirable that the sense of the

It is the attempt to reject the constitutional method of election of Senators-that is, to elect them by a method in defiance of the Constitution-that has brought matters in Oregon into their present plight; with the result that the Senator on this programme will be opposite in poli-tics, and in all National purposes, both to a great majority of the Legislature and to an immense majority people of Oregon and of the United States. While The Oregonian has no advice to offer about the matter in its present form, it does not conceive that there is any reason why it should not make a statement of the

### POISONING FRUIT TREES,

An officer of the Colorado Experiment Station has called to the attention of orchardists a new danger that threatens their industry-that of polsoning fruit trees as a result of long-continued use of arsenic in sprays for codling moth. He mentioned the matter very reluctantly and only after extensive investigation but believes the facts he has observed warrant the assertion that trees can be not only injured but killed by arsenic used as a spray. The trees ob-served by him seemed to have been injured near the crown, where the bark died and peeled off. The spray apparently did no direct injury to the foliage and branches of the tree but year after year the arsenic was washed from the trees to the ground until the soil became so heavily charged with the foreign substance that the tree-The subject is one that may well receive the attention of the danger may be avoided if any exists. Quite likely some apple-growers proceed upon the theory that if a little arsenic is a good thing for apples a large quantify is better and therefore they use too strong a spray-ing mixture. Perhaps many of them

as well as the fruit. The warning from Colorado should be heeded in Oregon and care should be taken not to overdo a good work. But those negligent orchardists who never spray at all for codling moth should not Entered at Portland, Oregon, Postoffice as take this as an excuse for their method. A worm-infested tree is not much better than a dead one.

REPEAL NOT NECESSARY.

It is urged in many quarters that Statement One, of the primary law of Oregon, be repealed. This is urged in states other than our own. Of course no other state will imitate this bunco feature of our primary law. But, says the Chicago Tribune, "If the Republicans of Oregon do not wish to be caught again in the Senatorial trap, let them repeal the feature of the law that has got them into the trouble."

But it is not likely it will be repealed. There will be no need of re-pealing "Statement One." It can be defeated, or annulled without repeal. Nobody is under any kind of obligation or need to accept it or to pledge to it. Moreover, thousands of Republicans are resolved never to support any Republican, either for the Senate or for the Legislature, who here-after may take this pledge, nor to act with the party if it should commit itself to maintenance of it. these The Oregonian will act. This bunco game will be dropped, or the Republican party of Oregon will make a permanent division upon it. Since "the issue" can be dealt with in this effective way, repeal is not necessary.

EXPANSION ON PUGET SOUND. Puget Sound is a land of big things. There are big trees along the shore and big fish in the waters, said waters being so big that in most of the har-bors it is unsafe for the big ships to let go anchor, with any hope of its reaching the bottom. There are big cities in that Puget Sound country, and their population includes a number of big-story tellers. Perhaps there is something in the air that sweeps in from the big Pacific, or out from the big Cascade Mountains, that contributes to this permeating feeling of "bigness." In no other way can we account for this, predominating trait which is noticeable even in the heads of many of the Puget Sound dwellers. Now all of this is very well in its way so long as it appears without unfairly dwarfing some other locallty, which never makes any preten-sions to unusual "bigness," and at the same time is desirous of credit in keeping with its natural unexpanded merits.

Unfortunately for Portland, the Collector of Customs at Port Townsend, in his November shipping statiscarried the expansive Puget Sound policy so far that he made the November wheat shipments from the Puget Sound ports more than 500,000 bushels greater than those of Port-land, and thus brought the Puget Sound district into second place among all the American wheat shipping ports. To accomplish this markable feat, the diminutive Japa-nese steamer Fulki Maru, which actually carried 66,666 bushels of wheat, was credited on the official records with a cargo of 583,959 bushels, or about six average grain cargoes. By adding this enormous amount to the actual clearances for the month, ness" in all things was fairly well maintained and the Department of Commerce and Labor in its monthly bulletin sent out the news to all the world that Puget Sound in November shipped 1,207,828 bushels of wheat, while Portland shipped but 701,070

As misrepresentation always travels so much faster than truth, there is small hope for Portland to receive any credit which a correction of this Puget Sound blunder should carry with it, but it may cause the Department of Commerce and Labor to exercise more vigilance in checking up the Puget Sound reports.

### THE EMANCIPATING STORM.

A horse is a bundle of nerves tempered and attuned by habits. Give him a fixed environment and this agreeable and useful animal lives a erenely vacuous life. He carries his rider, eats his oats, sleeps, wakes and without care or sorrow. make the slightest change in his environment and you put him into a dreadful flurry. A hole by the road-side which he has not seen before frightens him. A bit of paper fluttering by on the Summer breeze sets It was destrable that the sense of the people should operate in the choice of a person to whom so important a trust was to be confided. It was equally desirable that the immodate election should be made by men capable of analyzing, adapted to the station, and acting under circumstances raverable to deliberation and to a judiclous combination of all the reasons and inducements that were proper to govern their choice. A small number of persons selected by their fellow-cirisms from the general mass will be meet liable to possess the information and discernment requisits to so complicated an investigation.

It is the attempt to reject the contract of thought and with little or no feeling. thought and with little or no feeling. But his slavery to habit, while it is the source of his extreme usefulness, is also his greatest weakness. makes him a coward and a maniac.

The same is true of men. Our habits are at the same time our best friends and our worst enemies. Lacking them, we are ineffective creatures drifting on a boundless sea without rudder or compass, at the mercy of every breeze. We spend our golden moments paddling round after jellyfish and end by plunging down into the macistrom. With a complete outfit of desirable habits a man can navigate the ocean of life safe from all but the flercest tempests. him peacefully through his placid career, and when it is over they anchor him in the happy haven of a quiet grave. They win him re-spect while he lives and gain him a populous funeral after he is dead. The moralists tell us that since must in any case acquire habits, it is a point of wisdom to learn those which will befriend us later in life and not injure us; but there is no habit so good that it may not in some contingency become a foe. Consider, if you please, the wholesome and lucrative habit of early rising. Nothing more enhances one's spiritual beauty no practice is more speedily or amply recompensed in cash. But when wood is silver and gas is gold the man who leaves his bed at 5 in the dark, cold mornings of Winter, hours

before he can go to work, follows but a losing rule of life. The prudent man makes servants of his habits, but most of us are prudent only in courtesy and not in so that our habits end by making servants of us. We become like the poor horses who sweat with terror at the minutest alteration in their daily routine and see in fluttering fragments of white paper hobgoblins of destruction. Emerson advises every-body to change his religion frequently

forms of our habits which bind us to move toward its divine destiny only because its habits fetter its limbs. That was what kept poor Christian wallowing so long in the Slough of Despond on the way to the Beautiful City. The habits of mankind are like the long stalks of pond lilies which twine about the legs of a strong swimmer and drag him down beneath the water. The blossom of the Hly is lovely, but the tenacious stems with their clinging silme are deadly. Carlisic calls these habits which magnify the southern hemisphere. A few weeks perils and frighten us from progress ago "official" statistics had it down as "enchantments." An imaginative German calls them "spooks." Bernard Shaw calls them "ideals," but that seems to be an unhappy use of a noble word. Somewhat better is than 110,000,000 bushels. The latter the language of the Brethren of the New Thought who speak of these enpast few weeks, but as the shipping New Thought who speak of these endaving habits as "hypnotisms."

Whatever we may agree to call them, they belittle our souls. They sap our courage. They blind us to They

the glorious outlook and the divine hope of the future. They sit at our ears as we slumber like the toad beside dreaming Eve and whisper coun-sel of evil omen. "Think how comfortably things are arranged," they lisp, "think how terrible any change would be. Think how many projects to make the world better have failed. How wearisome is effort, how vain is toil. Better sink down in the warm mud and lie there motionless forever." In righteous indignation with the habits which enervate us William James sat down one day and wrote that it was good even to go on a spree if we could not break them up in any other way. A grand plunge into debauchery twice or three times a year, he exclaimed, would purge some souls of their lethargy and strip them for high endeavor in the arena. His counsel is parlous. If we could all go on a spree three times a year and no more it might possibly be well, but there is only too apt to come a time when wild liberty itself shows up as a master and drives us with a lash of terror. Nature emancipates better than our own devices can when she breaks in upon the routine of the world with her great convul-sions. An earthquake is not devoid of beneficent consequence, since it compels us to abandon our habitual selfishness and evokes living streams of kindness. A cold snap which breaks down at a stroke all the established system of a city's life is good. It loosens fetters. It emancipates the soul. Men become like children while it lasts. The forgotten heartiness of youth returns upon them. They laugh, they frolic. The snow makes them all good-natured. The biting frost drives the blood back into their hearts and wakens the golden memories of long ago. The snows of yesteryear are the snows of this year. Youth is not dead in any of us. It only sleeps and the sting of the frost awakens it.

RIVER AND HARBOR BILL.

The outlook for river and harbor appropriations is somewhat uncertain, and the various commercial organizations of the country are endeavoring with commendable enterprise to impress on Congress the necessity of taking care of the more important projects already under way. Of the merit of these projects there is no question, and there is also no disputing the fact that in many cases a heavy loss will ensue if provision is not made for continuing the work without interruption. But the ways of Congress, which are, to a considerable extent, the ways of the Government, are past finding out, and if we are to judge the future by the past, there is something more than an even chance that the much-needed appropriations will be rithheld. It is in the system by these river and harbor appropriations are doled out, that the unbusinesslike methods of the Government show perhaps more plainly than in any other

Work on the Cascade Locks and at the mouth of the Columbia in years past has been repeatedly held up through lack of appropriations, and before they could be renewed the loss through deterioration of the plant and of the work already completed has not infrequently run into hundreds of thousands of dollars. This of course is a condition and a result that could never happen in any sensibly conducted business operation, and there is no good reason why the Govern-ment should permit this heavy loss through failure to recognize the existence of an emergency and to meet it in the only possible manner in which

it can be met. There are a number of big river and harbor projects in various parts of the United States which are, in de gree, as important as the Panama Millions have already been invested in them and unless they are protected by the necessary appropriations to carry them to uninterrupted completion, a heavy loss will ensue, The principal difficulty in the way of securing proper recognition for these projects of merit lies in the old and deep-seated sentiment entertained against all river and harbor improvenents by numerous Senators and Rep resentatives who never take the trouble to segregate the good from the bad.

In years gone by it was a custom altogether too common to regard any appeal for such aid as political graft. Out of this erroneous sentiment gre that obnoxious term "pork barrel, which has since stuck to all river and harbor bills. Since Mr. Burton has been the ruling power on the House committee on rivers and harbors. there have been very few of the plain graft bills of the old "pork barrel" days smuggled through, but the evil that some of the predecessors of those iniquitous measures worked, still lives, and is a contributing factor in holding up the most necessary appropriations which should be made at the present session of Congress.

The entire delegations from the North Pacific states are unanimously in favor of the needed appropriations, and by working in unison they may succeed where others have failed in the past.

The Chicago, Milwaukee & Puget Sound Railroad has been incorpor-ated. The new line is the Pacific Coast extension of the Chicago, Milwankee & St. Paul. It is rushing to the Coast in time to handle the expected travel to the Seattle fair. Pas-sengers secured by this line quite naturally would not know from the title of the road that it was possible for them to reach such a place as Portland by that route, and naturally a goodly number of them will get no farther than Puget Sound. It is of course the privilege of the road in est he fall into subjection to its forms this free country to decline to recog-

spray the limbs and trunk of the tree and forget the meaning. It is the limbs and trunk of the tree and forget the meaning. It is the limbs and trunk of the tree and forget the meaning. It is the should not be forgotten by the traffic rustiers of the line that Portland may clamors vainly for liberty. The world sticks ignobly in the mud and falls to move toward its distance of the Chicago. Milwaybox and the chicago of the Chicago the nection. A little retaliation of sort would not only appraise the Mil-waukee line of Portland's existence, but it would also show it that fire territory reached from this city is greater in extent than that reached from any other city in the Northwest.

The Argentine wheat crop of 1908will go on record as being the most 'elastic" of any ever turned out by of any ever turned out by low as \$5,000,000 bushels, and the most liberal traders who were supposed to be in touch with the situation were unwilling to concede more season approaches, there has been a revision of figures, and the Chicago market 'slumped Saturday because some one has sent out figures predicting a yield of 215,000,000 bushels. This figure is probably as far wrong as the 85,000,000 prediction earlier in the season. Heavy shipments from the Argentine will not be surprising whether the crop is large or small, for present prices are too attractive to cause many holders to retain their wheat.

A buoy which was set adrift July 24, 1900, 400 kilometers northeast of the Mackensie River, has just drifted ashore at Soroe, Denmark. It is pre-sumed that the buoy was carried through the polar seas between Greenland and Spitzenberg. It was nearly eight years in making the voyage. This is really the most successful Arctic voyage that has been noted in recent times, and suggests something new in the way of polar expeditions. Here is an opportunity for all nations to participate in a grand race for the pole without risking a single Let each nation that has sacrificed men and money in vain efforts to discover that imaginary "pole" set adrift a buoy and the first one which successfully makes the passage be awarded the prize for North Pole discovery. This method would save many lives, much money and should serve all purposes for which the discovery of the north pole is sought.

The Almanac and Year Book of the Chicago Daily News, for 1909, is a close compliation of a vast amount of statistical matter. It is twentyfive years since this annual issued its first number. It was then a little paper-bound booklet; now it has expanded to a volume of 600 pages, into which every variety of statistical matter is closely packed and indexed. It is a record of all or most things of interest and of current use that an inquirer would like to know, and the easy accessibility and compact form of the matter render it one of the most convenient ever published. Published by Victor F. Lawson, of the Chicago Daily News.

Blizzard, as the word is known east of the Rocky Mountains, is not an appropriate word to use in describing the snow storm last week in this region. In a real blizzard the temperature is 20 to 40 degrees below zero, the wind blows sixty miles an hour, the snow is so fine that its particles sift through cracks wherever air will go, and neither man nor beast can face the storm and live. In a real blizzard the air is so filled with fine snow that breathing is almost impossible. A snow storm such as that which took place in Oregon would, in the Middle West, scarcely cause a pe destrian to turn up his coat collar.

Editor Hofer (Salem Capital Journal) sees no good in the Legislature. He complains that it will not take advice; says "it is useless, it is impos-sible, it is folly, to advise the Legislature," Further, "it is the one sovereign irresponsible body, and it is a error to the people to see it meet." The Oregonian knew it was awful, but still had hopes it wasn't bad as that. Why didn't Marion County put Editor Hofer in the Legislature again Was it because he has this year? helped, heretofore as a member, to make it the "terror" it is?

Charles S. Deneen, Governor of Ulinois and candidate for re-election, fell far behind his ticket, but received about 24,000 plurality. 'reformers," alded by their Democratic and other allies, are new trying to count him out.

The liquor men of Indiana, who gave the state to the Democrats, now vant the liquor legislation of state fixed to suit them, and to this end demand the repeal of the county local option law. There is a mighty uproar in Indiana about it.

Of course a physician was found who would swear that Captain Hains was suffering from "impulsive insanity" when he shot Annis. While the jury is not required to believe the doctor, it probably will give his testimony some credit. Nobody else will,

It probably is of little use to make protest against any one of the thou-sand new schemes for expenditure of public money, since they who propose and push these schemes are not those who pay the faxes to support them.

first-class battleship of Dreadnought type costs \$6,000.000. This is exclusive of the armament, which is supplied by the Government from its great gun works

Misfortunes never did come singly, In Oregon, the Legislature meets con-temporaneously with the "blizzard"; but we are accustomed to one of

fort to get into practice preparatory to jabbing the wild animals in Africa. Banking lobbyists in the Oregon Legislature this session will not have the convenience of Banker Ross

Perhaps the prodding the President

nas given Tillman was merely an ef-

secret "jocular" code. There's comfort in the thought that there's just as much danger to the pipes in the house next door.

show it, there is an increasing demand for rope in this state. This was to be a happy New Year.

Though the market reports do not

Don't forget it when you send for the plumber.

Now isn't this fine weather for the cold-water-bath flend?

President of Chinese Reform Society Nature of Their Franchises and Regula

Discusses Oriental Affairs.
PORTLAND, Or., Jan. 10,-(To the Editor.)-Will you kindly allow me a shi Kai, one of the Grand Councillors of China? It seems that what little advancement China has made is solely credited to Yuan and that the dismissal of this official will have a deterrent effect on the progress of this ancient empire, but this view of the situation is very unjust, and we feel sure that it would never have been made if the true internal affairs of China were perfectly internal affairs of China were perfectly

was chiefly due to him that the reforms of 1898 failed. If Yuan had kept his promise and not turned traitor the late Dowager Empress would have been put where she could do no harm, and Em-peror Kwangsu restored to his rightful power. Reforms would have long ago been carried out. Trade with foreign nations would have made more rapid strides, the life of every foreigner made secure and tranquility prevailed through-

out the empire.
Yuan never was a reformer in the true sense of the word. Yuan was for Yuan, and he has been secretly laying his plans to seize the throne as soon as the opportunity arrived, and if it were not for the great strength of the opposition. Yuan might have solved the throne, created civic strive and endangered the peace of the Far East. There is plenty of proof that Yuan tried to bribs one of the physicians in attendance on the late Emperor, for he knew well that the old Dowager Empress could not live long, and that if she died before not live long, and that if she died before the Emperor, the Emperor would severely punish him for his traitorous acts in connection with the "coup" of 1898. The chief actors of the "coup" of 1898 are all dead and the history remains under-ground. Yuan, indeed, is lucky to escape with his head still intact and ought to be grateful for the great magninimity of the Prince Regent. The government has put in his place a man educated in the United States, a man imbued with the true Western spirit, and henceforth China will advance as she has never done before. Foreign investments will be safe, life fully protected and the national credit abroad improved.

LEE MEE GINN. President of the Chinese Empire Reform Association of Portland.

#### INTERREGNUM CAN BE AVOIDED Congress Meets Situation, Should Mr.

Taft Now Either Die or Resign. PORTLAND, Jan. 9.—(To the Editor.)— It was with very great interest that I rend Senator Fulton's communication in The Oregonian of yesterday, relative to the Presidential succession in the event of the death of Mr. Taft before having taken the oath of office. The Senator's interpretation of clause 5 of article 2 of the Constitution and the twelfth amendment to the Constitution is undoubtedly correct. That the Constitution is defective in the particular pointed out by the Senator is equally clear. However, in the event of the death of Mr. Taft before having taken the oath of office, it would be possible to avoid an interregnum. In order to do this it would require the resignation of both President Roosevelt and Vice-Presi-dent Pairbanks before the expiration of their respective terms of office. In which case, clause 5 of article 2 of the Constitution gives the power to Congress to designate what officer shall be President until a President small be constitutionally elected. Congress has met this situation by the act of January 19, 1889, which pro-vides that in case of the removal, death or resignation, etc., of both the President and Vice-President, the Secretary of State, etc., shall be President until the disability be removed or a President shall be also at the control of the control of

So that it would seem that in the event So that it would seem that in the event of Mr. Tuff's death before his inaugura-tion, President Roossvelt and Vice-Presi-dent Fairbanks could resign their respec-tive offices and the Secretary of State, Mr. Root, would immediately become President and would hold that office until he next regular Pro FREDERICK W. MULKEY.

#### STATE'S RIGHTS DOCTRINAIRES Writer Blames Dissaffected Southerners

for "Holy Statement" Result. PORTLAND, Jan. 3.—(To the Editor.)— Jeff Davis, the leader of the Southern States out of the Union, held the poisonous doctrine that he had a right to disregard the Constitution of the United States as the supreme law of the land in letter and in spirit, and to form a sep-arate republic for the South.

Do we want two republics in Oregon, or are we willing, as good citizens, to abide by the letter and spirit of the United States Constitution in the selecion of United States Senators? In other words, do we believe in Southern Democratic states' rights as the supreme law, or in the Constitution of the United States as the supreme law?

Let us not forget that this primary innovation is an egg that was laid and natched in Southern soil, an egg laid by Southern Democratic state rights doc-rinarians who disowned the United States as the supreme government and States as the supreme government and tried to disrupt the Union.

It is for each member of the Legislature to say which doctrine he will espouse—that of Lincoln, or that of Jeff Davis; one republic, or many in the United States. CORRESPONDENT.

### Joke on Husband.

Heppner Gazette. Notwthstanding the fact that a casket and shroud were purchased for Mrs. Matthew Thoburn, of Wapinitia, and that all preparations were made for a wake over her body, the woman is now enjoy-ing the best of health

Mrs. Theburn was seriously ill at her home in Wapinitia shortly before Christmas. She was not expected to survive, and the day before Christmas her death was considered only a matter of hours. Her husband was compelled to make a trip to The Dalles, by team, that day The roads were in miserable condition. Expecting that his wife would not live long, and not wishing to make another trip over the bad roads, Mr. Thoburn decided to purchase the casket and get the material for a shroud for her body. He carried out this plan and also pur-chased a number of candles in prepara-

chased a number of candles in prepara-tion for the wake.

It is humorously suggested that Mrs.
Thoburn railled and gradually improved to have a good joke on her husband. At any rate Mrs. Thoburn is a well woman now and was able to visit relatives in this city on New Year's day. She says she expects to remain in the land of the living for several more years in spile of living for several more years in spite of the fact that a casket which was in-tended for her dead body is now stored in the barn in Wapinitia.

### As It Was in the Beginning.

Puck.
The Professor-Doctor, we have made a The Proressor-Doctor, we have made a discovery of inestimable importance. We have here several hitherto unknown verses of the Book of Genesis. Listen! "Cain rose up against Abel, his brother, and slew him. And to the Angel of the Lord, Cain spoke, saying: I was insane. I was sane before I slew him and I am sane now, but the instant I struck I was cassed. This is my defense." And lot crazed. This is my defense," And lol concerning the slaying the mind of Cain was a perfect blank."

### A Southern Democratic Opinion.

Baltimore Sun.

Just so soon as it is understood in the
Democratic National Conventions that
the Southern Democracy intends to demand and exercise its proper power in the party, and that the only way to make sure of the electoral vote of the South is to recognize its political rights, there will be a chance for a Democratic

tion of Their Bates. For succinct statement of the meaning and the results of the decision of the little space in your great paper to reply United States Supreme Court, January 4. to the criticism of the dismissal of Yuan on the appeal of the Metropolitan Gas supplied in the City of New York. It was resisted by the company, on the ground that it was confiscatory. The Supreme Court, however, upholds the act, but adds that the corporation may make application for relief, if, after experimental trial, the rate shall be found unremunerative. The points of the de-

1. That when the state by statute au-thorizes the capitalization of 1. That when the state by statute authorizes the capitalization of a franchise such capitalization is valid against the state, but a corporation may not engitalize its franchises at its own estimate of their value and require a rate profitable thereon. Netther can a public service corporation require compensation for its good-will. This excludes the capitalization for good-will. This excludes the capitalization for good-will and franchises, except so far as the state ratified the value of the original franchises at \$7.751,000. \$7,751,000

A net profit of 5% per cent is not confiscatory.

5. No rate within reasonable bounds can be asserted to be confiscatory unless there has been an actual and bona fide test of its

operation.

A fair return on the value of property actually used in manufacturing and supplying gas is approximately 6 per cent. The basis is the value of the property at the time when the rate takes effect. 6. It is not discrimination for the city to get gas at a lower price than an individual

onsumer,
6. The increased cost of higher candle-ower is not of itself confiscatory, but is part of the whole computation of price and

part of the whole computation of price and profil.

7. To require unreasonable pressure is unconstitutional, as are excessive penalties, both of which are stricken out.

The court concludes that, if after honest and faithful test of 80-cent gas, the Consolidated Cas Company is unable to obtain "a fair and just return upon its property used in its business of supplying gas," further application may be made for relief. In the meantime the constitutionality of the 50-Cent Gas law is uphelid and the consumers are entitled to recover more than \$10.000.000 which they have paid in excess charges.

#### THE FOOL OF THE FAMILY. And Its Effective Warning to All Other States.

Chicago Inter-Ocean.

Oregon is now having an experience which would chasten its spirit. But yesterday the primary law in that state 'might have stood against the world." Today many Oregonians are asking if they must indeed lie on the bed that they

Oregon is a Republican state, with a Republican Legislature. Yet this Republican Legislature of a Republican state will, if a majority of the members keep their pledges to vote for the man nom Inated for Senator under the primary law, elect a Democrat, Governor Chambelain, to represent that state for six years in

the United States Senate.

There is the situation which tinkering with the plain intent of the Constitution has brought about. The Constitution meant for Senators to be chosen by the Legislatures. But the Oregon primary law enthusiasts knew a better way than that. No fear of misadventure damped their ardor. The scheme was sure to

And so it did. It worked so well that the question whether the legislators should keep their pledges is now a burning one. Leading Republicans hold they should: leading Republicans hold they shouldn't. If they do, a state freshly committed to the Chicago platform will be represented by a Senator freshly committed to the Denver declaration. If they do not, they will resmillate an obligation

do not, they will repudiate an obligation openly acknowledged.

The Republican legislators should keep those pledges. They are foolish pledges made with an eye to a more foolish law. They are not technically binding. But a law is a law and should be obeyed. Bitter as the medicine may be, it will be good for Oregon. It should cure it of the idea that there is some magic in the 'primary" to solve all difficulties. should restore a healthy respect for the plain constitutional way of doing things.

And in the moment of taking the unpleasant draught, the Legislature should see to it that this one is the last. A re-peal of that portion of the law which has peal of that portion of the law which created such a monstrous stuation is the first demand of common sense. If the past is not to be undone, the future can and me only?"

"'Yes,' said the young man, 'though "'Yes,' said the young man, 'though at least be made secure, and that by the simple expedient of bowing to the plain intent of the Constitution.

Six years is a long time for a Demo-cratic Senator to represent an unques-tionably Republican state. But not too long, if the lesson of it sinks into the public mind, impressing it with the evils of hasty legislation, the folly of a too nar-row enthusiasm, the impolicy of an indirect nullification of the supreme law of

increased by 63,000 net tonnage over last year. The mercantile steamship fleets of the principal nations, with their in-

Tonnage. 10,183,000	
Tonnage. 10,183,000	one yes
10,183,000	
	172.0
2.237.000	60.0
1,263,000	55,0
841,000	66.0
802,000	75,0
683,000	16.0
DOUGHOU	38.0
	13,0
483,000	*22.0
438,000	39.0
443,000	32:00
428,000	6,0
18,970,000	
	1,263,960 \$41,000 \$92,000 653,000 556,000 523,000 488,000 443,000 428,000

#### Happy in Cold Weather. Condon Times,

Even the stockmen are glad to see the even the stockmen are giad to see the severe weather come at this time as cat-tle, and especially sheep, are better able to stand the cold than a storm in Feb-ruary when sheep are heavy with lamb. It will also give an abundance of water during lambing and help to make good grass on the ranges when it is most needed next April. This is the weather we want, and "let her snow" is the remark heard on all sides.

#### Hanging for Assassinations. Philadelphia Record.

Perhaps there would be fewer assas-inations if there were a stronger probability that a murderer would hanged. It might even be sufficient to make a long term in the penitentiary sure. Whatever may be said about the make a long term in the penitentiary sure. Whatever may be said about the death penalty, the certainty of severe punishment would probably discourage the taking of human life. At any rate, it would be worth while to make a thorough test of this.

### LIFE'S SUNNY SIDE

A n amusing incident occurred in the trial of a recent case in an Ohio court. Counsel for the plaintiff was examining a certain witness, when he asked:

"Is my understanding correct that you called on the plaintiff, Mr. Perking?"

"Yes, sir." "What did he say?" demanded coun-

Whereupon counsel for the other side arose and objected strenuously. The conversation could not be admitted as cvi-dence. But counsel for the plaintiff insisted, and counsel for the other per-sisted, with the result that the Judge before whom the case was being tried retired to consider the point. He was absent for nearly an hour. When he absent for nearly an hour. When he returned he announced that the quescision are thus summarized by the tion might be put.

World: "Well, what did he say?" repeated

"The fact is, sir," answered the witness, without moving a muscle, "he wasn't at home!"—Indianapolis News.

An Irish soldier on sentry duty had orders to allow no one to smoke near his post. An officer with a lighted cigar approached, whereupon Pat boldly challenged him and ordered him to put it out at once. The officer, with a gesture of disgust, threw away his cigar, but 1.2 sooner was his back turned than Pat picked it up and quiet-

ly retired to the sentry-box.

The officer, happening to look around, observed a beautiful cloud of smoke issuing from the box. He at once challenged Pat for smoking on duty. "Smoking, is it, sorr? Bedad, and I'm only sceping it lit to show to the Corporal when he comes, as evidence agin you."-Tit-Bits.

Mme. Calve, at a women's luncheon. was condoned by an elderly spinster on the ground that a laudatory article about her had not been very subtle or discriminating.
"I know well," said the spinster,

smiling behind her gilttering spectacles, that only discriminating praise counts

as praise with you."
"Don't talk about discriminating praise," sasswered Mmc. Calve. "Ful-some flattery is good enough for me." -Washington (D. C.) Star.

On a journey through the South not long ago Wu Ting Fang was impressed by the preponderance of negro labor in one of the cities he visited. Wherever the entertainment committee led him, whether to factory, store or suburban plantation, all the hard work seemed to be borne by the black men. Minister Wu made no comment at the time, but in the evening, when he was a spectator at a ball given in his honor,

after watching the waltzing and two-stepping for half an hour, he remarked to his host: "Why don't you make the negroes do that for you, too?"—New York Sun.

William G. Rockefeller is the presiient of the National Beagle Club, and in authority on dogs no less than on finance. Discussing the training of dogs at a

recent club meeting, Mr. Rockefeller "Yes, training is an art. The simplest-appearing cauline performance is, properly understood, a difficult thing. It looks easy, but it is hard; and thus. —Mr. Rockefeller smilled—"thus it is like the man at the photographer's.

"This man, sitting for his portrait, said impatiently to the artist: 'Well, have I got now the pleasant expression you desire?"
"Yes, thank you, said the photographer. That will do nicely. "Then hurry up, growled the man, 'It hurts my face." -- Rechester (New

York) Herald. Dorando Pietri, at one of the many Italian banquets given in his honor in New York, talked about professional athletics.

"Amateurism is no doubt more romantic than professionalism," he sa "but we live in an unromantic age. "Only the other night at one of your gayest Italian restaurants I overheard

"It was late. At the table next to mine a rich young Italian contractor was suppling with a beautiful young girl. As the young girl played the stem of the winegiass I heard her

this lobster is certainly mighty good. New York Herald.

### A Town and a Country Fable.

St. Louis Globe Democrat.
Once there was an Honest Man who
was looking for Work in a Large City. From morning until night he would tramp the streets asking for a job. Although he had one or two Trades he could work At. the land.

he was willing to take any kind of employment that was respectable. He would be glad to be a Houseman if nothing bet-United States Not Very Big, but Is
Third.

The annual shipping statistics just published by the Nautical Gazette show that the world's mercantile fleet tonnage has increased by £28,000 net tonnage over last year. The mercantile steamship fleets

The distribution of the Houseman if nothing better offered and would even Assist in the Kitchen washing Dishes rather than be an object of Charity. But, though women the was against him Being something of a student, he sought to Analyze the reasons why he could Noz entry the mercantile steamship fleets

"an Able-Bodied man of Good Character," born and Raised in this Country and a Citizen and Supporter of the state and it has no use for me. Evidently our social and industrial System is Wrong, chaotic and meffective and Ought to be Changed. What we Need is a new One, Should not Every city have a Job for every Honest Man that wants one?" But as his ruminations did not put Bread in his mouth, he was compelled to stop reconstructing the social System and set out once more searching for a Means of Livelihood. At last in his Desperation, scarce knowing what he Did, he walked out into the country. He trudged along the Road dejectedly, wondering what was to become of Him. He had traveled some distance from Town when a Farmer continues. In 19 years, 1889 to 1908, the total has run down from 1,081,000 to 2,000, while in the same partod the steam tonnage has increased from 7,748,000 to 2,000, while in the saling fleet of the Netherlands, at one time by far the largest in the world, now takes fourteenth place, with only 74,000 tonnage, while the American smiling fleet is now second to that of Great Britain. The tonnage of these two nations is: Great Britain, 1,000; the United States, 1,409,000. reners leave the country and trowd into the Cities is Simply a Depopulatin' the rural deestricks. Everybody can made a Good Living in the country and have pienty to Eat and a Comfortable piace to aleep." So the Honest Man took the job plenty to bat and a sleep." So the Honest Man took the job and fived happy ever after, for three years later by Frugality and Economy he was able to go into farming for himself. Moral—It is Better to Live in the Country and Milk the Cow than Live in the City and Drive the Milk Wagon. the City and Drive the Milk Wagon

## The Effective Boomer.

Tillamook Headlight.
The Oregonian has issued another commendable New Year's number, which is brim full of information and which will do Oregon a vast amount of good in obtaining new settlers. When it comes to genuine boomers for the state. The Oregonian is the greatest and most effective boomer.

### Crops Safe Under Snow.

covering of snow.