# The Oregonian

PORTLAND, OREGON

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PORTLAND, MONDAY, JANUARY 18, 1909.

### DOBE VS. TILLMAN.

It doesn't appear how Bryan E. Dorr, who declares his intention to sue Senator Tillman for libel, can expect to obtain for his sult standing in ourt-unless the Senator will walve his privilege, answer the complaint, and let the trial proceed. This, most certainly, he will not do

Dorr's story is very direct. Much of it is confirmed by Tillman himself. It does not appear that Tillman had any right to denounce Dorr as a liar and swindler, since Dorr knew well that Tillman had been trying to obtain land under terms of the Coos Bay Wagon Road grant and therefore he took opportunity to recommend the like investment to his own customers clients, using Tiliman's name in connection with the matter as an inducement to them. It was done, plainly, for "advertising purposes.

what had Tillman actually done? He had wired Reeder & Watkins, at Marshfield, Oregon, as foilows: "Wm. E. Lee, my agent, will see you about land. I want nine quarters reserved; will forward applications and money at once. Members of my family are entrymen. Letter The letter that followed was written from Chicago, Oct. 29, 1907. After quoting telegram as above, it proceeded: "I write now to say that I wired Mr. Lee, who resides at Moscow, Idaho, to go at once to Marshfield and see you about the land, to locate gra. for the seven members of my family who are of age, and one for my private secretary, R. Knight, whom I desire to let into the deal. Of course he wants a qr. for himself." "He" in the last sentence doubtless refers to Lee. Thus, as to the nine quarter sections for which Tillman had telegraphed.

Dorr, as a land broker, used his of Tillman's action to knowledge ecommend his own undertaking, and freely advertised what Tillman was doing. It was a publicity that Tillman did not desire; hence he had the hardihood to deny in the Senate Chamber that he had "undertaken" to obtain any land and incidentally he declared that Dorr was a liar and swindler; whereupon the postal authorities seized Dorr's mail, hils customers quit him and many of his former friends fell away from him. was, indeed, bitterness for Dorr. But the injury to him would appear to be irreparable. Tillman can ignore his actions at law.

But Tillman, clearly, is in the Foraker class, or worse. During the period that had lapsed between his 'application"-his own wordland, and the occasion when he rose in the Senate to denounce Dorr, some incident or series of events had occurred to change his mind. Possibly it had occurred to him that it didn't look well for a Senator of the United States to be advertised in such way: so he made the extraordinary denial that he had bought any land, had made application for, or undertaken to buy any. From two points of obction he never will be able to clear himself, namely, that 4t will not do for a man in his position to attempt to make personal gain in transactions in which any interest of the Government or of the public is concerned, and that untruthful statement in the Senate is not only an offense against that body but against the moral sense

of the country. But perhaps Mr. Dorr can get Senator Tillman into court on something Mr. Tillman has said outside the Senate or published in the newspapers. It is not probable, however, that anything further will follow, beyoud such lasting annoyance as will come to Mr. Tillman through continuous reminder by Dorr and others of an affair for which Tillman doubtless would be glad to have the oblivion that Foraker needs in the matter of his transactions with Standard Oil.

### ONE UNAVAILABLE RESOURCE.

State Game Warden Stevens makes an interesting report for the year 1968, following it with a long list of recommendations, among which is included one that requests enactment of a law making all violations of the game law punishable by imprisonment. Mr. Stevenson concludes that, unless some such drastic punishment is provided, "no distant day will witness the great State of Oregon barren of one native resource that to all siderable extent a matter of pride with "all of us," but as a "native resource" it is available to only a "few of us" who have the time, money and inclination to hunt. Mr. Stevenson's recommendations regarding close seasons and the number of birds and animals that can be killed in a day and a week seem to be reasonable and entitled to consideration.

In regard to ducks, it might be said, however, that "all of us" who do not hunt would not object to a shortening of the season and the granting of permission to hunters to sell their is speedily constructed and placed in birds. In the long list of arrests and prosecutions which are mentioned in the Game Warden's report there appears not a single case of violation of the law against selling ducks. Yet it is a fact well known and understood that thousands of ducks are sold every This is a feature of the law that should be repealed and permission given the hunters to sell their without being forced to resort to subterfuge and falsehood in order

There are a great many men who enjoy the sport of hunting but are unable to indulge in it without lessen-

game they kill. The wealthy hunters quadruple land values in the territory re, of course, willing that these men should be deprived of this pleasure but, believing it to be an unfair law and holding it in contempt, the hunter its own work. proceeds to break it by secretly selling Entered at Portland, Oregon, Postoffice as his birds. In the transaction he finds a willing ally in the purchaser, whom the law prevents from securing game except by going after it himself or begging it from some hunter who

has killed it. hunter to present the stay-at-home with a few ducks and a few days later ient of his favor. By this manner it any first-class restaurant in Portland, with arrest and conviction conviction is impossible, and it also deprives a large number of people who would not be parties to such a transaction of the opportunity to enjoy a game dinner at any price. Until ducks are much scarcer than at present, permission should be given hunters to sell the birds openly.

LAWS THAT ARE NOT LAWS. . The voters of Oregon, by a foolish initiative statute, quite as foolish as Statement One, have undertaken to compel every member of the Legislature to vote for the candidate for the Senate who may have received a plurality of the popular vote. This statute was enacted by a large majority last June.

Is it effective, or is it not? Is it to be obeyed, or is it not? Is it law, or is it not?

is not law. It never will be obeyed. It is a farce. It is no more a law and creates no more obligation than Statement One. Why? Because both are in direct violation of the Constitution and laws of the United

Neither of these absurdities, therefore, is law, and neither of them is binding on anybody. Half the Legislature will certainly disregard one of them; all members and all citizens ought to disregard both.

### A MISTAKE AND ITS MEANING.

It was a mistake, as observant peo-ple now know, to abolish the Constitution of Oregon. For Oregon now has no constitution. The remaining shreds of the thing called the constitution may be abolished by any initiative statute. In several particulars this has been accomplished already. It has gone further. It has attempted overthrow of the method of electing Senators established by the Constitution of the United States. It proposes to deprive foreigners, regarded as "undesirable," of the right to hold property in the State of Oregon. is the new method invented in this state-the newest and latest since the overthrow at Appomattox and the surrender of the Confederate armies nullification of National powers, as well of the constitutional powers of

Has the State of Oregon a constitutional government, or only the government of a temporary and uncontrolled majority? Clearly now it has only the latter; since any initiative statute that the majority of the hour may approve, may set aside everything that remains of constitutional government. The effort to do this is incessant.

But, it is inquired, haven't the people a right to do what they will? No; because the people are not the majority dealing with the special questions of today. The people in the long run will rule; but the majority or mob of today, excited by some temporary interest or notion, will not rule. For the moment, indeed, it may, but always with disaster. Society is not the majority of today, nor any number of voters of the time, told by the head. It is an organization and compact that includes the past, the present and the future. It may pretend to the idea of the equality of man, but experience rejects that idea at every stage. For men are not equal, and the dogma of the equality of man itself remains without definition. Neither science nor experience nor reason sanctions it; yet we are told that this unscientific and a priori idea must be adopted as the paramount force of American democracy. It will be true when all men are equal in intellectual and moral worth, in power, in capacity; not till then.

Herein lie the reasons why it was a mistake to abolish the constitution of Oregon and to substitute for it a system liable to change by any initi-ative statute that may be favored at the moment by a majority, told by the head. After the experience we have had and are having with the system, and shall still have, Oregon, we believe, will some time return to the regular and orderly and constitutional system; wherein necessary changes will take place or be effected. not by revolutionary methods, but in the sane and progressive way that experience sanctions. As matters now are, Oregon, that ought to be conservative and considerate, is getting far out of line with the steady sentiment and rational purposes of the people of the United States.

ROUTES TO CENTRAL OREGON. The Central Oregon extension of the Harriman system will undoubtedly be under construction within a months. General Manager O'Brien, who returned Saturday from a visit of us is now a matter of pride." The at headquarters, announces that the game supply of the state is to a con- company has under consideration company has under consideration three separate routes for reaching the new territory. Of these three, the Deschutes route calls for an estimated expenditure of \$4,500,000. An extension of the Corvallis & Eastern across the Cascade Mountains from Detroit could be built for \$2,000,000, and the Columbia Southern could be extended into the Central Oregon field at a cost of \$900,000. To Portland and that vast trade field which any of these lines would open up, it is at this time a matter of mild indifference which ronte is followed so long as the road

There is, however, an economic feature in the situation that later may be of considerable interest to both Portland and the railroad company There is a growing tendency through out the country to limit the earning capacity of railroads to a fair return on the original investment, making allowances of course for operating expenses and depreciation. In a new untry like Central Oregon the effect of this would be to shut the railroad out of participation in the enhanced values on all other industries in the country reached. The building of the difference whether the leading men of

which it traverses, but the road, limited to earnings based on its actual which they cannot otherwise afford; cost, could not participate in this advance which would be due solely to

A possible effect of this policy in the case of Central Oregon might be construction of the Shaniko extension at a cost less than half of that estimated for the Corvallis & Eastern extension, and about one-fifth the estimated cost of the Deschutes line. It is quite natural and easy for the Mr. Harriman is famous throughout the world for his abhorrence of grades and curves. On the Shaniko extenreceive a cash present from the recip- sion of the system he would probably he obliged to encounter more of both has been possible throughout the than could be found in almost any season to secure duck dinners at al- other route of similar length in the state, and the operating and maintenance expenses would more than offpractically impossible. The present set the saving effected in original cost law invites this secret violation where as compared with the economical grades along the Deschutes River. The additional cost of the Deschutes line might for a while bear heavier on the traffic than the less expensively constructed lines across the Cascades or beyond Shaniko, but eventually economical operating expenses would make the original cost seem insignificant in comparison.

The Deschutes route is the natural route from Central Oregon to tidewater at Portland, just as the Columbia River route was the natural highway between Portland and the Inland Empire. Once constructed along the easy grades of the Deschutes River, no other line that might enter the field could successfully compete with it in point of economical operation. By selecting either of "cheap" routes the Harriman investment would be materially lessened, but the public in the long run would be a distinct loser in the increased cost of operation which it would be obliged to pay.

### FOLLOWING THE CONSTITUTION

In his message to the Legislature Governor Chamberlain urges enactment of laws establishing a uniform system of assessment and taxation, as the constitution directs shall be done. In support of this recommendation he quotes the section of the constitution requiring such a system, but he makes no extended argument in support of his policy in this regard. None is necessary. Argument would be su-All that is needed is a perfluous. quotation of the plain language of the constitution. The policy of following the constitution never needs an argument in its support; it is violation of the constitution that calls for long, intricate and perplexing discussion. The Governor's recommendation re-

garding observance of the constitu-

tional

requirement that assessment

and taxation shall be equal meets The Oregonian's approval. This paper regrets only that Governor Chamberlain's desire to follow the constitution in enactment of assessment and taxation laws does not extend to all requirements of that fundamental law. For example: The constitution provides that when the white population the state reaches 200,000, the Legislature may provide for the tion of Supreme and Circuit Judges in distinct classes, one of which classes shall consist of three Justices of the Supreme Court. This was just as plain a provision as a man of intelligence could write. It admits of no doubt as to its meaning. Prior to the time when the population reached 200,000, Supreme and Circuit Judges ere one class, the Supreme Judges performing Circuit duty. At that time there were five and could be seven Judges. But when the new system became effective, the old one was abandoned, and the Supreme Court became a tribunal presided over by three Justices. No more; no less. No led argument is necessary to show what the constitution means. All Governor Chamberlain devoted four of his theory that the number of Judges is not limited to three. urged the Legislature to adopt a farfetched and indefensible interpretation of the constitution and to provide for election of more than three Supreme Judges. As said before, it re-

guires an extended argument to support violation of the constitution. Again: The constitution of the state fixes the salaries of certain state officers at specified sums per annum. The language of the section is perfeetly clear and direct. It was written by men who knew how to say what they meant. It expressly declares that the salaries therein named are "fixed," which means unchangeable, if it means anything. Yet Governor Chamberlain has been a party to the violation of that section of the constitution ever since he went into office, and is now drawing a salary in excess of that "fixed" by the constitution. He made a very extended and labored argument in his first messupport of his policy sage: in of evading the constitution in low and support the constitution, all he would need to do would be to quote the section and say: gentlemen of the Legislature; it needs no comment from me." But evasion of the constitution always requires discussion enough to becloud the

Undoubtedly the salaries fixed by the constitution became too low as the state grew in population and wealth, and the manner of living changed. The salaries should have been increased, but the change should have been brought about in a lawful manner, by amending the constitution. If the number of Supreme Judges is too small, the constitution should be amended by increasing the number. The people have reserved the right to amend the constitution and have never by any possible implication con ferred this power upon the Legisla-The Legislature may propose an amendment; it cannot adopt Yet Governor Chamberlain would have the Legislature enact a law which would be to all intents and purposes an amendment to the constitution.

Quite likely there are a number of sections of the constitution out of date and many laws upon the statute-books which are unwise. But so long as they remain in effect The Oregonian believes they should be faithfully observed, without any equivocation or evasion. They should be obeyed ooth in letter and in spirit. While the difference between a salary of \$1500 and one of \$5000 is not great enough to be felt by the taxpayers, and though there would be no direct injury if the Legislature should increase the number of Supreme Judges ing the expense by selling some of the railroad would doubtiess more than this state teach by precept and exam-

ple a policy of law violation or one DISREGARD STATEMENT NO. ONE of law observance. The Oregonian believes and will always urge that the young people of this state should be taught to respect the law, of which the constitution is the foundation. This paper believes that many of the tariff laws are unjust and morally wrong, but it will not counsel any person to engage in smuggling in order to evade the tariff. It believes that many a murderer is wrongfully acquitted because of legal technicalities, but it does not advise lynching as To encourage evasion of the law is to develop a spirit of lawlessness which gradually permeates the entire social fabric.

The engineer and conductor of the Denver & Rlo Grande train wrecked Friday night had been in the employ of the company for more than twenty years. This long-continued service was naturally a guarantee that they were competent and careful men. Yet a slight lapse of vigilance by which they ran nine minutes ahead of their time order caused a terrible wreck and shuffed out the lives of more than a score of people. It is not apparent from the accounts of the wreck that the road was provided with the block signal, but even had it been it might ot have prevented the carelessness of the engineer. Not much blame can be attached to the men "higher up" the Denver & Rio Grande when they place their dependence in men whom they have trusted for more than twenty years, and no safety system ever invented can prevent such criminal carelessness as seems to have caused the latest railroad horror.

Prince Ching assures the American and British ministers that the dismissal of Yuan Shi Kai will have no effect on the Chinese policy as regards the two countries mentioned. This assurance may be given in perfectly good faith, and still there are doubting Thomases who will wonder if the Foreign Ministers expected Prince Ching to tell them anything different. The Chinese have never been noted for announcing their policies from the housetops, and, no matter what changes the new power on and behind the Chinese throne might have in view, it would be strictly in accord with Chinese traditions and general policy for such changes to be unan-nounced until they became effective. The Far East is rounding into promising position for some new sensations within the next few months, and China may be the storm center.

Is this an apology for Tillman, or censure of him? It is taken from a journal of New York not unfriendly to "We admit that the action him: brought by the Senator in pressing for the release of those lands to the public was in the common interest, but we submit that it was neither delicacy nor discretion in Mr. Tillman to have his agents at work, so as to make a good investment by the purchase of a few quarter sections." And then there was the untruthful denial in the Senate about it.

The Montana courts are still engaged on a case in which the point at issue is the "pot" in a seven-up game which was played in the early '90s. After the Supreme Court had taken four whirls at the original case, it was finally decided, but meanwhile the interest on the amount had grown to such a goodly sum that it also was worth fighting for and the case reappeared in the Supreme Court at Helena last week. Montana gamblers are either hard losers or great welchers.

Mr. Hearst is now warmly support-It. and Nelson, emerging from that is necessary is to quote the sec- House with an autographed photo of tion. It says what it means. But the head of the Nation, also assures House with an autographed photo of a waiting world that the President is pages of his message to a very labored all right. With two such indorsements and unconvincing argument in support in one week, the President may feel less hurt over the investigation of his He negro barber and Mrs. Roosevelt's messenger.

> Our George doesn't want anything more than to be Governor and Senator, too. Why not? Isn't the whole scheme of Statement No. 1 to deliver state and Nation to the Democrats! That means Oregon's one Democrat, of course.

Spite of the heavy rain and the fact that it was Sunday, more people were stirring in Portland yesterday than any time during the past twelve days. No state where a little snow, with barely freezing weather, knocks people out as in Oregon. .

Congress is disposed to be hilarlous because it is learned that the President's personal barber has been loaned Navy Department and is paid \$1600 per year. Well, nobody from Congress is able to hold him long enough to shave him.

About all the average citizen understands of the crisis in China is that it is serious enough to get on to the first pages of the newspapers. The telegraph editors at least appreciate its great gravity.

Were there a secret ballot at Saem, Brother Chamberlain would not stand much chance. Only question is whether men have courage in the open as they really feel in their secret hearts that they ought to vote.

But Tillman will never get down to an exact science the fine art of letterwriting as a means of putting himself in on a choice Oregon land grab, until he adds the old familiar "Burn this letter."

But why? Chamberlain was "elected" Just a single item of \$30,000 in the emergency bill is for automobiles for President-elect Taft. That's what comes of having a 325-pound admin-

istration. The performance of "Ben Hur" tonight will have at least 300 auditors who know the wonderful story by heart. That ought to help some.

Second week at Salem begins today and fireworks scheduled for tomorrow. Yet those daylight fireworks don't always work well.

Raining again, and everybody happy. This is a perverse world.

Inference That Only Mules Refuse to Yield to Argument.

ASTORIA, Or., Jan. 17 .- (To the Editor.)-Statement No. 1 is merely a statement of what the candidate expects to do if elected. It is not a pledge which may not be honestly brovance and does not make allowance for accident or changed conditions.

No reasonable man can or does ex-

pect another to always abide by a stateent which would be all right under certain conditions, but entirely wrong under other conditions. No one ex-pects a man to abide by a statement that violates his own principles, makes him betray his party and makes a per-jurer of him. It is never a disgrace to change one's mind. It is evidence of a well-balanced mind and an hon-est man, when one finds he has prom-ised to do that which he finds is wrong and which he has no right to do-to frankly admit the mistake and then do that which is right. The members of the Legislature are not acting for themselves. They are acting for a great party. They must not allow petty pride or chagrin to lead them to ot only sacrifice themselves, but their party and their party friends. must do right. Under our form of government a

independent. A party man is to act with his party. To act with the op-

position party makes him a traitor, and one to be shunned by all men. When a man wishes to avail himself of the privilege of voting in the pri-mary or general election he must go hefore the registry clerk and give his age, residence and party affiliations. He signs his name and alongside of his signature is a solemn oath, declaring all that he states is true. When he seeks the nomination from a party no one may sign his petition without taking the same outh. When he is elected he must take another outh elected he must take another out in swearing to support the Constitution. When he runs for office on either ticket he expects to receive his party's yote. If he is elected he is expected to act with and for his party upon all strictly party matters. It matters not that many of the opposition party voted for him, he owes them nothing from a party standpoint. When men of the opposition party voted for him it was well known and a matter of record that he was not of their party. He owes them nothing. They were trying to serve some selfish end when they voted for a man who was opposed to them politically.

In the coming Senatorial election the

Republican members of the Legislature are answerable to the Republican party alone. If any member of that Legislature was elected by running on the Republican ticket he is either a Republican or a perjurer. If any such man votes against well known Republican principles or for a Democrat for United States Senator he is not only a traitor to his party, his party friends and the men who elected him, but he is a perjurer. There is not one consistent member of the Republican party in this Nation who expects any who was nominated and elected on the Republican ticket to violate his two oaths, solemnly taken, for the sake of allowing himself to abide by a state-ment made without a full realization of its baneful consequences.

The Republican party of Oregon is not dead. W. S. U'Ren, Governor Cham-beriain and United States Senator Jonathan Bourne do not represent the Re publican party or any other party, and it is well to state this openly for the benefit of every man who feels that two solemn oaths should not have the weight of one thoughties, cured by trickery and fraud, J. B. F. sight of one thoughtless statement so-

## An Astoria Republican.

This issue of the paper is late because

it was so cold our type froze and we had to wait for it to thaw out before we could print.—Canby Tribune. On account of their being away attending the Legislature, instead of at home

ECHOES OF THE STORM.

attending to the family waterworks during the recent cold spell, Senstor Jay in's hot-water tank was split Some knowing ones who sought to avoid

bursting pipes by letting the water run wers rewarded with long icloies hanging from faucets in the morning and water pipes frozen solidly .- Hillsboro Independent A frozen waterback stove at Dr. Wil

liams' residence exploded Tuesday morning, after having a fire built in it, and some of the heavy stove doors struck Mrs. Williams, but with "the flat side to," and fortunately not very great force,-Mo-Minnville Telephone Register.

Attorney J. D. Slater has a couple of adly "blistered" fingers which was the result of a fall in which his hand came in contact with a frosted wrench a coupl of mornings ago. The wrench wouldn't let go and the skin was torn from his fingers.—La Grande Star.

It caught many a poor fellow without undershirt or overcoat, in thin socks or low shoes, and most everybody was taken by surprise at the Ice King's sudden inrasion, and his too long and very unwel of our sunshiny land .-Philomath Review.

A kitchen range in the farm residence of Frank Jackson, six miles beyond Athena, blew up Wednesday morning, through sudden thawing of the hot-water attachment. The stove was literally torn to fragments, and two house doors were shattered. Mrs. Jackson was badly burned and narrowly escaped death.-Weston Leader.

The Leader was issued Tuesday under trying conditions-ink frozen, press and pressman in violent rage, 100 in the shade, while the mercury was hovering around zero. We hope it will be another 15 years before the weather clerk goes off on another jamboree like this one.-Cottage Grove Leader.

We don't know just who the joke is on. Mr. Walton, who is stopping at the James Dennis home, came all the way from New Brunswick to try Sherman County's mild Winter climate. And just see what he has run up against, viz., almost two feet of snow and the thermometer touching 30-degree-below-zero mark.-Grass Valley Journal.

We have had as bad storms before, vill again. About 25 years ago we had three feet of snow, and then oldtomers remember in 1887, when the Winter began Statement No. Oners appear to be getting more nervous than ever as the fateful Tuesday at Salem approaches. the 2d of February and lasted until on the 2d of February and lasted that away in March. That was the time we fed the straw out of the beds to the horses; as to the sheep, they would eat the springs if they got them. Then you remember the year when we had the two Winters. We saw sheepskins that year head to tail on every fence from the Burnt Ranch to Canyon City, a distance of nearly 100 miles. Every juniper had its bunch of dead cattle.—Condon Times.

> The local potato famine has been some what relieved by the arrival of two oads of excellent tubers from Crook County, which were sold here at reason able figures. Arrangements are made fo several more loads to follow, and the probability is the fellows who have cached their potatoes away in pits awaiting th chance to cinch the consumer 5 or 8 cents a pound will not only find the greater portion of their supply water-soaked and spoiled, but will find little defor even the good once.-Harney County News.

### WHAT DOES OREGON REALLY WANT?

is It Popular Will That Democrat Go to the Senate! Why Did Not Demo eratic Legislators in 1903 Vote for the Republican Nominee for Senator?-Was Not Geer Then the Popular Choice?

PORTLAND, Jan. 16 .- (To the Editor.) -- | every member of the Oragon Legislatura ken. It is made nine months in ad- It is stoutly claimed in some quarters that has sworn to support it the Oregon Legislature, Republican by a three-fourths majority, is about to disembowel the Republican party of the state by choosing a Democratic United States Senator. There is time yet for those Remove to think better of the intended thrust at the party to which they profess to belong and serve the interests of those who elected them, for the reason that they were not Democrats but Republicans.

That the people of Oregon want a Democratic United States Senator is one of the most preposterous absurdities to which Democratic demagogues have recently put the force of their combined and unceasing cry. That any Republican should lend his vote to the success of such a consum- Legislature had refused to send a Bryan mation is unbelievable, since he knows as well as he understands the difference between day and night that in overwhelming numbers the Republicans of the state | leged Republicanism with outspoken Brywant a Republican United States Senator. To say otherwise is simply to scoff at the groundwork of common sense and to stress on the binding force of a popular proclaim one's self unfit to represent the

Regarding this proposed step on the part ents in every county are Republicans by be said before this bolo-thrust is made at the very vitals of the Republican party of Oregon.

It is inconcelvable and therefore indefensible to claim that the public sentiment of this state is in favor of the election of a United States Senator who has declared himself in accord with the principles of William J. Bryan and who supported him for President two months ago, With this fact before him, any member of the Legislature who votes for Chamberlain next Tuesday on the plea that he is bound by his loyalty to the "will of

the people" should be taken before a competent commission and examined as to his sanity. There is not one Republican Statement ember of either house of the Legislature but who will freely admit that, if expresaing his own choice for United States Senator, he would not vote for Chamberlain at all-yet he has already taken an oath to support the Constitution of the United

States, the supreme law of the land, which plainly says that the State Legislatures shall "choose" the United States Senators, There are some things even the people cannot do under the Constitution of the United States-many things, in fact-and among them is the choosing of a United States Senator. This fact is admitted by every man who

is in favor of an amendment to the Federal Constitution permitting the direct lection of Senators.

The Legislature has as much right to elect members of Congress as the people | that body-if the Democrats can be kept have to elect United States Senators-un- out of the Republican primaries. er the Federal Constitution as it is-as

CONGRESS AND THE PRESIDENT

Motive and Disposition of Congress in

Its Hostility to Roosevelt.

back on the question why Congress

f ten Congressmen believe Mr. Roose

elt himself to be habitually untruth-

phere of suspicion, intrigue and cal-

is an interesting statement:

doubt what that truth is.

force of an oath to support the Federal

But, dismissing the legal and binding Constitution-if it is to be ignored and violated-it is pertinent to say that no man can with a shadow of reason claim that he is representing the people of Orepublicans who contemplate this disastrous, gon when he casts his vote for an anti-Taft man and loyal supporter of William J. Bryan to sit in the United States Senate for six years.

Any other plea sets forth a better excuse for voting for Chamberlain than the gauzy one that his election would represent the will of the people of Oregon.

The election of a Republican to the United States Senate by this Legislature would be halled with delaint by 99 per cent of the Republicans of Oregon, and the other 1 per cent would scarcely give expression to any disappointment that the man to the Senate.

Indeed, the particular nature of the objection of such Republicans would make interesting reading-the squaring of al-

aniem. In his message Chamberlain lays great vote for Senator, yet six years ago, when the Republican candidate for Senator had received 12,000 majority over his Demoof those who still profess loyalty to Re- cratic opponent, and Samuel White, chairpublican principles and whose constitu- man of the State Democratic Committee, had personally assured the successful canlarge majorities, there are several things | didate that, when the vote of the 17 Demwhich may just now very appropriately ocratic members would serve to elect, they were forthcoming, since the Democrac were believers in the principle of direct election of Senators, not one Democratic member of either house deserted the Democratic camp, though on several ballots their support would have elected "the

people's candidate." C. E. S. Wood, the Democratic candi date, also advised the same course, but through the personal objection of Governor Chamberlain on the ground that the defeat of the candidate who had received the popular vote "would be good Democratic politics," the Democratic support was withheld.

Now, it is said, there are Republican nembers of the Legislature who intend to fall bodily into the ways of the Demo cratic machine, which is playing "good Democratic politics," and send an outspoken Bryan man to the Senate in order to comply with the sentiment of the peo ple of Oregon!

It is unbelievable, but one thing is cartain: If this programme shall be carried out, as The Oregonian so well said a day or two ago, there are tens of thousands of Republicans who will simply refuse further to support such a nullification of party principles, paralysis of party organization and violation of known public sentiment. The people of Oregon in overwhelming numbers want a Republican United States Senator, and no Republican member of either house of the Legislature who votes for Bryanism next Tuesday will ever be renominated for another term in PIONEER REPUBLICAN.

## AN ESSAY ON GENTUS.

With Remarks on Some of Its Limitations and Defects. men, says the London Times,

In view of the growing hostility of Congress to the President and the especially those distinguished by ardor onstant nagging of members in small of belief or intensity of effort, are apt to be possessed by such prejudices matters, the following from the New York Evening Post, on "the mind and and to express them in season and out disposition" of Congress toward him, of season; and smaller men are apt to take a malicious pleasure in the fact, All this, however, only throws us as if it brought the great nearer to themselves. Michael Angelo, for in stance, called Perugino a bungler; and should have been heaping up so intense a hatred of the President. Was it is pleasant for the modern student of art to feel that he can see beauties it due to jealousy of his popularity? to which the greatest of artists Was it envy of his fame? Was it even blind. Beethoven thought that Mozari resentment at his dictatorial manners? had degraded his genius upon the im-None of these things. The truth of moral theme of "Don Glovanni;" and the matter it is a delicate thing to any one now can smile at his irrelestate, but no one who has any novant prudery. Napoleon talked about quaintance with Congressmen, no one women just as irrationally as Milton, who knows Washington, can have any and Byron professed to think Pope s greater poet than Shakepseare. As for It is, in a word, that Congress does Dr. Johnson, prejudices throve in his not believe in President Roosevelt's moral sincerity. It thinks him hypo-critical. He has lectured it and the country on truthfulness, yet nine out mind like weeds in a rich soil. He could not keep them even out of his dictionary. They were excited by any pretext, and in a moment could turn his prefound sagacity to folly. So it ful. He has posed as a champion of fair play, yet Congressmen believe him to fight foul. They picture him as living in and delighting in an atmoswas with Ruskin, who wrote like an angel when he was not provoked to scream like a child. So it was with Carlyle, and even with William Morria, the wisest and most patient of men where none of his prejudices was con-His talk of the square deal they

Those of us who do not try to explain genius away altogether are api to expect too much from it. No man can be always on his guard against his own more subtle weaknesses; and genius, being lavish in the positive effort of achievement, is apt to forego the negative effort of avoidance. The great mind, which has spent all its powers upon what it loves, betrays its weakness in irrational hates. Giving so much to the world, it resents bitterly any kind of hindrance to its own activities. Milton, for instance, like his own last here, had a "lot unfortunate in nuptial choice;" at least, his first wife ran away from him; and no doubt he thought it a bitter injustice that a man born and dedicated to high poetry should be distracted from his task by such troubles. It seemed to him that women were the chief nuisance in the world, and would continue to be until they were utterly subject to men. He generalized from his own particular case because he was filled with a sense of his own high mission and thought that nothing should interfere with that. scoff at as sheer pretense. They say that he protects favorites, such as Paul Morton and the Steel Corporation, Those of us who do not try to exthat he protects favorites, such as Paul Morton and the Steel Corporation, while furiously prosecuting his enemies or those whom he thinks he can make political capital by attacking. In short, Congress is thoroughly convinced that all the superior moral exhorta-tion which it has had from President man who and thought that nothing should inter-

fere with that.
He might be taken as an instance of the egotism of genius; but it is not egotism that absorbs a man in his work. The man of genius is absorbed, not in himself, but in something out-side himself. And this fact distinnot in himself, but in something outside himself. And this fact distinguishes him at once from the egotisi, although it may produce many of the symptoms of egotism. . . No doubt men of genius enjoy indulging themselves in prejudice as a relaxation from the strain of their serious work. In that work they have to govern and discipline their emotions; and when it is over they are glad to let their emotions run free for a while from the control of reason. But they are not therefore irrational; indeed, we may be pretty sure that Johnson would never have abandoned his mind so freely to prejudice if he had not all the while been secure in his own essential sagacity. He could play tricks with himself that less sans men would never venture on. He would unstring the bow because he knew that he could string it again whenever he chose. There is some timidity in the moderate opinions of average men, from which genius is free. Genius is seldom afmid to reveal all of itself, all its weakness and strength, to the world. Absorbed in its own main work, it cares little what the world may think of its minor weaknesses and perversities. minor weaknesses and perversities.

### it believes to be true. Congressmen may be deceived, but there can be no question that this is what they honestly think about the President. Wife Made Her Husband's Judge. Omaha Dispatch to the Philadelphia Inquirer.

Roosevelt has come from a man who allows in himself the thing he con-

demns in others.

Mind, we do not say that Congress

right about it. We only state

Roosevelt has come

In the Omaha Police Court Mrs. Frank Frelhab accepted an invitation from Judge Crawford to take his place on the bench while her husband was on trial on a charge of abusing his wife and children. "You may do whatever you please

with this man who has abused you, so long as you keep within the law," said said Judge Crawford.

Freihab had an attorney, and his trial proceeded, with his wife acting as police

When the witnesses had testified Judge Crawford held a consultation with the wife. She decided that Frei-hab should be sentenced to one day's confinement in jail, the minimum pen

Judge Crawford imposed sentence.

### High Art and the Box Office. St. Louis Globe-Dem

\$750,000 theater has just in New York a year ahead of the date set for the New Theater to be devoted to high art. But no complaint of riv-alry is heard. No well-regulated per-son will complain if high art has a Refore the matter can be settled the box office must be heard from.

### Drawing a Distinction.

The Commoner.
Minerity Leader Champ Clark and Speaker Joseph Cannon use the same words, but Mr. Clark uses them with finer discrimination and not quite so much profane emphasis.