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PORTLAND, THURSDAY, AUG. 19, 1909.

JUSTICE TO JUDGES.

It is not likely that the legislative committee engaged in investigating the Supreme Court of Washington will find anything very terrible in the so-called Morrow case. The evidence which has been brought out, as reviewed by a competent correspondent of the Spokesman-Review, may possibly point to another of Judge Milo A. Root's indiscretions, but no other member of the court is implicated by it. The gist of the Morrow case is that a speculator named Dr. Jordan promised some clients of his to debauch the Supreme Court in their interest by making use of one E. B. Palmer's supposed clandestine relations with Judge Root. Palmer was once Judge Root's law partner, and some people supposed that the connection was not quite broken off when the latter donned the ermine. What Jordan actually promised his clients was to obtain a favorable decision from the Supreme Court in a pending case strictly parallel to theirs. It was known in lawyers' slang as the Dog Johnson case. Then of course their own suit would be as good as won. The Dog Johnson decision seems to have been just about what Jordan desired. It was written by Judge Root, and a copy of it was circulated among the interested persons some days before the court had it published. This looks amazingly as if some outside person like Palmer really had a finger in the pie, but there is a telling circumstance on the other side. When the court took up the Morrow case the Dog Johnson decision was not followed.

This might be interpreted in two or three different ways. It might mean that Jordan deceived his clients when he told them the Dog Johnson case was precisely like theirs. It might mean, again, that the court thought Judge Root's decision wrong and took the first opportunity to reverse it. Whatever happened behind the scenes, it is impossible to discern anything to blame the court as a whole for, except possibly some carelessness in allowing too free a hand to Judge Root. The truth is that, apart from more or less scandalous gossip, the only member of the Washington Supreme Court whose judicial character bears the faintest stain is Judge Root, and, to be perfectly fair, it must be confessed that against him nothing has really been proved except his lamentable complicity with Lawyer Gordon in the Harris case. He has been accused, to be sure, of allowing an outsider to dictate another of his decisions and sell it for $2000, but one need not believe everything he sees or hears.

In the Harris case, Gordon, who was then attorney for the Great Northern Railroad, wrote a decision for the Supreme Court and sent it on to St. Paul to be examined by his official superior, who returned it with his approval. After being thus found agreeable to the railroad in every particular, the decision was presented to Judge Root and signed by him. It was then published as the utterance of the court. Although the amount at stake in the Harris suit was not very large, the railroad lawyers were eager to win it because it had previously been decided against them, and the reversal would both destroy an unfavorable precedent and set up one which they desired. One can imagine, therefore, how pleasant it was for them to have a judge like Milo A. Root on the bench. Here again it goes without saying that his colleagues trusted Judge Root too implicitly. They ought to have known more about the motives underlying his judicial opinions and the sort of argument he was likely to find convincing, but it would be pushing matters to an unwarrantable extreme to accuse them of actual wrongdoing.

It is unfair to suggest that all the Washington judges are corrupt because one of them has been delinquent and another talked about. It would be just as reasonable to say that all ministers are hypocrites because now and then one of them falls from grace, or all women unchaste because an occasional matron goes astray. Even when their purity is absolute, courts are subject to the ill-natured grumblings of disappointed suitors. There are always rumors in the air that such a judge is biased and such a one under corporation influence, and so on. When actual misconduct is proved against any member of the bench, then people jump to the conclusion that all their suspicions are confirmed, and that every floating rumor is true. Everybody shouts "I told you so." This is one reason why a judge's malfeasance is so much worse than a common man's. It undermines confidence in the courts, and when it comes to the pass that we cannot trust the courts, what shall we trust? A widespread belief that judges were corrupt would cause a revolution in the United States. Hence any of them who is proved to be derelict should be criticised with pitiless severity, but, on the other hand, it is a gross wrong to blame one for another's guilt. This is precisely what many people have been doing, so far as the Washington bench is concerned. The sooner we recognize what the facts really are and put an end to gossipy rumors the better for our own self-respect and for the public weal. It is well to reform the courts when they need it, but not to slander them.

Long, long ago, when you were much younger than you are now, children, Walter Wellman began flying to the North Pole. The entire alphabetical list of aeronauts, from Andre to Zeppelin, has all come into prominence since we first began hearing of the Wellman flight to the pole. The Wright brothers had not yet made Dayton famous, and while the French were flighty, they had never tried it on the English Channel. Seasons have come and seasons have departed. "Suns rise and set, and rise, and yet" the Wellman flight to the pole is among the things to be. The worst of it all is that, while Zeppelin, Wilbur, Orville and all of the rest of the high-flyers are in close cable communication with the rest of the world, the Wellman stunt is still being pulled off at the old stand, away up at Hammerfest, Sangerfest, Blunderbust or some "furrin" station, where the moving-picture man has not yet set his films to working. Wellman ought to make his annual flight from Coney Island or the Oaks.

DISGRACE UPON THE MARINE CORPS.

The Sutton inquiry brought out two things chiefly: First, that young Sutton did not shoot himself with suicidal intent; second, that the Marine Corps contains a lot of tough, rowdy, drunken, bruising bloods, who need lessons of right living and personal decency.

The testimony has done no good to the character of young Sutton, and has brought discredit upon the Marine Corps. The Marine Corps is evidently a body of gallants wherein gentlemen must stand together. The verdict surely shows them standing together.

All that the naval court determines is that Sutton was killed by his own gun. But that fixes blame nowhere. Sutton was killed in a scuffle, or rough-and-tumble fight. He was set upon, thrown to the floor and beaten by quarrelsome companions. He drew his gun to shoot. In the tussle the gun was discharged and the bullet killed Sutton. The naval court shields the participants to this deed. There may be a way, however, of meting out justice to them through Congress.

The Marine Corps is the main sufferer from this inquiry. If young bloods are trained at Annapolis to fight, drink and bruise, there ought to be an inquiry into this very important phase of the Sutton tragedy. Worthy members of the Marine Corps—and there are many of them—should welcome an effort to root out the undesirable element.

CANADA'S ANTI-CIGARETTE LAW.

A year ago the Dominion Parliament passed a stringent anti-cigarette law as applied to lads under 16 years of age. This law went into effect July 29, 1908, and the effect of it is noted in the substantial decrease in the consumption of cigarettes throughout the Dominion during the period covered. For a number of years past the consumption of cigarettes had been increasing at an alarming rate in Canada, the annual increase for the past six years being almost 75,000,000. Law is law in Canada, and this one is enforced in the spirit in which it was enacted—that of protecting the boys during the growing period, from a habit at once seductive and deleterious, physically, mentally and morally. Whether Canadian lawgivers will take courage from this showing and, in due time, extend the age limit below which cigarette smoking is forbidden to twenty years is a matter of conjecture.

Washington legislators put cigarette smoking under the ban last Winter by the enactment of a very drastic law against it. The age limit was not applied to its use and some ado has been made about enforcing it, with results, it is said, only partially gratifying. Oregon legislators have not been unmindful in the past of the pernicious effects of cigarette smoking upon boys, but have made repeated eoffrts to frame a law that will protect this thoughtless, irresponsible class from this evil and its effects. A stringent law covering this point is now among our statutes, but it has not been strictly enforced, although half-hearted efforts in this direction may have resulted in the decrease, to some extent, of cigarette consumption in the state. Judging, however, from the constant and more or less open violation of the law and the almost universal use of cigarettes by smokers of all ages, this is extremely problematical.

The Washington law probably attempts too much, essaying as it does utterly and at once to abolish the consumption of cigarettes in the state. The Oregon anti-cigarette law is not, for some reason not clearly defined, enforced with any degree of stringency, though it does not seek to control the smoking habit of men. The Canadian law was not made to be broken. It applies only to lads of irresponsible age whose habits can and should be controlled in all matters of importance by their elders, either by means of parental authority or by law. It bodes ill for the future of a nation when its men cannot, or do not, think it worth while to control its boys. Canada, according to the substantial decrease in the consumption of cigarettes under the law above cited is, presumably at least, not one of these.

WATER COMPETITION ACKNOWLEDGED

Our interior friends, who find it greatly to their advantage to make use of water competition in the shipment of their freight from the East, are just at present having much trouble in reconciling the actual fact that water competition does exist with the theory that it does not exist. The Oregonian, without awakening response or explanation, has called attention to the paradoxical policy of the Spokane Spokesman-Review in denying the existence of water competition at a time when it was actually using the water route for the shipment of the ink that was employed in the dissemination of its untenable theory. Inconsistency on this great question of rates is not, however, confined to the Spokesman-Review. None of the interior points demanding terminal rates will admit that there is any merit to the water-competition argument, and all of them continue to ship their freight by water.

Denver is farther inland than Spokane, but, regardless of the greater distance, her merchants have found it to their advantage to ship by way of Pacific Coast ports in preference to the all-rail route across the continent. But, while the Colorado metropolis was playing second violin to Spokane's tuneful howl for water terminal rates without having water terminals, Denver was also shipping over another water route. The extremely low cost of operation which enabled ocean carriers to bring freight from Atlantic Coast ports to Spokane by way of Portland and thence by rail to Spokane at lower rates than the railroads made for the all-rail haul across the continent also enabled Atlantic steamers to carry Denver freight from New York down to Galveston, from which point it was shipped by rail to Denver.

As the water haul was shorter and the rail haul longer than that involved in the route from the Atlantic seaboard to Spokane, the situation was naturally to a much greater extent under the domination of the railroads; but, according to a Denver dispatch in yesterday's Oregonian, until quite recently "the ocean rate between New York and Galveston has been low enough to provide Denver merchants an incentive to bring their goods to the Texas port for shipment over local lines to Denver, thus obtaining a reduced rate. It is now charged that the railways have increased the local rate between Galveston and Denver to a point where it is a matter of choice whether goods are brought by sea or entirely by rail."

As it is a physical impossibility for a railroad to move freight at as low a cost as it can be moved by a water carrier, the shipper at Pacific Coast terminals can effect a considerable saving in shipping by the water route. If the proportionate rail and water service necessary were the same between New York and Spokane by way of Portland that it is between New York and Denver by way of Galveston, Spokane would be deprived of the benefits of water competition, just as Denver has been cut off by way of the Galveston route. But it is the combination of the long ocean haul at low rates and the short rail haul at higher rates that, added together, makes a much smaller sum than the higher all-rail charge. Interior cities play an important part in our economic system as distributing centers, but they can never enjoy water terminal advantages until they secure water connections for their warehouses.

BALLINGER'S MIDDLE-COURSE POLICY

The fight between Ballinger and Pinchot is a conflict between rival interpretations of the law—the one conservative, the other radical. This conflict comes down through several clashing years. The radical element, represented by Pinchot, has been "holding up" the public domain, creating reserves and denying applications and patents—most of these acts being at variance with strict reading of the law. Now the reaction has come, and President Taft, through his Secretary of the Interior, is pursuing a changed policy of administering the law as he finds it. This excites the rival element which has been accustomed to cast aside "legal technicalities" when they stood in the way of its favorite method of "saving" the public land and forest and stream "to the people." It asserts that the vital question is not whether lands were legally withdrawn from entry, but whether the interests of unborn generations are to be conserved and greed of the present generation is to be curbed.

This plausible version of the law, the functions of the public domain and the privileges of the present generation does very well within certain bounds. But it can easily go too far; its method depends on personal opinion, which is a variable quantity; it is something that strict rules of justice and political safety do not allow. There are hundreds of persons in Oregon today—yes, thousands—whose valid claims to land have been jeopardized by this policy, their applications denied or their patents withheld or canceled. All this is the result of the Pinchot method of administering the statutes. It is not strict application of the law, else the claimants would safely have had their land long ago.

The new Administration is taking the middle course between the old regime, wherein fraud and greed were rampant, and the Pinchot policy, which, while being useful to the country, has been pressed to the extreme limit and done much injustice. Mr. Ballinger has made plain that in this "reaction" the designs of land and water grabbers will be resisted by the Government. But the Pinchot element at once rises in wrath to declare this new plan works in the interest of great land monopolies and water power combines; and intimates the Secretary of the Interior is in the service of these interests, and that everybody who sides with Ballinger is their tool.

It is not believable that the country as a whole will take this view. There is much to do in great water-power undertakings throughout the West. These enterprises will not go forward while the Government retains the power sites, nor so long as it is impossible for individuals to acquire and dispose of the locations. It is stretching the law to withhold them from sale and use. The middle course which Ballinger is pursuing is the rational one in this matter. The Pinchot faction will gain nothing from charges of dishonesty and corruption. If Pinchot desires to continue being useful to the Government, his friends will have to cease this talk, and he will have to fall in with the Government's policy.

GRAIN STRONG, STOCKS WEAK.

The grain markets, in response to strength in Europe and bad crop reports in the Dakotas, yesterday registered a sharp advance in Chicago and again passed the dollar mark on all except the December option. The stock markets, on the contrary, all showed substantial losses, the recent leaders in the upward movement, like United States steel and the Harrimans, showing the heaviest declines. This sudden change from weakness to strength in grain, and from strength to weakness in stocks, as a factor in the general trade situation is much preferable to the reverse move in the two commodities. This strong upward movement in stocks began months ago on the assumption that there would be revival of business after the crop was harvested and the tariff bill was out of the way.

So certain were the speculators that there would be a crop and that the tariff bill would be passed that practically all of the possible effect of these factors was discounted before either was much in evidence. The coming of the big crop, however, was unaccompanied by the usual large demand for funds for crop-moving purposes. This left large supplies of cheap call money at the disposal of the speculators, and they continued artificially to inflate the market on the assumption that the people would overlook the fact that prices were already at as high a figure as was warranted by the most favorable conditions that could follow a big crop and a satisfactory tariff bill. For the good of all legitimate business it is to be hoped that Wall street will recall what happened two years ago and cease this overdiscounting the prosperity that is coming fast enough and strong enough.

Conservative estimates place the value of the farm products this year at $8,300,000,000, which is $900,000,000 more than their value in 1907, when the big crop and big prices gave such an impetus to stock speculation that a financial crash was precipitated. Last year most of the damage from the panic was repaired, and by proceeding with caution the returns on the $7,800,000,000 crop of farm products placed everything in fine shape for vast business expansion this year.

This expansion is a certainty if over-speculation can be prevented, and the increasing prices for our great staples will hasten this prosperity. It can be placed in jeopardy, however, almost as easily as it was disturbed in 1907, if the craze for stock gambling, with its attendant enormous drain on the money market is not checked. Increased demand for money for crop-moving purposes and for the promotion of legitimate business enterprises will shorten the supply for the stock gamblers, and for this reason an advance in call money rates at this time may be positively beneficial.

SENATOR CHAMBERLAIN, DEMOCRAT.

Senator Chamberlain's grand art of humbug did much for him in Washington, where he boosted for high duties in the making of the tariff bill and then voted against the bill on passage. His secretary, just returned, says he stood with seven "progressive" Republicans against passage, together with the Democrats. This is meant probably as a compliment to the "progressive" Republicans in the Oregon Legislature who tied themselves up to him, a Democrat, with Statement One, and then were so grief-stricken that they wailed loudly when they elected him, saying they were not responsible for what they did.

When the Senator started for the National capital he promised to serve both as Republican and as Democrat. Evidently he did his best, by helping Republicans out with the duty on wool and lumber and then by siding with the Democrats in their political vote against the finished bill.

Other Democrats like Chamberlain helped boost the schedules for their home states and then voted against passage, so that there are progressive Democrats as well as Republicans. These Democrats did one thing for home consumption and another for politics at large, relying all the while on Republicans to pass the bill for their home localities.

The Senator's secretary, arriving home as advance messenger, says: "Senator Chamberlain co-operated with the progressive Republicans and a majority of his own party throughout. Senator Chamberlain's vote is recorded with the majority of Democrats and insurgents 67 times." How, now, do Republicans of Oregon like this? Isn't it a fine thing to have Republican majority voters in this state represented in the Senate by a Democrat who co-operates "with a majority of his own party"? Meanwhile it is interesting to note that Oregon's wool and lumber are protected by the vote of the detestable Aldrich and his crowd, instead of by that of Senator Chamberlain. After the Senator's eager effort to straddle the business, that is the way he gets off. What buncombe!

The steamer Geo. W. Elder and the rebuilt steamer Daniel Kern, two craft which have had long lives and much trouble, met in the Columbia River at an early hour yesterday morning, and the Daniel Kern is again at the bottom of the river, while the Elder, bowed by her weight of thirty-five years, is nursing several fractures of her ancient ribs and plates. This collision did not take place because the Columbia River was of insufficient size to admit of the passage of two small steamers, but because the two boats attempted to pass in a space wide enough for only one. Fortunately for all concerned, the disaster took place in the peaceful waters of the Columbia River, instead of out on the ocean, and no lives were lost. There is a very plain law of economics which should be observed more carefully by railroad engineers who try to take their trains past other trains on a single-track line, and by pilots who attempt to pass boats on a "single track" without changing course.

Mr. Harriman came out of his Oregon retreat at Pelican Bay last year feeling much improved in health. While there, he gained in weight and expressed himself as feeling better than he had felt for years. This year Mr. Harriman is homeward bound from another Summer resort, where he has been spending many weeks in the care of physicians, and, according to the press reports, he has failed to improve since he left the United States. There may be a moral in his 1909 experience as compared with that of 1908, and the difference in the manner in which he was affected may account for the report that Pelican Bay is being hurriedly placed in readiness to receive him. 'Tis a very sick man that cannot notice some improvement in his condition after spending a vacation in Oregon.

The Winston Bros. have secured a contract for double-tracking a portion of the Northern Pacific Railroad between Kalama and Tacoma. There are the Wattis Bros. on the Natron extension of the Southern Pacific, and the Twohy Bros. and Porter Bros. in the Deschutes, trying to build railroads in the Deschutes. Building railroads seems to be a family job.

Of course, Colonel Bryan is entitled to a day at the A.-Y.-P. Exposition. He is our greatest American show. He always draws. But perhaps by this time he has learned that everybody who comes to see him doesn't necessarily mean to vote for him.

Before accepting at its face value the story of the killing of a 1000-pound bear in Trinity County, California, we demand to know whether it was weighed on the buying or the selling scales.

A midnight raid on fishtraps resulting in a haul of $10,000 will give the effete East some idea of the value of the Pacific Coast salmon industry.

Heney a candidate for the down-and-out club? Well, hardly. They are just beginning to get acquainted with Heney down in California.

As between public and private entertainment at Seattle, Mr. Taft's predecessor would have reached a decision without a moment's delay.

The drowning season is at its height. "Hang your clothes on a hickory limb, but don't go near the water," is better advice than it sounds.

Opportunity now offers itself to Puget Sound inventors for construction of a burglar-proof fishtrap.

DIRECT PRIMARY FAILURES.

New Method Is Fine Theory, but Works Poorly Wherever Used.

Chicago Inter Ocean.

The more experience we have with the direct primary the more the average man is driven to the conclusion that it belongs in that large class of political inventions which fail to become institutions because they cease to work when tried.

Direct primaries were lately held in Indiana, Maryland and Virginia. In Virginia the issues were, according to newspapers advocating the plan, "such as might be expected to call out a large attendance at the polls." But they didn't. Says the Boston Transcript's correspondent:

> In many counties not half the vote was cast, and in busy Danville the proportion participating was the smallest on record. Their decision was the verdict of a minority. The officeholders are as strongly intrenched as ever, and money, if it does not "talk," works.

That the direct primary does not, in the absence of some highly personal controversy, such as we had a year ago in Illinois, bring out the voters is the uniform experience. Nor does it bring out the "better candidates" promised. On this point the Indianapolis News confesses:

> Those who advocated the direct primary—including the News—are much disappointed in its operations. Today we have five candidates for Mayor, not one of whom measures up to the standard it was supposed we should reach under the direct primary. The good men who it was predicted would "come out" do not. The necessity of making two campaigns, of contributing to two campaign funds, of twice submitting to the importunities of "heelers," undoubtedly increases the reluctance of representative citizens to offer themselves.

The enormous expense of the direct primary to the candidates or their friends, with two campaigns, two elections and "two large outpourings of money," is further commented upon by the Indianapolis News, with the conclusion that:

> It is admitted on all hands that if the new machinery is retained we shall have to do something to limit expenditures, or else throw them on the public.

Of "throwing them on the public" we have had costly experience in Chicago. The Baltimore American gives another illustration by showing in the recent direct primary there, in which about 14,000 voted, or a little over 13 per cent of the registration, the cost to the public treasury of getting each ballot in the box was $2.85.

As to the character of the candidates produced the Indianapolis Star offers some further testimony. While deprecating final judgment, it points out that "at least one tendency of the system may be positively recognized":

> The tendency to which we allude is the encouragement given to cheap and unfit self-seekers, and a corresponding discouragement to men of character and sensibilities who might be induced by combined party demand to accept responsible offices, which under no circumstances would they solicit by expenditure of money and brazen exploitation of their own virtues.

The truth is that under the direct primary, when time and death have dissipated the political acquaintanceships acquired under the old system, the greater offices will be open to only two kinds of candidates.

One will be the man of wealth who wants public office as a social decoration or to increase a fortune already large and is willing to spend freely in self-advertising.

The other will be the kind so accurately described by The Portland Oregonian, published in the state which in electing a Senator has managed to annul the Constitution of the United States:

> The man who can shake most hands, make himself the best "mixer," communicate with the largest number by means of empty speeches or flimflam circulars, or make in any way the most touching appeal to the fancy of hobbyhorsical citizens, such as silver advocates, single-tax fanatics, or other groups entertaining half-baked notions, will walk off with the nomination.

That is, the direct primary in the end confines us to a choice between the shallow-pated demagogue and the man of wealth whose notion of happiness and success is to "buy what I want when I want it," regardless of price or manner of purchase.

No wonder the Indianapolis News asks, "Has the delegate system been fairly tried?" and its contemporary, the Star, suggests as "a wholesome thought" the direct primary's new proof that "the hope of making officials able and honest, or voters wise and vigilant, by law, is vain."

Judged by experience, the direct primary is merely another of those roads to the millennium, down which some men are always eager to be blindly led by the blind, with the result that all concerned go into the ditch.

Bottled Bait Lures Fish.

Winsted (Conn.) Corr. N. Y. World.

All piscatorial artists who enjoy bass and pickerel fishing will be interested in the way D. J. Coffey, a member of the Winsted fire department, who has been putting in a week's vacation on the Highland Lake fishing grounds, managed to break all previous records there for big catches. Here's how he did it:

He placed a number of shiners, or live bait, and one or two small frogs in glass bottles of two gallons capacity and then suspended the bottles in deep water from a small raft. As the big bass and pickerel tried in vain to get the little fish in the glass inclosure, Coffey, who fished from a rowboat near by, dropped his baited line close to the bottles and the assembled fish were caught as fast as they could be pulled in.

Paine a Plagiarist?

PORTLAND, Aug. 19.—(To the Editor.)—Was Thomas Paine ever accused of plagiarism? It seems to me that his "Age of Reason" is almost a liberal transcription of Spinoza's "Theological-Political Treatise," which preceded Thomas Paine over 100 years.

GEORGE RUBENSTEIN.

Paine's biographers do not accuse him of plagiarism. Spinoza wrote 100 years before Paine and his ideas had become common property when "The Age of Reason" appeared.

Weather Predictions.

New York Times.

By gum!
Ain't the weather bum
Sometimes, and mostly so,
When you fix to go
Somewhere
And want it fair?
You turn in at night
Feeling all right
Because you have read
What the Weather Forecaster has said,
To wit: "Fair tomorrow and cooler;
Light winds, northwest."
And you sink to rest,
By predictions blest,
And you dream
Of emerald valley and silver stream,
And over all the azure skies,
And you rise
Early the next day
To find the skies are ugly gray,
And you kick
And feel sick,
And you want to slug the forecaster
In the neck,
And put the whole darn weather bureau
On the wreck;
But you take a chance
On a meteorological circumstance,
And go anyhow.
Wow!
Will you ever forget
How draggily wet
You were beneath those azure skies
Of the weather bureau enterprise?
But, say,
It won't be that way,
Any more! What?
Why will it not?
Because
The weather laws
Will hereafter be administered by youth
Which will always tell the reliable truth,
Ring out the old; ring in the new;
Ring out the false; ring in the true;
The old forecaster's got to go
And let the young one have a show.
Now when you're told
By some knowing young fellow
That the day will be fair,
Don't forget your umbrell-
What?

PINCHOT VERSUS BALLINGER.

Forester Wants Law Strained to Fulfill His Ideas.

New York Times.

Mr. Gifford Pinchot, the savior of the country's forests, is wrong. Unless he rights himself speedily, he may cease to become a member of Mr. Taft's Administration, despite his great services to the Nation. If he does not distrust Mr. Taft in the Administration's methods of dealing with the Water-Power Trust, it is manifest from his speech at Spokane this week that Mr. Pinchot distrusts the methods of Mr. Taft's Cabinet officer, Secretary of the Interior Ballinger.

Mr. Ballinger last April threw open 1,400,000 acres of the public domain which had been withdrawn by President Roosevelt for the purpose of conserving water-power sites, thus cutting down the area of withdrawals to 154,000 acres. The Geological Survey had apprised Mr. Ballinger that Mr. Roosevelt withdrew townships where the withdrawal of sections would have answered every purpose. A recent trustworthy dispatch to our neighbor, the Tribune, declared that "the President is in hearty accord with the policy of Mr. Ballinger." Other withdrawals of coal, oil and phosphate lands were found to be illegal. With respect to these the Tribune of Chicago last month defined the intentions of the President and Mr. Ballinger as follows:

> New York Times.
>
> It is the intention of Secretary Ballinger, also, to prevent the monopolization of coal, oil and phosphate lands, and he is preparing to advise the President as to what recommendations to this end ought to be submitted in the first annual message to Congress of the Chief Executive. Both the President and the Secretary realize that their duty at this time is to enforce the law as it exists and to prevent any abuse of its provisions.

The clash in methods advocated by Mr. Pinchot and Mr. Taft may be seen in the subjoined dispatch from the Washington bureau of the New York Tribune and an extract from Mr. Pinchot's speech at Spokane:

The President's View.	Mr. Pinchot's View.
President Taft is wholly unwilling that the law shall be strained, or that the members of his Administration shall exceed their Constitutional and statutory powers, in the effort to prevent the monopolization of water-power sites. He has expressed himself energetically in opposition to the proposition that "the end justifies the means," and in the process of making certain that no executive act shall be open to the charge of being without legal warrant, a number of these sites will inevitably be thrown open to settlement under the existing land laws.	Rigid construction of the law works, and must work, in the vast majority of cases, for the benefit of the men who can hire the best lawyers and who have the sources of influence in law-making at their command. Strict construction necessarily favors the great interests as against the people, and in the long run cannot do otherwise. Wise execution of the law must consider what the law ought to accomplish for the general good.

That is, in Mr. Pinchot's view, the Executive need have clearly in mind only "the general good" and a hatred of corporations. If the acts thus far passed by Congress distinctly authorize the exploitation of minerals—and they do—while Mr. Roosevelt's orders setting aside ranger sites specifically forbade such exploitation, Mr. Pinchot believes that Mr. Taft ought to follow Mr. Roosevelt without respect to the law. Mr. Taft, on the other hand, believes that the law ought first to be changed in the interest of a worthy Rooseveltian policy.

This is not Mr. Pinchot's first mistake. No sooner had Mr. Taft become President than the Chief Forester circulated among President Roosevelt's illegally paid commissions the Roosevelt memorandum declaring that the sundry civil act, which reiterates a clause of the Constitution providing that no money shall be drawn from the Treasury but in consequence of appropriations made by law, was "an invasion of the Executive prerogative." Mr. Taft and Congress saw the matter with other eyes.

The present difference of opinion between Mr. Pinchot and President Taft is important, in that it indicates with clearness and precision the difference in methods between the present and the past Administration. It should never be forgotten that Mr. Taft was a Judge before he became President. As the Nation's Chief Executive he still retains his respect for its laws.

BILLBOARD IS AN ANACHRONISM.

If Local Law Can't Suppress Nuisance, Call Congress, Is Suggestion.

Washington (D. C.) Star.

The District commissioners are to be congratulated upon their firm stand in connection with the billboard nuisance. The advanced position taken receives the hearty indorsement of practically all residents of Washington, and the abolition of the billboard eyesores may be the happy consummation of the not distant future. The decision to carry the matter to the courts is to be welcomed as clearing the ground for ultimate action in the case. The ruling of the court in this matter will show in what respects, if any, present laws need to be amended in order that the nuisance can be legally abolished. And in order to do this the case, when it goes to the courts for adjudication, should be made to cover every possible feature of the controversy. If the present law is not sufficient to remedy the abuse, Congress can be depended upon to make it broad enough to cover every emergency.

The development of esthetic ideas in recent years in America, particularly in connection with the beautification of cities, has made the billboard an anachronism, as Commissioner McFarland declares. While nearly everything else has felt the uplift, the billboard keeps fast to its pristine hideousness.

Not only is the day of the billboard passing in the cities, but there is evidence that the smaller towns and the countryside are awakening to the necessity of action in the way of either abolition or strict regulation. Railroads are refusing permission for the erection of billboards upon their right of way, and when the thrifty Jersey farmers are better educated perhaps a trip from Philadelphia to New York will less resemble a journey through a tunnel of horrors.

Come Again, Miss Vida.

Silver Lake Leader.

We are under obligations to Miss Vida Chrisman for a plate of choice home-made candy. Miss Vida, you are always welcome to the Leader office, especially when you bring such delicious candy.

A Challenge.

John Kendrick Bangs in Ainslee's.

Come, Worry, let us walk abroad today;
Let's take a little run along the way;
I know a sunny path that leads from Fear
Up to the lovely fields of Wholesome Cheer.
I'll race you there—I'm feeling fit, and strong.
So, Worry, come along!

We started on our way, I and my Care.
I set the pace on through the springtime air,
But ere we'd gone a mile poor Worry stopped,
Tried hard to catch his breath, and then he dropped.
Whilst I went on—
An easy winner of that Marathon.

And since that day when vexed by any fear,
When Worry's coms again with visage drear,
I've challenged him to join me in that race,
And found each time he could not stand the pace.

Life's Sunny Side

Just as he was sleeping along about 40 miles an hour and never slowing up for crossings, Dr. C. E. Battles was aroused by somebody firing a salute on the telephone at the head of his bed.

The little clock on the dresser recorded 1 A. M.

"This is the municipal lighting plant," said a voice. "Would you mind looking out of the window to see if the street lights are burning there on your corner?"

Anybody but a doctor would have slammed the receiver into place without waiting to hear another word. But being used to getting out of bed at all hours of the night, the doctor went over to the window and looked out. The lights seemed to be sticking to business same as usual.

Having diagnosed the case of the lights as practically normal, the doctor pit-a-patted back to the phone to make his report.

"They're all right," said he, just that tersely.

"Very well, then," came back the voice, "suppose you blow 'em out!"

The next day the telephone man came around and patched up the phone so that it was just as good as new.—Cleveland Plain Dealer.

* * *

A number of Topeka printers at lunch recently were talking of funny fights.

"Out at Garden City a funny thing happened long years ago," said one of the printers. "Garden was having some sort of a celebration; just what it was, I've forgotten. John A. Martin was then Governor of Kansas, and he was present to open the festivities with a speech. A parade preceded the affair, and Governor Martin rode in a carriage with L. R. Holmes, who was then Mayor of the town. A big blacksmith insisted on driving his horse in front of the carriage occupied by Martin and Holmes. The latter told him to get out of the way several times, but he paid no attention.

"'Governor,' said Holmes to Martin, 'hold these lines a minute, please.' He stopped the horses, climbed out and administered a rattling good licking to the disturbing blacksmith.

"Now, doesn't it strike you as funny that the highest peace officer of the city should hand the lines to the highest peace officer of the state while he gets out to break the peace?"—Kansas City Journal.

* * *

"Do you think luck cuts much of a figure in the success or failure of a man nowadays?"

"Yes, I believe it does. There's Bagshaw, for instance. What show would he ever have had to live at ease and belong to clubs if he hadn't had the luck to find a banker with a daughter who was so homely that a large premium had to be offered with her?"—Chicago Record-Herald.

Heirs of John Paul Jones.

Marietta, O., Dispatch.

One million acres of land near Marietta, owned by the Ohio Company in 1788 and deeded to Admiral John Paul Jones in 1792, is now in litigation here.

Attorney A. Dewey Follett has started proceedings to gain possesion of certain land, which Mrs. Gombault, of Paris, France, an heir of John Paul Jones, claims legally belongs to her. She asserts she has a deed of trust for the lands, given to her by other heirs of John Paul Jones. C. A. Hereshoff Bartlett, of Paris, former Judge-Advocate-General of New York, represents Mrs. Gombault and believes this conveyance is not absolute, but is a trust deed.

The records of Washington County show that Jones once owned the land in question, and it may still be the property of his heirs.

Poverty forced Mrs. Gombault to seek title to the land and show the deed of trust in her possession.

Found—A White Swallow.

Lenox, Mass., Dispatch to the New York World.

George Parker discovered a white swallow in an unused oats box in his barn. Mr. Parker says the box had not been opened in two years. He thinks the bird entered the box before the lid was turned down in 1907, subsisting on the oats in the box, and that the confinement turned its feathers white.

Girl Saved by Hair of Her Head.

Baltimore News.

Alice Kinsey, 15 years old, saved Gertrude Shant, 17 years old, from being buried alive in quicksand in a woods in Pennsylvania by holding her by the hair as she sank in the bed of a small stream and summoning help.

Table of 10,000 Pieces of Wood.

Pittsburg (Pa.) Dispatch.

Levi M. Longenecker, of Marietta, Pa., has finished a table which contains 10,000 pieces of wood gathered from all parts of the state. The work required 911 hours. There are 115 different varieties of wood used.

So Easy.

Chicago News.

So at last you're safely caged,
Being actually engaged!

How you marvel at your fears
And your anguish fringed with tears!

Now your skies are tinged with rose
Since you've clinched the girl you chose.

Much you wonder that for days
Courage you could never raise.

Couldn't find a word to say
When she chanced to pass your way.

It was chance, of course, you thought,
Not design! Well, you've been caught.

If her thoughts you could have guessed,
Easy would have been the rest.

You would have been truly bold;
As it was your feet were cold.

How you stammered in your doubt,
With your courage oozing out!

When she whispered, "Yes, you'll do,"
With prodigious courage you

Swelled up like a whole parade
As you murmured, "Who's afraid?"