

The Oregonian

Published at Portland, Oregon, Postoffice as second-class matter, October 14, 1887.

Subscription Rates—Invariably in Advance.

Single copy, 5 cents. Daily, Sunday included, one month, \$1.00. Daily, Sunday included, three months, \$2.75. Daily, Sunday included, six months, \$5.00. Daily, Sunday included, one year, \$9.00.

How to Read—Send postage money enclosed with order for money order local bank stamps, coin or currency order. Give postoffice address in full, including county and state.

Postage Rates—10 to 14 cents, 1 cent; 15 to 20 cents, 2 cents; 21 to 24 cents, 3 cents; 25 to 30 cents, 4 cents; 31 to 36 cents, 5 cents; 37 to 42 cents, 6 cents; 43 to 48 cents, 7 cents; 49 to 54 cents, 8 cents; 55 to 60 cents, 9 cents; 61 to 66 cents, 10 cents; 67 to 72 cents, 11 cents; 73 to 78 cents, 12 cents; 79 to 84 cents, 13 cents; 85 to 90 cents, 14 cents; 91 to 96 cents, 15 cents; 97 to 102 cents, 16 cents; 103 to 108 cents, 17 cents; 109 to 114 cents, 18 cents; 115 to 120 cents, 19 cents; 121 to 126 cents, 20 cents; 127 to 132 cents, 21 cents; 133 to 138 cents, 22 cents; 139 to 144 cents, 23 cents; 145 to 150 cents, 24 cents; 151 to 156 cents, 25 cents; 157 to 162 cents, 26 cents; 163 to 168 cents, 27 cents; 169 to 174 cents, 28 cents; 175 to 180 cents, 29 cents; 181 to 186 cents, 30 cents; 187 to 192 cents, 31 cents; 193 to 198 cents, 32 cents; 199 to 204 cents, 33 cents; 205 to 210 cents, 34 cents; 211 to 216 cents, 35 cents; 217 to 222 cents, 36 cents; 223 to 228 cents, 37 cents; 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985 to 990 cents, 7 dollars 4 cents; 991 to 996 cents, 7 dollars 5 cents; 997 to 1000 cents, 7 dollars 6 cents.

Eastern Business Offices—Verreaux & Conkling—New York, Brunswick building, Chicago, Steger building.

Portland, Friday, Oct. 14, 1910.

THE NEW YORK CAMPAIGN.

It seems to be conceded on all sides that the issue of the New York campaign will mean a great deal to Mr. Roosevelt. If his candidate for Governor, Mr. Stimson, wins, no doubt he Roosevelt prestige will be enhanced. If John A. Dix, the Democratic candidate, carries the election it is predicted in some quarters that Roosevelt will fade to a nominal figure. There are newspapers, like the Springfield Republican, which insist that Stimson's success would push Roosevelt a long way toward dictatorship which he is supposed to be planning for. Hence they eagerly search for means of failure. Since the election of Roosevelt, Stimson consented to the widely-discussed New York Republican platform for the sake of harmony or not, it is fairly evident that harmony has not been found from it in a current of much depth. The leaders of the "old school" with their own exceptions, went home from Saratoga professing unbounded devotion to the nominee, but there is reason to fear that their loyalty came from the lips only.

There are other danger signals flying. Charles H. Young's resignation from the New York Republican club will, it is said, be followed by many others. Something very much like a schism seems likely to appear in that orthodox and venerable citadel of party loyalty. Mr. Young, who boasts that he hasn't split a ticket for twenty years, will vote for Dix. His reasons are very interesting. Briefly, he maintains that the Republican party has been in power so long that it has become corrupt, extravagant and inefficient. It needs a thorough purging," he declares. In this opinion he is at one with the radicals. He landed from Europe. More than that it needs a moral purge, Mr. Young thinks the Republicans need to get rid of Roosevelt and in his opinion the election of Dix will effect that highly desirable result. To Mr. Young Roosevelt is a man who has no politics. He is convinced that the Colonel would use Stimson's success as a ladder to the Presidency, and that if he ever got into the White House again "it would be difficult to get him out." The apprehension of Caesarism is genuine and widespread in the East, Indiana, as well as in the West. It is hinted here and there that the schism in the New York Republican Club may be a phase of that segregation of conservatives from radicals and the new party alignment which we have heard so much about. In the West, thousands of Democrats have been voting with Dix for Republicans. In the East, conservative Republicans are migrating to the Democratic standard. The movement may go farther than many would desire who are taking part in it.

Mr. Dix' platform is not one to frighten away any discerning souls who may seek shelter in his fold, and yet it is rather taking. He comes out boldly for state-wide direct primaries, which gives him a decided advantage over Stimson in the current trend of public opinion, and he makes another shrewd bid for votes by voting with the Democrats. In the East, popular opinion of Senators. Whether he does wisely to misrepresent Roosevelt's position on public questions depends on the intelligence of the New York voters. If they are readers and thinkers, they will not be attracted by Mr. Dix' rhetorical innuendoes. Roosevelt's usual method of attacking our courts, for he has done nothing of the sort. Mr. Roosevelt has criticized some Supreme Court decisions and given excellent reasons why they ought to be reversed. But this is no crime. It is certainly no reason why a man should be regarded as a public enemy. The attacks on the public officials has been won by the Anglo-Saxon peoples through centuries of struggle. If it is a crime to exercise the right, then Jefferson, Lincoln and Taft are as much public enemies as Roosevelt, for they have all done it.

The West the Colonel has gained new friends by his control of the New York convention and its platform. The Milwaukee Journal, which speaks for La Follette, calls him a case of "arrested development." None of the radicals can digest his amazing display of plainness and they find it difficult to explain his fulsome but sadly belated praise of Mr. Taft. Many ask pointedly why he had nothing to say for Mr. Taft on his famous tour if he really admired the President so much. The opinion is abroad that the Roosevelt cult is on the wane and the observers predict that the anticipated Democratic victory in New York will put an end to it.

PORTLAND'S NEAREST NEIGHBORS.

Portland was well represented and well received at the Fall convention of the Southwestern Washington Development Association at Goldendale. The cordial relations existing between Portland and our neighbors in Southwestern Washington are easily accounted for in the remarks of A. C. Little, of Raymond, Wash., chief promoter of the association. "Portland," said Mr. Little, "has given us more publicity than all other Coast cities put together. Seattle has distributed a few circulars mentioning our country, but Portland has sent investigators and home-seekers right into our towns." This is the Portland policy, inaugurated long before development leagues and kindred associations began to attract attention in the Northwest, and it has given this city a firm foothold in nearly all of the territory lying along the Columbia River, as well as a considerable portion of that

which lies on Grays Harbor and Willapa Bay. Portland's business interests have been well supported by the people of Southwestern Washington, and this city has reciprocated whenever the opportunity has offered. Regarding the matter purely as a business proposition, there is every reason why Portland should send investors and home-seekers into the towns and country in Southwestern Washington. Even with the Columbia River as a state line boundary, this city still remains so much more advantageous as a trading point than any Washington city that the factors have received from the territory involved and to view the growing importance of a trade field which has done much to aid Portland in its growth.

The plirimage of nearly forty prominent business men from this city to Goldendale was not alone for the purpose of drumming up trade or of holding that which we now possess, but was a friendly visit to the territory. The factors have received from the territory involved and to view the growing importance of a trade field which has done much to aid Portland in its growth.

THE WORK OF A JUDGE.

Some curious person at Salem, not much impressed by the character or value of the great "nonpartisan" judges, has written the benefit of two Democratic Supreme Judges, has thought it worth while to examine the Supreme Court records for the purpose of measuring the relative output of the various judges. The results are both significant and instructive. Since the election of Stimson, the man appointed to the bench as judge, in defiance of the people's will that the Supreme Court should not be increased, the number of court decisions written by each judge is as follows: Moore, 75; Eakin, 53; Slater, 48; King, 47. In that time McBride succeeded Bean as judge. Bean, after King and Slater came on the bench as judge, wrote 14 decisions, and McBride followed with 56, making 70 the total for this particular judge. These statistics cover the case of one of Stimson's "old school" judges (not commissioners) when they were well-seasoned for the work, and could not be excused on the ground of newness, or unfamiliarity, or insufficient opportunity. Judge King, it may be added, has not filed an opinion since July 12, and has since that date done nothing to his credit since early in the Spring.

What have these two "nonpartisan" judges been doing during their incumbency that their record for industry and diligence compares so unfavorably with their fellow judges? It is justified. Being by nature moderate service of the state? Or have they been running around in a frantic effort to be re-elected, leaving their duties and their supposed sense of judicial propriety at home?

WESTERN FAULTS.

A correspondent who is disturbed by the poor opinion of Western people which some Easterners entertain writes to The Oregonian for consolation. She asks if we think the opinion is justified. Being by nature moderate we are inclined to believe that Western people have some sins which it would be good for their reputation, and their souls also, to forsake. Our correspondent incloses a clipping from a Boston paper which accuses Westerners of being impolite, of paying no attention to the manners of the society, and of neglecting their friends. No doubt it is possible to find people who are guilty of all these shortcomings.

The West is too near pioneer conditions to have made much of an attempt at politeness yet, but very likely there are now known, and are few here as in the East, or more. Rough manners and unmoderated voices do not necessarily imply a bad heart, nor do they always imply a goil one. Most Westerners are as polite as they know how to be, and when they learn more we suppose they will do better.

AN EDITOR THAT WILL TALK.

"The Pope's bull against the camel" is one of the most interesting of ecclesiastical to check by anathema and interdiction forces that it cannot subdue and refuses to judge according to known standards of natural law. The Emanuel movement, so called, and as the teachings that characterize it are now known, was born in the Central Church. It has a considerable following among humble, devoted, intelligent people who are ready to accept in unquestioning spirit beliefs whose source they but dimly comprehend. It is manifestly useless to hurl dogma and anathema against a movement thus based in the belief that the hope that it can be stamped out by such methods or even arrested in its course.

Clamor for or against such a movement will be unavailing one way or the other. Recognizing this fact, and accepting the truth of the declaration, "By the fruits shall ye know them," whether applied to creeds or individuals, the exponents of this idea or principle or whatever we may choose to designate the Emanuel movement, its advocates and workers were silent before its accusers in the Protestant-Episcopal church at Cincinnati. We may well suppose that this silence does not argue obedience to dogma or denial of such facts as the leaders and disciples of the Emanuel movement have demonstrated to their own satisfaction, at least. On the contrary, it may be frank and ominous of an intent to pursue quietly, but not the less determinedly the path, still dim from lack of knowledge, but beckoning ever onward, that has already passed many way stations of doubt, and along which the beacon lights of hope and faith gleam with a steady though subdued radiance.

There may be much in the principle or philosophy underlying this movement; there may be little; there

may be nothing. But those who believe there is much in it, even surpassing the limits of human hope, will not be turned from their belief by the command of the church. Those who falteringly believe that there is a slight basis of truth in it will not surrender the small comfort that it has brought to them, while the boldly skeptical, who stand above all things, for freedom of opinion, will regard the attempt of the house of deputies to silence the Emanuel movement as in keeping with the solemn edict against the comet that has come down to us from the time when it was first to theory concerning the solar system meant anathema, imprisonment and, if not recanted, death.

IS THERE A DEMOCRATIC PARTY?

Consider briefly the humiliating status of the Democratic party in Oregon. It has been reduced to the low estate of being a mere appanage of George Chamberlain. He exploits it always and everywhere for his own ends. He has made it a one-man party. It has no other entity, no other mission, no other function, no other duty, no other service. How do the Democrats like it?

They don't like it. There are signs of revolt, and they mean something. What the Democrats see now clearly is that West is a mere pawn in the Bourne-Chamberlain game, the office boy of the Bourne and Chamberlain. Boardman and Chamberlain are going to elect West Governor, if they can. Why? That Bourne, who calls himself a Republican, may be re-elected Senator. The only Democrat Chamberlain is willing to name, or have named, for important office, is himself, or his protegee. To help himself, he betrays his party and makes a shameful deal with Bourne, an alleged Republican. But whether Bourne is a Republican or not, his success exceeds all opportunity for political preferment by Democrat or Republican, or Myer or Bennett or Manning or Thomas or Versteeg, or Van Duzer, or a hundred others. Where do they come in, if the Democrats stand for the Bourne & Chamberlain partnership?

HOW DO THE DEMOCRATS LIKE IT?

The remarks, in the former case, of Attorney Dunne, of the Southern Pacific, regarding the Oriental steamer moved in and out of Portland, were intended strictly for "foreign" distribution and not for home consumption. It is inconceivable that a man occupying the position held by Mr. Dunne does not know that such statements as he gave in regard to Portland are false and misleading. After citing that Portland's Oriental steamer line had been a failure under different managements, and was always operated at a loss, Mr. Dunne said that "the sailings from San Francisco were more frequent and satisfactory than any other line in O." As Mr. Dunne's employers are responsible for the service both at San Francisco and at Portland, this dash of vinegar on the raw wounds that the Harriman management has made on Portland's Oriental trade will be appreciated.

PORTLAND GROSSLY MISREPRESENTED.

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After a man has been knocked down, dragged out and stamped on, he dislikes to be abused and reproached by his assailant for the poor fight he put up against the superior force. For that reason the present uncordial relations existing between Portland and those who are damaging the port by an alleged Oriental service, have not been improved by the unwarranted criticism of Mr. Dunne. The learned spokesman for the Southern Pacific is the living embodiment of the old Huntington policy of forcing all trans-Pacific traffic through the port of San Francisco. A very necessary feature of that policy is to make the service out of Portland so wretchedly bad that the business will be forced through San Francisco.

Getting away from generalities, and dealing with specific cases, let us consider the service of the alleged Oriental steamer line for which Mr. Dunne is the legal apologist. This service is performed by four tramp freighters, operated without the slightest regard for schedule or the convenience of shippers. The sailings are so infrequent and uncertain that the term "regular line" is a misnomer. The alleged line dispatched the steamer Selja from Portland August 26. Between that date and October 12, no steamers of this line sailed from Portland for the Orient, and millers and other shippers who had sold flour and other commodities for September shipment were forced to cancel the orders, or ship by way of Puget Sound, although at least one of the Puget Sound lines showed sufficient interest in Portland's Oriental trade to send a steamer here to relieve some of the freight congestion. Meanwhile, in the six weeks in which the Portland-Orient route was left without a Harriman steamer, the line out of San Francisco, made "satisfactory" by the same management that made Portland's line unsatisfactory, was dispatching a steamer every Tuesday morning, right on schedule time, while an average of two steamers per week were clearing from Puget Sound ports.

The inconvenience and injustice of the service given Portland have produced such a feeling of resentment on the part of the shippers and importers that most of them absolutely refuse to patronize the Portland line. This has naturally brought about a deadlock, in which the steamship people refuse to give Portland a decent service for the alleged reason that there is no business, while the merchants refuse to patronize the line because of its unreliability and general worthlessness. It is idiotic for the Portland-Orient line to insist that it cannot be handled from here. The Waterhouse line to Puget Sound is sending steamers here, and is taking freight at lower rates than are charged by the Harriman tramp steamers.

The sooner Mr. Dunne and the transportation lines which he represents abandon the idea that the traffic mountain must come to the Southern Pacific Mahomet, the better it will be for the Harriman line. The ancient ax which were formerly used on the water route between Portland and San Francisco did not force the business to the Southern Pacific rail line. They did, however, leave an opening through which independent lines entered the field and made millions before the Harriman line woke up to the good steamers on the route. A line of business awaiting the Southern Pacific rail lines between San Francisco and Los

Angeles, as soon as the new steamers Yale and Harvard are placed on the route.

We are promised a check on the wholesale letting of contracts for street improvements, and unless the Council changes its mind in the meantime, no more contracts will be let until contractors get the work now under way much nearer completed. While it is important that the streets of the city be improved as rapidly as possible, there is evidence that the said has been a little too swift in some localities. Some of the hard-surface streets that were hurriedly improved a few months and even a few weeks ago, notably in the Holladay-Irvington district, are already showing signs of wear that would not be noticeable had the work been more carefully done. There is also another advantage in withholding contracts which cannot be fulfilled for many months, for by the time the contractors are ready to proceed with them, material and labor may be cheaper, and the taxpayer might possibly get some of the benefits of the reduction.

The usual custom of pumping sand out of one of the rivers and dumping it in another, where it must be again handled, has aroused the interest of the Rainier City Council, which was asked to file remonstrances with the Government and the Port of Portland. Before action was taken, it was explained that the work was only temporary and that the sand dumped in Rainier harbor would be pumped back into the north channel in due season. If the money wasted in pumping sand out of one portion of the river and dumping it in another, where it would wash back in again, had been spent in placing it on the bank or behind a bulkhead, the permanent improvement of the Columbia River channel would be a much smaller problem than it is at the present time. As Portland is getting out of the class of "temporary" work, it might be a good plan to begin making improvements of a permanent nature.

It is extremely gratifying to learn that the publicity methods of the Portland Chamber of Commerce have such a good reputation on the coast. No doubt the Ohje city will be supplied with the necessary plans for conducting a publicity campaign on the latest approved Oregon methods. In one most essential feature, however, it will be impossible to get the Ohjeans to agree near even terms with the Oregonians. That feature is the incomparable resources of which the Portland Chamber of Commerce has been telling the world. It is much easier to sell goods when you can show the direct, tangible advantages which you are bringing to the city of Nature and the enterprise of man have given Oregon exhibits that will draw more settlers than could be rounded up by all of the publicity literature ever issued.

The two Tacoma boys who liked the same girl well enough to fight for her will both make good husbands and fathers by and by, when their common sense equals their pluck. A fair fight is not a bad thing to eliminate malice and cement friendship. It is cheaper than a lawsuit, safer than shooting, and manlier than backbiting. While we do not commend their example, we can easily excuse it and can understand how certain white-haired youths might follow it advantageously.

The past week has been one of ideal weather for fruitgrowers and dairymen and for forehanded farmers who are anxious to get the plow in the furrow in October. Crisp and cool, with occasional bright sunbeams throughout the day, with bright moonlight evenings, what more could be asked in the way of favoring weather for rounding out the year's work?

Suppose that Oakland had lent one of its "bench" systems to a loan in the California State League, and two weeks ago had brought the same man to Portland and played him. Does any one imagine that McCredie would have protested? If he had, is there any one so foolish as to believe Judge Graham would have reversed a victory in which this player took part?

The California student who intends to hunt geese this Fall disguised as a tree has no doubt chosen his attire wisely, but it would not suit those deerhunters who cannot tell a tree from a man. Probably if they fared forth disguised as asses, it would make the woods safer. It would also have the advantage of not requiring much change from their usual habits.

Massachusetts Democrats, at a loss for a head to their ticket, might apply to "Honey Fitz" for aid, with good result. A noted shoeman once spent \$30,000 to obtain a year's glory. It was no unimportant feat, and a man within sight of the Gilded Codfish who is willing to do a little extraordinary advertising?

Every voter in Oregon is up against a duty he cannot honorably ignore. He must vote on each of the measures presented in the case which he understands, let him vote his sentiment. With those he knows nothing about, vote no. When in doubt, vote no. Even so late as last Spring no one would have believed seventy-five miles an hour in a car probably. Yet this is Le Blanc's record at St. Louis. Truly, the gasoline engine works wonders.

INITIATIVE AND REFERENDUM MEASURES

Creation of New Counties—Grave Doubt Whether Changing Present Boundaries Would Stand the Test of the Courts—Part of a County Could Secede From a Parent County—Intelligent Information for Voters Lacking—Unbiased Explanation by The Oregonian.

Article No. 4.

A bill for an act to create the County of Nemith out of a portion of the northern part of Douglas County and the southern part of Lane County.

A bill for an act to create the County of Willamette out of a portion of Lane and Douglas Counties, Oregon.

A bill for an act to create the County of Orchard out of the northeastern portion of Clatsop County, Oregon.

A bill for an act to create the County of Clark out of the northern portion of Grant County, Oregon.

A bill for an act to annex a portion of the territory in the eastern part of Washington County, Oregon, to Multnomah County, Oregon.

A bill for an act to create the County of Deschutes, Oregon, out of the northwest portion of Crook County, Oregon.

A bill for an act providing for the creation of new counties, and municipal districts, excepting drainage and irrigation districts, of less than one county or changing the boundaries of existing counties.

Legal advice has been sought on this subject, and The Oregonian is informed that it is a serious question whether county boundary matters should be voted on solely in the districts affected by the state at large. The promoters of the six new counties and the two annexations above listed have proceeded on the theory that each measure must be given statewide presentation. The initiative petitions were circulated on this theory and doubtless most or all of them carry names of voters who are not residents of the districts involved.

Section 2 of Article XI of the State Constitution (an amendment proposed by initiative petition and adopted in 1888) has a bearing on the situation. This section of the constitution reads as follows:

Corporations may be formed under general laws, but shall not be created by the Legislature. The Legislature shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend charters, subject to the approval of the state and criminal laws of the State of Oregon.

At the last session of the Legislative Assembly, when a bill was before the Assembly providing for the creation of Nemith County, the constitutional right of the Legislature to create a new county or change the boundaries of an existing county was questioned. Senator I. H. Bingham, of Eugene, obtained opinions from some of the leading jurists of the state, including Supreme Justice Bean, and was assured that the Legislature had been deprived of that power.

In several of the arguments presented in the state pamphlet which urges the approval of the new county measures, it is frankly admitted that the Legislature has not the power to change county boundaries. The people behind the measures seemingly without investigation, resorted to a general initiative movement to gain their point.

Some of the best lawyers in Portland are convinced that under the terms of the Federal Constitution and the Enabling Act, the powers of the Legislature must remain co-ordinate with the powers of the whole people as exercised through the initiative. The Legislature, alone, may not be deprived of a power held by both.

The Supreme Court of Oregon has already put a construction on section 2 of Article XI, heretofore quoted, and has held that, in view of the facts that the Legislature is prohibited from amending municipal charters and that unless the power to amend acts incorporating municipalities, other than cities and towns, is vested in the people, they cannot be changed without a constitutional amendment. The manifest purpose of the amendment was to vest in the people of all municipalities, including cities, towns and others, the power to amend their charters.

This decision was in the case of Farrell vs. Port of Portland (32 Or. 83), in which it was contended that the Port of Portland, being neither a city nor a town, in the strict technical sense, did not come within the provision of the constitution reserving to the people local self-government. The court denied the contention.

It should be remembered that in the case cited the right of the whole state to legislate for the Port of Portland was not involved, but the right of the people residing within the limits of the Port to amend its act of incorporation was the issue.

amend its act of incorporation in the absence of a specific general law laying down the manner of exercising that power. The court held that the law of 1907 was intended to provide for the initiative and referendum in all cases authorized by the constitution, and the constitution reserves initiative and referendum powers to the legal voters of every municipality and district as to all special and municipal legislation affecting such municipalities and districts.

The Supreme Court so construed the law of 1907 that it could be applied in proposing and adopting an initiative measure by the voters of the Port of Portland. If the district known as the Port of Portland may of itself amend the act creating it, it is analogous that the voters outside the district have no voice in such proceedings. The same reasoning may be applied to counties in efforts to amend, in the matter of boundaries, the acts of incorporating them. In section 2 of Article IV of the State Constitution are enumerated 14 cases in which the Legislative Assembly shall not pass special or local laws. Those who contend that the Legislature may not create a new county, but that the voters at large may, presumably must also contend that while the Legislature may not pass special or local laws in the 14 cases enumerated in section 2, Article IV, the people may do so through the initiative. In other words, they must contend that none of the constitutional restrictions placed on the Legislature apply to the people in exercising the initiative.

The bill providing for the creation of new counties by a majority vote in the county to be created, if adopted would be the course of reasoning given in the state pamphlet, an amendment to the law of 1907. The proposed act provides that upon petition of 30 per cent of the legal voters residing within a proposed new corporation, the Governor shall appoint three disinterested commissioners who shall file a report either for or against the creation of such corporation, after making an investigation into the merits of the case. If the report is unfavorable, the matter ends; if favorable, a special election is called for the territory within the proposed new corporation.

The principal objection found in this bill is in the fact that it virtually permits secession by a portion of a county from the parent county, provided the approval of a disinterested commission is obtained. If a portion of the territory that would remain in the parent county have no voice in the final determination of the question. If applied in the present instance only legal voters in the proposed Nemith County would have the opportunity of voting on the question of forming the new county, while the voters in portions of Lane and Douglas counties, not included in Nemith territory, would have no part in the voting. Likewise, the annexation of a portion of Washington County to Multnomah County, now before the people at large, would be determined solely by the voters in the portion of Washington County. It is proposed to annex a fair plan would be to permit the voters residing in the counties whose boundary lines would be affected to determine whether a new county should be created or a portion of one annexed to another.

On another page The Oregonian today publishes a map of Oregon, showing the county lines as they would exist if all the measures pertaining to county boundaries were adopted in November. This map has been prepared for the reason that it is impracticable for the average voter to gain a fair idea of the location or extent of the changes proposed.

The fact that the adoption of the eight county division measures would breed extensive litigation and promote uncertainty in matters of taxation and organization in nine existing counties should be enough to bring about the defeat of the eight bills, but in view of the further fact that some may discard these considerations The Oregonian endeavored to give partial aid in determining the merits of the several measures.

The proposed new counties and the portions of counties it is proposed to annex to Multnomah County are designated in dark lines. Present boundary lines are depicted in dotted lines. It will be observed that Williams and Nemith Counties, if both were approved, would overlap. Here is presented another question. The one that receives the highest affirmative vote will prevail over the law providing that in conflicts in two or more bills adopted at the polls the one receiving the lesser number of affirmative votes becomes a law, except insofar as the conflict is involved. The uncertainty, in the event both Williams and Nemith counties are approved, will rest on the question as to whether the one receiving the lesser number of affirmative votes is sufficiently clear in the conflicting portion to form a comprehensive act in itself. Cottage Grove is specified as the temporary county seat of Nemith County and Drain as the temporary county seat of Williams County. Neither town is in the area in conflict.

In presenting arguments favoring a county division it should have been obvious to the promoters of the measure that the public would desire to know the area, population and assessed valuation of the proposed new county or the territory to be annexed to another county and also the area, population and assessed valuation of the territory in the county or counties that would be divided by the adoption of the bill.

Nemith County supporters have gone more extensively into these details than any others. It is possible to determine from the state pamphlet the area, population and assessed valuation in the proposed Nemith, Williams, Orchard, Clark and Deschutes Counties and in the Washington-Multnomah annexation. The Otis County argument is lacking in information in all three points. The areas it is proposed to take from Malheur and Harney are given, but the argument is silent as to the extent of the territory to be taken from Grant. By referring to a township map of Oregon it is possible to estimate the area of the proposed Otis County, but figures as to assessed valuation and population are not available. Information is similarly lacking as to the portion of Clackamas County it is proposed to annex to Multnomah County.

Following are the statistics on the several divisions so far as available, area being in