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PORTLAND, FRIDAY, OCT. 21, 1910.

PERVERSE HUMAN NATURE.

A reader, whose kindly spirit The Oregonian fully appreciates, writes to deplore the character of the news which is printed in the daily papers. She justly says that individual character is formed, in part, by what we read and see in daily life. Hence if the papers would fill their columns with accounts of worthy deeds and uplifting events, she thinks the world would be the better for it. In particular she dislikes the "children's page" in the Sunday papers. Her most suggestive letter concludes with the question, "Who among the editors will begin the work of reconstruction?" We venture to say by way of reply that almost any editor she could find in the country would be glad to print more elevating kind of news than he habitually provides for the public. Why he does not do it is a complicated question. For one thing the great mass of news is not elevating, and, if a paper tells anything it must, often, tell what is neither very pure nor very instructive. The routine events of life, excellent as they are in their place and deeply as they are tinged with unselfish love, are not news, and if they were narrated in print nobody would read about them.

Then there is the perverse taste of mankind to be reckoned with. It demands something spirited. It is not satisfied with the prosaic, the commonplace, the mildly virtuous. Murders are demanded. It loves to sup on horrors. When one thinks of the pressure this taste exerts upon the papers and the material there is on hand to cater to it, the wonder grows that their pages are as free from the sensational and base as they are. An editor's life is one long struggle against the demand for stimulating provender. Our friend, cradled safely, no doubt, in some beautiful home where she sees little of the realty and nothing of the vileness of life, does not know what a deplorable thing human nature is in some of its aspects. Most men need not be scratched very deeply to come to the brute, as our mobs and lynchings testify. The brutal appetites are insistent in their demands, and it is only by making them some small concessions that we gain the opportunity to minister to the higher tastes. Life, take the best of it, is a compromise. The battle for good is waged with weapons which are too often edged with evil. But if we throw them away we cannot fight at all.

There is another point which some critics of the newspapers and current books often overlook. It is that reading is for many people an exceedingly difficult art. In school they do not learn to read with rapid facility. The trick never ceases to be painful for them and some little inducement must be offered to persuade them to try to get the thought from the printed page. The only inducement that is adequate, as experiment shows, is to mingle the vain, the idle, the exciting, with what is more instructive. The average man will devour intellectual bread if it is provided in small crumbs with large bits of candy among them. In any other form he will pass it by with scorn. Again, to put it plainly, there is a good deal of doubt whether a paper composed wholly of the matter which our friend wishes would do as much good as she believes, even if it were read. There is a vast mass of entirely irreproachable literature in the world, but upon the whole it is ineffective. Those who read books of sermons are not as a rule much influenced by them. It has even happened that people who were fed on an intellectual diet of unmingled saintliness revolted from it by and by and took to vicious ways out of sheer perversity. Human nature has its queer streaks, which we may weep over if we will, but in the end we must reckon with them. One of its singularities is a disinclination to buy reading matter which is too immaculate.

The Boston Herald tried an experiment not unlike that which our good friend recommends and within a short time the sad report came over the wires that it was in the hands of a receiver. There is good counsel in the scriptural rule to mingle something of the serpent's wisdom with our more dovelike qualities.

DID THE DIRECTORS DIRECT?

While the chances for the Illinois Central stockholders to secure $10,000,000 damages from the directors of the road are probably not very bright, the filing of the suit and the publicity that will follow, if it shall be pressed, will not be without good effect. Not all of the men named as defendants in the suit brought by stockholder Edgar are dummies; but it is not improbable that a good many of them confined their activities as directors to voting as they were instructed at the meetings and drawing the nominal fee allowed for their attendance. The disclosures made in the investigation of the enormous thefts made by a band of Illinois Central employes failed to reveal any collusion with any of the directors. The road was robbed of vast sums of money by a few men who enjoyed the confidence of the management, and for that reason were not watched as closely as men holding more humble positions.

In this relaxed vigilance the directors possibly failed to fulfill their duty to the stockholders whose interests they are supposed to guard and they are entitled to censure accordingly. The case in some respects is not dissimilar to that of a number of bank scandals in various parts of the country. The name of an honest, upright man, with a well-deserved reputation for ability and integrity, is a valuable asset to any bank which can employ him as a director. The depositors and small stockholders in the bank, being assured by the presence of such a man on the directorate that their interests are in good hands, are much less likely to look after them personally than they would be if they were even a little suspicious.

The wholesale stealing by the Illinois Central employes was made possible by lack of vigilance on the part of the directors or poor judgment in their selection of employes. For this they may be censurable; but it is hardly probable that they can be held financially responsible for the loss through stealings of the employes. Whatever good may come out of the affair will be in the effect it may have in causing not only the Illinois Central directors, but those of other roads, to pay a little more attention to affairs in which their stockholders are so vitally interested. Neither the dummy railroad director nor the dummy bank director should have any place in the present economic system.

A PROBLEM IN ETHICS.

Oswald West, Railroad Commissioner, went to Washington City, ostensibly on the state's business, and charged up $253 to the state for expenses and mileage.

Meanwhile Oswald West had been subpenaed at Portland as a witness in the Binger Hermann trial and he charged the United States Government $365.20 expenses and fare for the same trip. He collected the money from the state, and put it in his pocket. He likewise collected the larger amount from the Government, and put it in his pocket. Then he was charged by the Federal officials with being a "grafter," and he turned the Federal money, less $50, to the state.

Why to the state? If West was entitled to this money, he should have kept it. If he was not entitled to it, he should have given it back to the Government. But whether he turned it over to the state or to the Government, why should he have held out $50?

The whole transaction is petty; but it has been widely exploited, and the public is entitled to the facts. There they are. The public may draw its own conclusions. The Oregonian has no wish to denounce or characterize West as a grafter. But what is he?

DESTROYING DRYDOCK'S USEFULNESS.

The Port of Portland drydock at St. Johns represents a large sum of money. Fixed charges of interest and depreciation are running against it whether it is in use or not. For a long time it has been used but little, the reason being that the rates are higher than are charged by docks in other ports with which Portland must compete. As the dock was built by the Portland taxpayers for the purpose of attracting shipping to this port, it has frequently been urged that the rates be made low enough to accomplish the object for which it was built. Even if the rates were placed so low that they would not pay the fixed charges which are running against it, there would be an advantage in having the dock fill the position for which it was built.

Unfortunately for the port, however, there has been a heavy advance instead of decrease in rates. This advance, according to the figures of Captain Crowe, an exceptionally well-posted marine surveyor, is about 25 per cent on the second day that a ship remains in the dock, 66 per cent on the third day, and more than 100 per cent on the fourth day.

As very few vessels would get in and out of the dock in less than four days, it is easy to see that the new rates, instead of attracting shipping, will be prohibitive. There is no tax levied on the property-owners of this city that is paid more willingly than that which provides money for the Port of Portland expenditures. So long as the taxpayers are willing to pay for cheap drydock tolls, it is difficult to understand why they have been advanced to a figure that can hardly fail to drive shipping to other ports.

EQUALIZING PROSPERITY.

People of the United States are engaged in the big job of trying to equalize prosperity. Driven by spectacle of big profits accruing to relatively a few men, they are "insurging" in various ways against the old order of things. In some respects they already have gone too far, as in so-called conservation; in denunciation of efforts of business and property interests to protect themselves in politics; in curtailment of railroad profits, and in general antagonism toward capital and business.

The purpose of the popular mind in this movement is clear; it is to diminish the profits that have been accruing to relatively few persons through their superior opportunities or intelligence and to bring in as partners as large element of the people as possible. Citizens of the United States have been prosperous during the last decade as never before; bread and butter and luxuries have been easier to earn than at any time in the Nation's history, despite the rising level of prices. Yet the people are not content. They are hardly more content than when, fifteen years ago, they were suffering the pinch and penury of "hard times."

"The people will endure poverty, servitude, pauperism," wisely remarked the French economist and statesman, De Tocqueville, "but they will not endure aristocracy. For equality their passion is ardent, insatiable, insistent; they call for equality in freedom, and if they cannot obtain that, they still call for equality in slavery."

Likewise, the American people dislike the aristocracy of high profits and are willing, evidently, to endure diminution of prosperity, to gain their desire. Their rampant Colonel makes violent attacks on property "interests" and on wealth, as in his Osawatomie speech, and as an apostle of discontent and equality outspeaks the late lamented Bryan. Seizing upon the first great corporations within their reach—the railroads—the people curtail their earning power and their profits until the floating of new railroad securities is greatly hampered and in many cases suspended. Heads of the greatest railroads in the United States point out, with fair reason, that the people must allow their companies to make more money, else service will have to be cheapened and many new projects suspended.

No question that the motive behind this popular movement is the ever-present desire for equality of the country's unparalleled prosperity. This is a force that is world-wide and has its springs in the deepest strata of human nature. It belongs to the powerful sweep of socialism. It manifests itself also in high taxation of property and business for support of popular improvements and schemes of government. Many men who scorn the name socialist and would repudiate it if applied to themselves still join the demand for this or that scheme of socialistic improvement and absorption of private property increment through taxation.

It is useless to tell the people that their unparalleled prosperity up to this time should be conserved with care. They seek equalization of prosperity just as fifteen years ago they sought equalization of hard times. They can do much if guided by moderation; but they will accomplish nothing good if controlled by radicalism.

ALL FOR ONE MAN'S BENEFIT.

"In the past ten years," says Mr. Van Duzer, Democratic candidate for the Legislature for Multnomah County, "we have elected a Governor twice and a United States Senator once." Mr. Van Duzer means by "we" the once great Democratic party of Oregon. The Governor whom the Democratic party elected and the Senator whom it honored was one and the same man, George Chamberlain. The Democratic party has done great things for Chamberlain, but in the doing it has become the poor wreck it is. It has prostituted a noble name and a militant and efficient organization to the services and ambition of a single man. No wonder it has gone on the rocks.

The worm has turned. The last straw was Bourne. The Democracy was wearied with sacrifice for Chamberlain anyway, but it might have yielded once more to his importunity for honor and position except for the Bourne incident. There is fire and spirit and honor in the old hulk yet.

THE RAILROADS AND BOWERMAN.

When Bowerman, a struggling lawyer in the little town of Condon, seeking service from any of the infrequent clients who strayed that way, got an opportunity to do some special work as attorney for a railroad, he thankfully accepted. What lawyer anywhere would have, or should have, declined? Now this fact is being used by the Bourne-Chamberlain machine, through its various publicity agents, to make it appear that Bowerman is a minion of the awful corporations and sold out the people at Salem for a few pieces of silver. "He used his position as State Senator to prevent the building of railroads to Central Oregon," they say.

Let us see how Bowerman wielded his great influence as president of the State Senate to help him in his little job as a (temporary) corporation lawyer at Condon. A delegation of excited citizens went from Portland to the Legislature at Salem, demanding that the state go into the business of building railroads, as a means of salvation from the thralldom of the Harriman system. They wanted a constitutional amendment. They would take nothing less. They got it. And they got it largely through Bowerman. The Legislature was divided on the subject, a large majority refusing to be stampeded even at the appeal of the august Portland Chamber of Commerce. The bill was, however, forced through the Senate mainly by President Bowerman, who cast the deciding vote in its favor.

At the legislative session of 1907, State Senator Bowerman was a member of the Senate railroad committee and chairman of the committee on revision of laws. In these important places he had much to do with placing on the Oregon statute books the railroad commission act, to which his opponent, Mr. West, owes his all in the way of reputation and a livelihood. Did or did not the railroads dictate Bowerman's course?

It would seem that some of the gentlemen who invaded Salem in 1909 with their unnecessary proposal for state-built railroads, and who found President Bowerman a powerful and indispensable ally, ought now to say a word in protest against the falsehoods now being spread broadcast about him. Or is it possible that they are so thoroughly ashamed of that little venture into vicious and dangerous legislation that they desire only that their part therein be forgotten?

THE GAMBLER'S BRIBE.

Nothing in the way of graft, bribery and scandal that comes out of New York can cause very much surprise. The domain of old Father Knickerbocker is so thoroughly saturated with crime and corruption that frequent eruptions are as certain and natural as the appearance of pimples and boils on a physical frame rotten within. For that reason no one will question the accuracy of the tale now unfolding before the legislative investigating committee at New York. This tale relates to the gathering of a slush fund of $500,000 for the purpose of securing favorable legislation in the interest of a gang of racetrack gamblers. Led by that grizzled old gambler, James R. Keene, a coterie of corruptionists sat in council at Delmonico's and, with a nonchalance which years of thievery, jobbery and bribery had made natural, discussed the purchase of votes necessary to legalize racetrack gambling in exactly the same manner that honest men would discuss the purchase of corn, cattle or cordwood.

That the integrity or honor of a man should not be a purchasable commodity never seems to have appealed to these corruptionists. With the thievery and jobbery which have brought horseracing into disrepute from the Atlantic to the Pacific, these New York gamblers had wrung so many millions from the thousands of wage-earning gamblers who never have a chance to win that it seemed to be a perfectly natural and legitimate proceeding to raise a fund for the purchase of enough votes to beat the obnoxious anti-racing bills. James R. Keene, who is mentioned as the leader of this select band of millionaire bribers, has been a gambler all his life. Having selected this calling, and following it with equal success with cards, horses and stocks, his blunted sense of honesty of course prevented his discerning anything wrong in the purchase of a few members of the Legislature.

Harry Payne Whitney, who is mentioned as his principal associate in the bribery, is a prominent member of New York's idle rich aristocracy, who has dwelt so long in New York's thimble-rigging environment that he can hardly be expected to be competent to draw any very fine line of distinction between right and wrong. The State of New York, at an ill-guarded moment, permitted to be placed on the statute book some very severe laws regarding bribery. The great wealth and influence of the accused bribers may result in their escaping these penalties; but if they could be reached by the law the lesson would be of value, not alone to New York's criminals, but to those of other states.

A Seattle real estate man, complaining of the slump in real estate values in that city, says that "once the market started downward, everybody seemed willing to hammer it. Our own people did this. Seldom does one hear a stranger condemn our values." While it was questionable if Seattle property ever was worth double and treble the price that was asked for the same grade of property in Portland, or that such prices could be maintained, the disgruntled dealer quoted revealed a trait that is not confined to Seattle people. There are plenty of croakers in Portland who have fought against and talked against every advance that has been made in real estate since the Lewis and Clark Fair. These timid knockers have not yet witnessed the verification of their predictions, but they live in hopes, and to the best of their ability are striving to check the present upward movement in values. Fortunately Portland real estate rests on a firmer basis than Alaska placer-mining resources, and no slump is in sight.

History is still repeating itself in the Far North. The discovery of gold on the Tanana depopulated Dawson and made Fairbanks the big city of Alaska. Nome came into greatness through the decline of the Yukon placers, and now it is announced that the strikes on the Iditarod and Squirrel River have lured so many people away from Nome that less than 1000 will Winter there. After the Iditarod and Squirrel River will come something else. Alaska is still to a large extent an undiscovered and unprospected territory, and it is not improbable that there will be many more Dawsons, Fairbanks, Nomes and Iditarods before the restless gold-seekers have thoroughly prospected the country. The tales now coming out of the Iditarod, while failing to corroborate the report of General Maus, offer an excellent groundwork on which the transportation companies can build a rush in the Spring.

Spain is said to be on the verge of a rupture with Morocco over the payment of the $26,000,000 indemnity which was exacted when the Riff tribesmen were defeated about a year ago. While the $26,000,000 might come in handily at this time, when Spain is under the expense of special police and bomb catchers, still the excuse for going to war again ought to be worth something. There are so few countries and so few tribes on earth with which Spain could put up a winning fight that the opportunity of taking a chance with something soft and easy like the Morocco tribesmen ought to be welcomed. Diverting the Spanish mind from its troubles at home by a small war abroad might also have advantages at this time, and if one fight was worth $26,000,000 to Spain, another one ought to produce equally well.

It is a good thing for Oregon that France is one of the richest countries on earth, for this year the French are in the market for two great Oregon staples which they are expected to need in large quantities. First it was the wheat crop that was damaged, and as a result Oregon dealers sold several cargoes for the French ports. Now comes the American Consul at Nantes with a story that the French prune crop has been damaged to such an extent that the supply will be very short, and importations will be necessary. The Oregon prune has few equals and no superiors and perhaps after the French get accustomed to their use they will be compelled to become regular importers in order to satisfy the trade which demands something fancy in the prune line.

The best that the State of Vermont could show up in the 1910 census was a gain of 12,315 over the count of ten years before. Those figures would indicate that the diminutive Yankee state had about reached its maximum growth. A good substantial state like Vermont, with all of its resources in the hands of private individuals and with no new fields or industries to be developed, ought to be well qualified to show a state like Oregon, which adds as much population in a month as Vermont has in ten years, the best method for conserving our resources. Old maids have a habit of telling young mothers how children should be managed.

If there be one person exposed to temptation more than all others, it is the grocery boy, so the Tacoma youth should not be blamed for kissing that comely matron not once, but three times. The impulse was irresistible, for a certainty, and he embraced the opportunity for full measure. The object of his ardor says she did nothing but simply stood it. That was enough.

The White Star liner Olympic, launched yesterday, is the largest steamship in the world. She is almost 900 feet long. Many people remember the Great Eastern, used in laying the Atlantic cable, because she was then the giant of the seas. She would make a good tender for the Olympic if yet afloat.

Apple shipments this season from the Pajaro Valley of California will aggregate 4000 carloads, or two and a half million boxes, the product of about 12,000 acres. This is the world record for a single district.

The assassin of the Empress of Austria committed suicide Wednesday in a Swiss prison while violently insane. Capital punishment is forbidden in Switzerland, hence the length of time taken to "get" him.

What does Chairman Thomas, who is an honest as well as intensely partisan Democrat, think of the effort to sacrifice the ticket for the sake of its head?

Developments yesterday show that nobody wished to dynamite Mr. Henry. So Mr. Henry's mission, whatever it may be, remains to be fulfilled.

Estimates for city expenses next year are a million greater, but this is a city of live growth.

Jules Verne missed much in aviation.

OREGON EXECUTIONS IN THE '60S

Murders Avenged When the Spectacles Were Public Events to Pioneers.

The death of Mrs. Rachel Brooks, an aged colored woman, at Salem, Or., was announced recently, together with the statement that she was, as far as is known, the last of a number of slave girls brought by their Southern owners to Oregon territory in early pioneer days.

Mrs. Brooks, then a young girl, was brought to the Far West in 1843, by Daniel Delaney, who settled and lived on a land claim in Marion County, until he was murdered for money that it was supposed he had concealed about the house, in the early '60s. The murderers, Beal and Baker, were tried, convicted and executed in Salem, the execution taking place early in 1865. Executions were then apt for some years thereafter public functions in Oregon. Upon this occasion hundreds of spectators, men, women and children, among them mothers with babes in their arms, crowded the square where the execution took place elbowing each other, eager to obtain an unobstructed view of the ghastly proceeding. This shameless spectacle caused the first agitation against public executions in Oregon and is said to have been the first legal execution in Marion County; certainly from accounts that have come down to the present day the people, not only of Marion County, but from far and near, acted as if impelled by the fear that it might be their last chance to witness such a scene.

About the same time, a little earlier perhaps, a blacksmith, Griffin by name, shot and killed one Lhane, at Lafayette, Yamhill County. He was afterward executed for the crime, the scaffold being erected on a sightly open space a short distance north of the old pioneer town. Here as at the Beals-Baker execution, hundreds came to witness the spectacle of a man dropping to his death from a rope's end. It is recalled at this distance that one woman standing erect in the farm wagon in which she had ridden with her husband and children, nursing a babe at her breast, created a counter sensation by fainting and falling over the wheel when the trap fell that signalled the blacksmith's exit. This was perhaps the last public execution in Yamhill County, though the law providing for private exechtions was not passed for full ten years later.

These incidents almost unbelievable in detail at the present time, are cited to show the progress of public sentiment, the growth of civilization in a half century or thereabouts as represented by the sequestration of the gallows and the relatively private execution of the death penalty. There is of course no reason to suppose that people would not now as then, flock in great numbers to witness executions, if the law did not interpose its edict. But it is a distinct gain to humanity that people are not allowed to gratify a morbid desire to do so. In all probability had the question been submitted to a vote of the people at that time, it would have been voted down, but sufficient influence was brought to bear upon the Legislature about 1876 to secure the passage of a law which provided that executions, except for official witnesses, should be conducted privately. It was difficult to secure the passage of the law at that time; it would be impossible now to secure its repeal, either by the people's suggestion or by direct action of the Legislature.

Dim in the mists of the past, slumbering in the musty archives of the state are the records that tell the scarce believable story of public executions in Oregon. Only by a strong and painful effort, is memory forced to recall scenes so degrading to humanity as were those above cited. This brief review of a dark page in the history of our yet young state, emphasizes the fact that with all of our political blundering and stumbling; with all of our mistakes as lawgivers, and our remissness as executors of the law, with all of the meaningless clack and clamor that have arisen to confuse the real issues of wise and stable government, there has been a substantial growth in Oregon of which a much older state might well be proud.

C. A. C.

Bourne Repudiates Primary Law.

Oregon City Enterprise.

The Democratic press in Oregon is embarrassed. The so-called "Independent" newspapers have become involved in probably the most unsavory and notorious political combination ever staked out in Oregon. The Bourne-Chamberlain-West game is a hard one to play and every day brings about a duller realization of it.

They can't get away from Jonathan Bourne. That dandy has made a fatal slip in repudiating the direct primary law, and, like Jim Jeffries, he cannot come back. Bourneism is the real issue, and the scheme to perpetuate Bourne and Chamberlain in office by the manipulation of Republican and Democratic votes is a beautiful one.

The people know. They will not be fooled this year, and Oswald West, creature of the Bourne-Chamberlain machine, will be buried under an awful avalanche of Republican votes on November 8. Bourne, pretended friend of the primary law, has struck a terrible blow at the principle by his repudiation of the candidate indorsed by the Republican party.

Women Don't Want Ballot.

Seaside Signal.

Women who oppose woman suffrage do so because they believe that it would be mischievous to society and mischievous to their sex; they believe that women are already bearing a full share of the burdens of life and that it is unfair to load upon them responsibilities for which they have had no training, and for which they have neither strength nor time; they believe that the average man is capable of voting more intelligently and of enforcing the principles for which he votes more effectively than the average woman, and that woman exercises a more beneficient, impartial and helpful influence in social and public questions without the ballot than with it. These women who stand opposed to the principles of equality as advocated in the suffrage bill possess an instinctive dread of mingling in the black political pot of the state.

U'Ren's "Worst" Bill.

Salem Statesman.

The most vicious of all the proposed measures is No. 360-381 which provides for a system of proportional representation, with a state-wide vote for all members of the Legislature; increases the compensation of members, and calls for annual sessions. The adoption of this measure will add from $75,000 to $100,000 per year to the already heavy burden of a long-suffering taxpaying public; will deny the smaller counties their just representation in the Legislature, and will destroy the rule of the majority—the basic principle of American politics and government. An able argument against this scheme of quack statemanship is found on pages 197-199 of the official pamphlet, and we earnestly recommend it to the consideration of the public, with the advice that the measure be voted down.

A Lecture on "Sunday."

Florence West.

Dr. Scheff and Rev. Elkins are having a lengthy debate over the Sabbath question in the Cottage Grove Sentinal. We cannot see the need of all of this discussion. If one but thinks for a moment, he can see that our all-wise Creator did not expect all his followers to observe the same period of time, otherwise he would have made the earth flat that the sun might rise and set on all alike. Hence, one-seventh of our time should be set aside for his worship, and that we may not be a stumbling block in our brother's way this period should begin with all in the same locality at the same time.

INITIATIVE AND REFERENDUM MEASURES

Amendment Proposing Reconstruction of Judicial System Combines Good With Undesirable Features—Conflicts Between Sections Would Create Uncertainty as to Jurisdiction Until Construed by Supreme Court—Measure Loosely Drawn.

ARTICLE NO. 7.

For amendment to the Constitution of the State of Oregon, providing for verdict by three-fourths of jury in civil cases; authorizing grand juries to be summoned separate from the trial jury, permitting change of judicial system by statute, prohibiting retrial where there is evidence to support verdict; providing for affirmance of judgment on appeal notwithstanding error committed in lower court, directing Supreme Court to enter such judgment as should have been entered in lower court; fixing terms of Supreme Court; providing judges of all courts be elected for six years, and increasing jurisdiction of Supreme Court.

362 Yes.
363 No.

The proposed amendment of the constitution permiting reconstruction of the judiciary system and changes in procedure on appeals embodies one of the most striknig instances found in the 32 measures submitted under the initiative and referendum of the incorporation of both good with undesirable features and of apparently conflicting sections that would require construction by the Supreme Court before certainty would exist as to their purport.

The Oregonian would welcome the enactment of any measure that would reform the evils of the present jury system in Oregon, and it is ready to admit that probate procedure in this state is cumbersome and expensive when probate cases are of sufficient importance to warrant appeals to the higher courts. It is sought in the initiative amendment to permit the Legislature or people to correct the defects in the general statutes, but the authors, the People's Power League, have so encumbered the measure with indefinite, conflicting and ill-advised sections that The Oregonian hesitates to express an opinion as to whether the good features overbalance the bad or make a recommendation that it be defeated or opproved.

* * *

On one feature of the measure the voters of Oregon have already passed. In 1908 the abolishment of the county courts was provided for in a proposed constitutional amendment which also sought to increase the Supreme Court membership from three to five. This amendment was rejected by a vote of 30,243 to 50,591, but the opposition came largely from voters who did not acknowledge the necessity for creating two additional places on the Supreme Bench. At that time the bar of the state was divided on the question whether the constitution gave the Legislature power to increase the membership of the Supreme Court, and the prevailing sentiment was that it did not. But in 1909, after the people had defeated the amendment specifically granting that power, the Legislature provided by general statute for two more justices and the Supreme Court has since then upheld the constitutionality of the act.

In the opinion filed in the case it was held that the Legislature had the authority to increase the membership of the Supreme Court to five or to seven, but the court expressly declined to rule whether the Legislature might increase the membership to more than seven. In Section 2 Article VII of the constitution there is what may be construed as a limitation to seven in the membership of the Supreme Court. The initiative amendment presented this year replaces Article VII in its entirety and the proposed new article places no limitation, whatever on the number of justices that may be added by the Legislature.

* * *

Article VII of the present Constitution consists of 21 sections. It is proposed by this amendment to re-write the article and comprehend all of the provisions which are to be retained in seven sections. The article in question is the article creating the judicial branch of the government of Oregon. The provisions contained in the present Constitution have, in most instances, been construed by the courts and their meaning is now well understood by the people. The result is that a litigant is seldom denied a hearing on the merits because he has mistaken the court in which to bring his suit. It is proposed by this amendment to change radically the provisions of the present Constitution and to create many ambiguities in the instrument which will serve to annoy litigants with meritorious causes and which must inevitably result in a temporary denial of justice to men who shall mistake their remedy by putting a construction upon the new instrument not in accord with that which shall be subsequently declared by the Supreme Court.

The new amendment, like most of Mr. U'Ren's work, is carelessly drawn. For example, Section 1 of the proposed amendment provides that the judges of the Supreme Court and other courts, "shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected."

Article 13 of the present Constitution provides as follows:

"The judges of the Supreme Court shall each receive an annual salary of $3000. They shall receive no fees or perquisite whatever for the performance of any duties connected with their respective office."

The proposed measure does not purport to amend Article 13. What then is the effect of Section 1 in the proposed amendment? Does it speak as of November 8, 1910, and does it therefore operate to repeal the language of Article 13 above quoted and vest the Legislature with full power to fix the salary of Justices of the Supreme Court? This question is one which cannot be answered without careful consideration and is at best a question of some doubt.

* * *

There is apparent conflict between the first and second sections of the proposed amendment. The first section provides expressly that:

"The judges of the Supreme and other courts shall be elected by the legal voters of the State, or of their respective districts, for a term of six years."

Under the present law the term of a County Judge is four years and of a Justice of the Peace two years. Is it intended by the first section of the proposed amendment to increase the terms of these officials to six years? It would seem so and yet Section 2 of the proposed amendment provides that:

"The judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law."

The probabilities are that the effect of the amendment is so to enlarge the terms of County Judges and Justices of the Peace and the amendment is most objectionable on this account. Two years is a long enough term for Justices of the Peace for reasons which will be obvious to any thoughtful man.

Section 3 provides that on any appeal to the Supreme Court either party to the appeal may have the whole testimony and instructions of the court taken up to the Supreme Court. Under the present law all that can be properly taken up to the Supreme Court is a statement of so much of the record as shall suffice to show the Supreme Court the question which is involved in the appeal. In many cases the Supreme Court can see at a glance what is the question involved in the appeal and its labor is correspondingly diminished. This is as it should be. The court is busy enough in determining questions involved in appeals without spending a lot of time in an endeavor to ascertain what the questions are that are involved in the record. The judges ought not to have the additional burden of plodding through unnecessarily voluminous transcripts of testimony.

* * *

There is a further provision in Section 3 reading as follows:

"No fact tried by a jury shall be otherwise re-examined in any court of this State, unless the court can affirmatively say there is no evidence to support the record."

Under the present law of Oregon the Supreme Court will not reverse a case for insufficiency of evidence unless there is a total lack of evidence to support the verdict of a jury. There is no need to amend the present Constitution or to enact new laws in order to insure this result, but the language of the proposed amendment is open to a construction much broader than that above stated. Is the intention of this amendment to limit the jurisdiction of the Supreme Court on appeal to the one question of whether there was no evidence to sustain the verdict? If so, a most radical and unfortunate change will be made in our law. The Supreme Court will be deprived of all authority to review the instructions given by the lower court and the rulings of the lower court in admitting and excluding evidence. The lower court may exclude evidence which if admitted would have completely altered the complexion of the testimony, or the lower court may have mistaken the law and passed up to the jury for its consideration a question which is not in fact involved in the case, and the verdict of the jury may be on some moot question and not on the real controversy between the parties as subsequently determined by an appellate court acting with greater deliberation than is possible for a trial court. To deny the Supreme Court its right to correct errors of this character, is to deny justice to many litigants and to create needless confusion in the administration of justice. The language above quoted would have to be construed by the Supreme Court and until so construed no litigant would know his rights with reference to appeal. This construction could only be obtained after time, trouble and expense.

* * *

Article 7 of the present Constitution creates circuit and county courts. It provides expressly that the circuit court shall have all judicial power, authority and jurisdiction not vested in some other court. The same article of the Constitution contains provisions for filling vacancies on the Supreme bench. It creates the offices of Sheriff, County Clerk and Prosecuting Attorney. All of these provisions of the present Constitution are repealed and there is nothing in the proposed amendment to relieve the consequent confusion, except this language:

"The courts, jurisdiction and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted unless otherwise provided by law."

The Legislature is vested by this amendment with full power to revolutionize and completely change our judicial system at every session, a power which is not consistent with the public welfare. Until the Legislature shall act, the adoption of this amendment leaves it very questionable whether such offices as Sheriff and County Clerk are not abolished. The constitutional provisions creating them are certainly eliminated from the Constitution and in lieu thereof nothing is provided except the language quoted. It is questionable, to say the least, whether the County Clerk and Sheriff are maintained in office under language providing that the judicial system of Oregon shall remain as at present constituted, in the face of an amendment which eliminates the provision of the Constitution creating these offices.

* * *

Section 20 of Article VII of the Constitution as at present provided has a salutary measure which is repealed by the proposed amendment. It is as follows:

"The Governor may remove from office a judge of the Supreme Court, or Prosecuting Attorney, upon the joint resolution of the legislative assembly in which two-thirds of the members elected to each House shall concur, for incompetency, corruption, malfeasance or delinquency in office or other sufficient cause stated in such resolution."

The people have a right to be protected against the continuance in office of corrupt judges and prosecuting attorneys. The foregoing section provides a speedy and adequate method of removing such delinquent officials. No one should object to it, except the unfit official who is subject to its provisions and his objections ought not to weigh with the electors.

Anxious to Learn It.

Chicago Record-Herald.

"I have been an officeholder for 25 years, and no man can show where I "put me wise to your system, will you?"

"Gee, old man," replied the grafter, ever took a dollar dishonestly."

Short on Currency.

Detroit Free Press.

"Did she marry the man who rescued her?"

"Yes, and now she's discovered that her life was the only thing he ever saved."

The Bourne Game Again.

Amity Standard.

Every indication points to the failure of Senator Bourne's effort again to divide the Republican party in the behalf of himself and a few of his coworkers.

Why She Jumped.

Chicago News.

The cow had just jumped over the moon.

"I just wanted to see if I couldn't smash the high beef record," she said in explanation.

Comforting Manuel.

Indianapolis News.

Still, everything considered, there are a lot of countries in the world that are more pleasant to live in than Portugal, your ex-majesty.

Here's a Chance for Manuel.

Pittsburg Gazette-Times.

We are still waiting for some enterprising New York manager to cable Manuel an offer of $10,000 a week to enter vaudeville.

November 23, 1808.

PORTLAND, Oct. 20.—(To the Editor.)—To settle a dispute, please publish the date of the fire that destroyed the Baldwin Hotel, San Francisco.

J. L. M.

Her New Occupation.

She has no time for fancy work, her thimble's laid away;
There's dust upon her violin, for she has ceased to play;
She wastes no precious time at bridge, her books unopened lie,
She's given up the Drama Club—she did it with a sigh.

She does not go to shop in town, she looks at hats no more;
She's wearing ancient gowns that seemed all out of style before;
The glass at which she used to stand so many hours a day
Reflects her face but seldom now, and yet her heart is gay.

Her husband has not lost his all, she is not garbed in black
Because a friend has sought that bourne from which no friend comes back;
No heavy lines of care have come to mar her marble brow,
She daily has to sterilize the nursing bottles now.

—Exchange.