

ROUNDS RECOMMENDS BRIEF DECISIONS

Senator Says Judges Should Try to Simplify Administration of Law.

BOOKS MAY NEED BURNING

Judicial Reports So Voluminous We May Have to Follow Roman and Make New Start—Wickersham Sees Popular Distrust.

STRAUSE, N. Y., Jan. 19.—Reaffirming settled law in new forms and the bulkiness of legal opinions were decried by Senator Elihu Root today in his address as president of the New York State Bar Association at its annual meeting here. Mr. Root pleaded for simplicity in the administration of law, as well as in the accumulations of legislative practice. "I wish," he said, "that our judges could realize officially what so many of them agree to personally—that restating settled law in new forms, however well it is done, complicates rather than simplifies the administration of the law; that the briefest of opinions usually answers the purpose of the particular case and that the general principle of jurisprudence justify reasoned opinions only when some question of law is determined which has not been determined before by equal authority.

Simpler Justice Is the Better.

"The fewer statutory rules there are to create statutory rights intervening between a citizen's demand for relief and the court's judgment upon his demand, the better. The more direct and unhampered by technical requirements the pathway of the citizen from his complaint to his judgment, the better. "It seems to me that we have reached a point in our practice where the application of this principle requires thorough and rational action; that more improvement of the code of procedure in its detail will not answer the purpose.

"What I have in mind may be illustrated by reference to two proposed provisions which have been much favored by our committees. One is the provision that in every case, a day shall be given when the parties, through their counsel, may come before a judicial officer informally for a rule regulating the further procedure in the case. This would be a most useful substitute for the separate, successive motions now permitted. The other provision is that no error of calling upon the admission or rejection of evidence or otherwise in a trial shall be ground for reversal unless it appears that a different ruling would have led to a different judgment.

"The mass of judicial reports has grown so great that it begins to seem as if before long we shall have to burn our books like the Romans and begin anew. And, indeed, where decisions can be found in support of every side of every proposition, we do begin anew in determining by the light of reason which authority shall be followed. "Every candid man must admit that a higher standard of morality prevails today in both public and private life than ever before in our history," said Attorney-General Wickersham. "A more rigid application of this standard is demanded by the people by the conduct of all concerned with our Government, National, state and municipal."

Legislature Is Distrusted.

The Attorney-General said that abuse of power of political organizations in the past had resulted in popular distrust of them, "and this," he continued, "has produced a demand for a more direct participation by all the people, not only in party management but in legislation, and a more immediate control of the administrative acts of the executive officers and even of conduct of judges." He said one noticeable tendency today is "a distrust of the legislative branch of the Government, which has led to the increase of power and authority of the executive and a decided complacency in the face of new and unprecedented assumption of power by the executive. This tendency is not at the present moment so strong as it has been during the last few years. "Another is an impatience of the independent position of the judiciary, an unwillingness longer to concede the need of an absolutely untrammelled body of judges from popular control, expected to decide controversies submitted to their judgment without regard to popular opinion or prejudice.

\$4000, CIRCUIT JUDGES' PAY

Bill Would Raise Jurists' Salary. Eight-Hour Public Day Asked.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Every circuit judge in the state will receive an annual salary of \$4000 if a bill by Representative Thompson, of Lake, is enacted. Representative McKinney today introduced a bill providing an eight-hour workday for all mechanics employed on all public work, unless the hours of labor shall be otherwise prescribed by the legal directors of the city or county under whose supervision the work is being performed.

11 HOUSE BILLS INTRODUCED

Proposed Measures Relate to Legal and Court Procedure.

STATEHOUSE, Salem, Or., Jan. 19.—Eleven new bills were introduced in the House this morning. Several relating to court and legal procedure are of the greatest importance. The list follows: H. B. 123, Ammie of Multnomah—Provides for the discharge of judgment against persons discharged under the United States bankruptcy law within a year after notice shall have been given to the persons interested. H. B. 124, Miller of Columbia—Changes the existing law relative to salaries of circuit judges so that each of the counties comprising the Fifth Judicial district, Wasco, Clatsop, Clackamas and Clatsop shall pay each of the two circuit judges \$200 annually, in addition to the salaries of \$2000 paid by the state, making their salaries \$2200. H. B. 125, Brooks of Harney and Malheur—Appropriates \$2500 to aid the County Commissioners of Malheur in the construction of an Interstate bridge across the Snake River at or near Nyssa. H. B. 126, Brooke—Fixes the salary of the Prosecuting Attorney of the Tenth Judicial district at \$3000 a year, with a deputy at a salary of \$800. H. B. 127, Ammie of Multnomah—Licensure private insanity asylums, prescribes regulations and makes violations a misdemeanor. H. B. 128, Abbott of Multnomah—Provides for a free ferry across the Willamette River at St. Johns. H. B. 129, Church, Union—Allows the

state to appeal to the Supreme Court from a judgment of acquittal entered in Circuit Court or from an order dismissing a grand jury indictment, and permits review of decisions. H. B. 130, Hollis of Washington—Creates a State Board of Fish and Game Commissioners; provides that the Governor shall appoint four members, not more than two of one political faith, and that the fifth shall be the president of the Oregon Agricultural College; fixes the term of office at four years, allows members \$5 per diem when in session, and actual expenses and gives board supervision of the offices of Master Fish Warden and State Game and Forestry Warden. H. B. 131, Church—Gives both the state and the defendant 15 peremptory challenges when the crime charged is punishable by death or life imprisonment; otherwise, six peremptory challenges to each. H. B. 132, Church—Makes oral pretense of the same strength as written pretense as evidence against persons charged with obtaining money or articles of value by false pretenses. H. B. 133, Neuner of Douglas—Amends the codes relative to payment of bounties for scalps of predatory animals.

Mining Reports Demanded.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Under the provisions of a bill introduced by Senator Carson this morning, mining corporations are compelled to submit reports to the Secretary of State every June. The reports called for are of a fiscal nature and include a statement as to officers and the general provisions which now cover mining corporations to the Secretary.

OREGON SYSTEM EBBS

RESOLUTION WHICH BASED SENATE FIGHT HEARD YET.

Kellaker Would Herald State's Way of Government as Best in World and Urge Imitation.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Senator Kellaker's resolution, introduced yesterday, which would be a battle-royal in the Senate yesterday was still the cause of considerable comment around the State Capitol today. The resolution which called forth the stormiest argument heard in the Senate for many sessions, is: Whereas, Wide attention has recently been attracted to the Oregon system of popular government, meaning thereby the initiative and referendum, direct primary, corrupt practices act, and recall; and Whereas, Legislatures and leaders in progressive government are studying the Oregon system with a view to adopting a similar system in other states; and Whereas, By the Senate, the House concurring, that the Oregon Legislature hereby declares its confidence that Oregon is the best system of government in the world and commends that system to the favorable consideration of Legislatures in other states desiring to improve their government and re-establish the sovereignty of the people. Resolved, That a copy of these resolutions be transmitted at once by the Secretary of State to the Speaker of the House and the President of every State Legislature in the Union.

INCOME TAX DEBATE IS SET

Ratification Resolution to Be Discussed in House Monday.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—After an hour's filibustering, led by McKinney and Eaton, the House today made Senator Miller's joint resolution ratifying the income tax amendment a special order for 2 o'clock Monday afternoon. This action was taken after efforts to have the resolution referred to the judiciary committee failed. Huntington, Evans and Buchanan insisted that the members of the House were sufficiently acquainted with the provisions of the resolution to act on it following the favorable recommendation of the committee on resolutions. McKinney and Eaton wanted further time, that the Representatives might study the proposed amendment further. Abrams and Johnson of Marion and Carter of Clackamas finally concurred and the resolution went over to the first of the week. After more or less jockeying with the subject, the question of smoking in the Hall of Representatives during the session of the House was settled today. By a decisive vote the members definitely postponed a resolution from the rules committee recommending the repeal of the anti-smoking rule.

MORE SIGNATURES ADVOCATED

Barrett Wants Initiative Petitions to Bear 12 Per Cent More.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Under a resolution introduced by Senator Barrett to amend the constitution it is made necessary to secure 20 per cent of the voters on an initiative petition before such petition can go on the ballot, instead of 8 per cent, as now required for the initiative, and 10 per cent of the voters for the referendum instead of the 5 per cent now required. Another amendment to this amendment has been suggested, but has not yet been incorporated. This is in relation to basing the per cent on the petition on the whole number cast for Justice of the Supreme Court, the amendment to be suggested probably using the vote on Governor as a basis. This arises out of the difficulty that has been experienced in determining the whole number cast for Justice of the Supreme Court since it has been necessary to vote for more than one Justice at an election.

Senate Has Nine New Bills.

STATE CAPITOL, Salem, Or., Jan. 19.—Nine new bills were introduced in the Senate during the morning session, as follows: S. B. 52, Carson—Calling for mining companies to file annual statements with Secretary of State. S. B. 53, Bean and Calkins—Creating Coos, Curry and Douglas as the second Southern Oregon District Agricultural Society. S. B. 54, Carson—Claimants of water for power development to pay annual license fee for each water horsepower. S. B. 55, Merryman—Limits killing to 25 ducks a week in certain counties. S. B. 56, Merryman—Limits deer hunting during night, and limiting to three deer a season. S. B. 57, Norton—Creating Josephine County as a judicial district. S. B. 58, Von der Hellen—Prohibiting rebating by railroads. S. B. 59—Hawley—Prohibiting county officials from making contracts with County Courts in which they are directly interested. S. B. 60—Albee—Sterilization bill which Dr. Owens Adair has been advocating.

Bars Must Be Six Miles Away.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—What is liable to bring forth considerable opposition is a bill introduced in the Senate by Merryman today in which it is provided that there shall be no saloons located within six miles of any public work, whether either being conducted by the state or Government. The object of the bill is to prevent establishment of saloons near large camps when saloons are established for the purpose of serving such camps. A horned beetle which devours the leaves of the coconut tree has recently made its appearance in the Hawaiian Archipelago and is destroying or greatly injuring the plants which it attacks.

RUM MADE TARGET

Idaho Legislature Has Anti-Liquor Resolution.

SUNDAY LAW IS MODIFIED

After Heated Debate on Personal Liberty, House Passes Measure to Allow Various Shops and Stands to Open 7 Days.

BOISE, Idaho, Jan. 19.—(Special.)—State-wide prohibition came up for the first time before the Idaho Legislature today when Representative Brady, of Nampa, introduced a resolution in the House calling for a constitutional amendment to the measure is expected until the committee reports upon it. The prohibitionists and anti are lining up for the contest, which now gives every promise of being a bitter one. The resolution is unusual one. It is in reality section 24 of the state constitution remodeled, the prohibition clause appearing in the following language: "The manufacture and sale of spirituous, vinous, malt and intoxicating liquors are forever prohibited within the State of Idaho." Through the adoption of the minority report the House late this afternoon modified the Sunday rest law by so amending it that bakeries, news and shipping stands, restaurants and refreshment stands can keep open. The modification was only secured after a heated debate wherein the Sunday rest law was ridiculed and attacked as a vicious measure and the work of radicals seeking to deprive citizens of their personal liberties. The Senate passed two memorials to Congress, the first pledging the Legislature's support to the income tax, and the second urging the state's right to school sections 15 and 26, now in forest reserves. The investigating committee was named as follows: Representatives—Black, Kootenai; Ballbridge, Canyon; Davis, Oneida; Terrill, Blaine; Holbeck, Lemhi. Senators—Preston, Oneida; Williams, Boise; Mitchell, Nez Perce.

STATE-WIDE WAY URGED

PUBLIC UTILITIES BODY FOR PORTLAND ONLY FOUGHT.

Senator Malarkey and Railroad Commission Oppose Kellaker's Plan—Bill's Sincerity Attacked.

ASTORIANS ARE ENCOURAGED

Measure for Centennial Fair Appropriation Well Received.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Prominent citizens of Astoria today met with the joint ways and means committee of the two Houses and urged the favorable consideration of the bill pending in the Legislature for an appropriation of \$100,000 for the Astoria Centennial celebration, included in the delegation, which was joined here by Senator Lester and Representatives Belland and Linnweber, of Clatsop County, were A. W. Norblad, Father Walters, Judge Anderson, H. H. Zapp, Andrew Bereh, G. A. Wingate, George Langford and B. F. Cranshaw. The visitors were pleased with the reception they received from the committee, which gave assurance that the project undoubtedly would receive some state assistance. The amount of the appropriation to be determined.

LOANS ARE NOT IN ARREARS

Erroneous Statement in Newspaper Repeated by Bowerman.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Repetition of a statement recently made in the Oregon Journal is authorized by Senator Bowerman, the allegation to the effect that the old board had failed to act in connection with loans from the state school funds and in consequence nearly \$100,000 worth of loans are in arrears. Senator Bowerman made application to G. Brown, clerk of the land board, to make a statement relative to the item in the evening paper, and received the following reply: "On September 25, 1910, the State Land Board passed an order authorizing the clerk to notify the attorneys for the Board not to accept applica-

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tion for loans until further notice, the cash in the school fund being practically exhausted. On December 15, 1910, the clerk was directed to notify the attorneys that on and after January 1, 1911, applications for loans not to exceed \$2000 to any one person would be considered. "There were no undisposed application for loans on file in this office December 31, 1910."

BILL OUSTS GAME WARDENS

Smith, of Josephine, Would Vest Their Powers in Commission.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Abolition of the offices of State Game and Forestry Warden and the Master Fish Warden through the creation of a State Board of Fish and Game Commissioners is proposed in a bill introduced in the House today by Dr. Smith, of Josephine. The proposed Commission is to consist of five members, four to be appointed by the Governor, not more than two to be of the same political party, and the fifth to be the president of the Oregon Agricultural College. The bill provides that the Commission shall have full jurisdiction in the enforcement of the fish and game laws of the state, the appointment of a Game and Forestry Warden and a Master Fish Warden, with all the necessary clerks and deputies required in both offices. Members of the Commission shall receive \$5 a day for their services, the total amount to be paid each Commissioner not to exceed \$100 in a year.

HALF-FUND REQUEST PASSED

Senate Adopts Report on Reclamation Memorial to Congress.

STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Request on the part of the committee that the House memorial asking the Oregon Representatives in Congress to put forth their best efforts to

obtain re-enactment of the law providing that 50 per cent of the reclamation funds received from the states be returned to the state from which it is secured was heard by the Senate this afternoon. The report of the committee was adopted, practically passing the memorial. Private Hospital License Wanted. STATE CAPITOL, Salem, Or., Jan. 19.—(Special.)—Amme, of Multnomah, has introduced a bill in the House providing that all private hospitals and sanitariums shall be required to pay to the county a license of \$500 per annum. The bill further provides that the license of any such institution may be revoked by the County Court for reasons deemed satisfactory to the court.

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