

The Oregonian

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Portland, Saturday, August 9, 1913.

EDUCATION TO THE COURTS.

Charges made by Senator Borah that Federal judges receive intimations in advance from the Department of Justice of the kind of decision the Government desires in certain cases are so serious that the subject should be investigated to the bottom. These charges concern the integrity of the courts, the impartiality of the administration of justice. A court which yields to official influence is no better than one which yields to personal influence. In either case, the bandage is torn from the eyes of Justice. Courts yielding to official pressure would soon sink to the position of those of some countries, where they are mere instruments of executive policy.

The startling evils to which Mr. Borah called the attention of the Senate had their beginnings years ago. When the land fraud trials began, it was necessary in the interest of justice that the Government learn the affiliations, leanings and sympathies of judges before deciding in which court a prosecution should be instituted. There was added to the swarm of land office agents a number of agents from the Department of Justice who investigated prosecuting officers, judges and prospective jurors, but did not approach the judges themselves. A great evil had spread among the people and the courts were in need of a remedy. It is not necessary to insure that the courts be not it out should not be thwarted by some person who, ostensibly on the side of the law, was actually interested in its defeat.

But the system of espionage has gradually been extended until it surrounds the daily acts and expressions of the judges themselves. Opinion of their mental bent on important cases was formerly based on decisions rendered in court, which were open to all the world, but from independent inquiry into personal relations and beliefs the system seems to have advanced to direct inquiry as to how they stand on and how they would decide certain cases. It is a step further to intimate what decisions were desired.

Such inquiries and intimations come from the department which advises the President as to the qualifications of a candidate for promotion in the ranks of the judicial district judge naturally hope to advance to the circuit bench, a circuit judge to the supreme bench. When a vacancy occurs in one of the higher courts, the merits of judges in the lower courts are canvassed. The President in the nature of things calls to the attention of Justice for the records of men thought to be eligible. Judges know this, hence are in danger of being swayed by the desire to please those who can help or hinder their promotion.

We have heard much of late years about judges who were controlled by corporations, and a distinct reaction has been in progress against an evil which doubtless existed, though exaggerated. The pendulum seems to have swung far in the opposite direction that we are in danger of swinging back, controlled by the Attorney-General. Mr. McReynolds, while seeming to deny, in effect admits that he has caused judges to be investigated and makes the defense that this is with a view to the President's constitutional duty to see that "the laws be faithfully executed." He seems to believe, from the facts alleged by Mr. Borah, that this duty includes seeing that judicial decisions conform to the view of the law held by the President and his legal advisers. Following that theory and we shall find the Attorney-General sitting in judgment on the courts.

Mr. McReynolds' conduct in the California cases is itself a warning of the great danger of the system which he has extended to an alarming degree. He has shown himself peculiarly susceptible to political influence in deciding whether a white slave case should be postponed, when delay means the escape of the fugitive; whether indicted rich men should be prosecuted, thus overruling the findings of grand juries. Such a man cannot safely be allowed to set himself up as a censor over the courts, or as a secret dictator of their decisions. In the California cases he did right only when his subordinate appealed to public opinion and when the President ordered him so to do. The subordinate was punished for "squealing" by removal. That means that justice will be done against the wishes of the Attorney-General only when a subordinate "squeals" and that no "squealer" can continue in office under him. Mr. McReynolds is not the kind of man who can be trusted to administer the courts in the interest of justice, for he influences his subordinates against justice.

We have heard much of late years about usurpation by the executive and legislative departments of the Government. The intention of the Attorney-General has a strong resemblance of usurpation by the executive of supremacy over the judiciary. The independence of the judiciary is imperiled, not by recall of judges or recall of judicial decisions, as has been feared, but by dictation from the Attorney-General. Under such dictation court decisions would be apt to change with each change in the political wind at Washington. This was not intended by the Constitution. The intention was that the three branches of government should be co-ordinate, each independent of the other. Safety lies in conformity with that purpose, not in substituting the evil of executive usurpation for that of judicial usurpation, nor

in substituting secret control by an executive officer for secret control by political bosses.

**BRAVE.**  
John Lind is a brave man. He goes on to Mexico, where the Mexican government declares him to be persona non grata, and will confer with all hands, especially the rebels, who are enemies of Huerta.

**OUR UNDESIRABLE PEACEMAKER.**  
In the face of direct official notification from President Huerta that John Lind's presence as peace-maker in Mexico is undesirable, should the United States Government persist in sending him; in the light of the utterances from the Mexican press and the populace at Mexico City, should we persist in a mission that appears to affect them as the torador's red flag affects the fighting bull? Does not the attack upon the peace-maker that he is seeking in the incident a casus belli, a rallying cry for the disaffected factions?

**BEAUTIES OF BRYAN'S POLICY.**  
The beauties of Secretary Bryan's attitude in foreign policy are well illustrated by the arbitration treaty with Salvador. Each nation is bound by that treaty not to declare war or to begin hostilities or even to increase its armed strength until one year after a commission has begun inquiry into any pending dispute between the two nations, wherein either nation may increase its military or naval programme pending the investigation is danger from a third power, of which the threatened nation must notify the other party to the treaty.

If a situation were to arise in Salvador similar to that which caused the United States to send armed forces to Nicaragua a year ago, this treaty would compel us to defer action until a commission has begun inquiry for a year into the cause for our intervention. In time of revolution we might find it necessary to hurry troops into Salvador, as we hurried them into Nicaragua for the purpose of saving some citizens from massacre. But our hands would be tied. All we could do would be to wait a year, then send a company of marines to put flowers on their graves.

Mr. Bryan proposes to sign practically identical treaties with twenty-six nations. While an inquiry into a dispute with any one of these nations was in progress, we should be forbidden to increase our Army or Navy. A movement is now on foot to create an Army reserve, but we should not be free to act in this direction. It is quite possible that an inquiry into a dispute with any one of these nations may induce Congress next year to vote two new battleships, but the pendency of a dispute with Salvador would prevent, for last year we voted only one battleship, hence voting two would be an increase in our naval programme. If all the twenty-six treaties should be signed, there would be scarcely a time when a commission would not be in session for a year to inquire into some dispute with some nation. Hence we should be perpetually bound in honor not to increase our Army or Navy more than one battleship a year to our Navy.

**TARIFF PRINCIPLES REPUTATED.**  
Democratic tariff-makers talk volubly of the principle on which they are doing their work, but in less than a year their chief tariff-maker, Representative Underwood, has distinctly repudiated the principle which he promised to base revision.

**STALKING DEER AND COURTING DEATH.**  
With the open season for deer at hand the undertakers are laying in additional stock and the marble works are prepared to work double shifts. It is a case of bloodshed, and while the undertakers are busy preparing for their own ideas as to whether the fatalities are greater among the deer family or the hunting fraternity. Hard is the lot of the humble stags during this season.

There are many deer in Oregon. They are to be encountered with a very few hours' travel of Portland. In Southern Oregon, in the Cascade Mountains and among the Coast Ranges, deer are particularly plentiful. The uninitiated, traveling over many isolated sections, might often be misled by the numerous signs which suggest suppose himself in the wake of speeded droves. But deer are even more sagacious than they are numerous and hard instinct makes them more than a match for the tyro as well as a hard problem for the experienced woodsman.

It is among the novices, the inexperienced in woodcraft, that the heavy casualty list occurs. Anything that the hunting amateur lacks in knowledge of the habits of the animal makes up in ferocity of imagination. For the trail of a cow for hours and will carry his rifle ready for action when hard on the trail of a domestic hog. Every rustling in the shrubbery and underbrush is calculated to draw him to several varieties of theories. The rustling is pronounced, then to the thicket goes a fusillade of soft-nosed projectiles seeking the vital parts of an unseen animal. By some strange circumstance of fate the animal usually escapes, but it is dead. It is merely some mother's deer the results invariably are fatal. Your amateur hunter has a perverse accuracy of aim in firing on some hidden mink half a mile away, while he is seldom likely to miss a seven-point buck standing broadside at a range of seventy-five yards.

It is the tyro less a menace to himself than to other hunters. His knowledge of firearms is fragmentary. He is about as familiar with the mechanism of his gun as with the proper method of stalking game. When he encounters a fallen log he knows enough to make use of knots in climbing over but his manner of bringing up his artillery muzzle first is a study to the expert. He is careless of the sound of an object tearing through the brush will draw the fire of perhaps ninety-nine hunters out of a hundred, for that is the way deer often take flight.

type, who came to him with perfectly good introductions, and held high rank in his office, who so readily fell as to duplicate keys. Sir Arthur's counsel deny the whole story and say the facts would have come out if public judicial inquiry had been held and for which he is still anxious. Evidently some high-born thieves.

**THE SUGGESTION THAT WE "BEAUTIFY" THE PANAMA CANAL IS REJECTED BY THE NATIONAL COMMISSION OF FINE ARTS WITH THESE WORDS:**  
"Like the Pyramids, it is impressive because of its scale and simplicity. Anything done merely to beautify would have been a disservice to the work of that character."

Upon this the New York Tribune truly observes:  
"There is more real beauty in the great engineering works at Panama than in much of the so-called 'architecture' that adorns Europe and the states. It has been all too often the notion of the modern architect that he must conceal the structural facts which can be changed by ornamentation all over his exterior. Thus he has produced a grotesque and unbecomingly plain engineer, with his eye single to utility, triumphantly achieves."

Beauty pleases the eye and fires the imagination. Then what greater beauty can there be than that great ship steaming through a waterway which pierces a continent, being lifted and lowered through locks which are a triumph of nature's obstacles? Such beauty is most impressive, when unadorned.

Secretary McAdoo's charge that the bankers have conspired to depress the value of Government securities is refuted by themselves in an argument against the political control of the banking system, since Mr. McAdoo would be one of the seven in control. It is effectively so used by the New York Tribune in its editorial on the McAdoo bill.

**THE NEW YORK TRIBUNE FINDS IN THE POWERLESSNESS OF THE POWERS TO STOP WAR AND MASSACRE IN THE BALKAN PENINSULA AN OPEN CONFESSION OF EUROPE'S INABILITY TO CONTROL THE DOMINANT EUROPEAN DOCTRINE IS FOR OUR INACTION IN MEXICO.**  
But Europe never told the United States not to meddle in Europe; we only announced our purpose to keep out.

**IF THE BIG BANKERS PERSISTENTLY SAY THERE WILL BE NO MONEY TROUBLE NONE WILL APPEAR. STRINGENCY AND PANIC ARE PATHOLOGICAL PHENOMENA. THEY TAKE SHAPE IN POPULAR IMAGINATION FIRST AND LATER ON STALK THROUGH THE COUNTRY, BREAKING DOWN DESTROYING.**  
If everybody could "demonstrate" against the fear of panics, they would disappear from the world. They descend upon us because we expect them. A thoroughgoing reform of our minds would reform the currency system.

**SENATOR GORE PROPOSES THAT THE FUNDS HELD BY THE GOVERNMENT IN TRUST FOR THE INDIANS OF OKLAHOMA BE DEPOSITED IN OKLAHOMA BANKS FOR LOAN TO THE FARMERS OF THAT STATE.**  
It is argued that the Government will thus recover the interest it now pays the Indians. These funds, now amounting to \$100,000,000, are growing, were derived from the sale of the very land which is now offered as security.

**AFTER HAVING BEEN TWICE ELECTED GOVERNOR OF MASSACHUSETTS ON THE DEMOCRATIC TICKET, EUGENE N. FOSS HAS BEEN ELECTED TO CONGRESS AS A REPUBLICAN.**  
He is considering the invitation, although he refuses to talk politics. Were he to accept and to win, that would be one of the many queer turns in American politics.

**CANADA WARNS ALL EXCEPT FARMERS, LABORERS AND DOMESTIC SERVANTS NOT TO IMMIGRATE UNLESS THEY GET A JOB BEFORE STARTING.**  
In this country, if an immigrant gets a job before starting, we send him back.

**AFTER HAVING DONE HARD WORK FOR TWENTY-SEVEN YEARS, AN OMAHA LABORER FALLS LATER TO MORE THAN A MILLION.**  
He will labor twice as hard hereafter looking after it.

**A NEW YORK WOMAN WILL TRAVEL 7000 MILES BY CANOE IN THE CAUSE OF SUFFRAGE, TAKING HER HUSBAND ALONG TO OPERATE THE CRAFT.**  
Why doesn't she paddle her own canoe?

**IF MEN CAN MANAGE TO KEEP GOING UNTIL MARRIAGE, SOON TO TAKE PLACE, HE WILL BE ALL RIGHT. AFTER THAT EVENT HE NEED NOT TROUBLE THE PAWNBROKERS.**

**GERMANY NOW SENDS ONLY FRIENDLY MOTIVES IN ENGLISH PLANS TO SEND WARSHIPS TO BERMUDA IN A YEAR AS SHE WOULD HAVE COMMENCED TO MOBILIZE.**

**WHEN ALL THE JOBS IN THIS CITY'S STREETS ARE ELIMINATED, THE PLAIN-CLOTHES MAN WILL HAVE A GOOD RANGE FOR SHOOTING A FUGITIVE.**

**OREGON STONE BEST MATERIAL COLOR UNCHANGEABLE, STRENGTH LIKE GRANITE AND COST LOW.**  
—PORTLAND, AUG. 8.—(To the Editor.)—Color and cost are the two questions assigned by architects for two specimens of the use of local stone. Whether they are correct in their taste as to color, and their knowledge and experience as to cost depends the fate of the Oregon quarries.

Strength and durability are two other factors entering into the question, and become vitally important, the choice of a stone for a building of any size or considerable cost. Color may be conceded, it is important, and while it is affecting the structural strength of the building, it has all to do with the finished appearance of the structure. With stone, but slight change in color can be effected by any treatment to which it is subjected, so that its color, after the drying process, is regarded as its natural color. It is true, a gray sandstone containing iron can be changed to a buff by the application of strong muriatic acid, while the same acid applied to dark sandstone, such as the Foreign Grouse product, will change it to a light gray.

Since the production of white or light-colored brick, glass, tile and white matt terra cotta, the demand has grown for a light-colored material. When freshly broken, light-colored limestone seems the nearest to filling the bill, and this stone has been used in many instances, in preference by the Government architect and other Eastern architects for buildings erected by them. They have persisted in specifying this material, even when called upon to design buildings upon the Pacific Coast, and the result has been quarries in the East, cut by stonecutters, and shipped across the continent ready to set in place when unloaded here.

It is not to be followed by the local architect in many instances, and we now have a fair opportunity to compare results. The first story of the building, the old building, the old stories of the new Courthouse, and all the trim of the new public library are of stone brought from Indiana. It is not uniform in color is equally true. It discolors more quickly than any other building material, and the surface requires constant renovation to be presentable. If the pristine color of the stone were artistically produced, and used for the entire surface, would any one have it? Its neutral shading, when clean, is all that commends it, and this is before a month's exposure in the open.

Douglas County, Oregon, produces a sandstone which has been used in many of Portland's buildings. In instance, Sunnyside Methodist and Congregational churches, Union-avenue Presbyterian Church, Mount Taber Presbyterian Church, besides many private residences. The color is a uniform light gray, never changing and unaffected by weather conditions. It has, by actual Government test made at the Watertown arsenal, a crushing strength of over 16,000 pounds to the square inch, and used for arches and three times as strong as Bedford stone. It never requires cleaning, as there is no alkali agent known that can affect it here in stone. It is a building every attribute of a perfect building stone, with a quarry close at hand, now rapidly producing the stone needed. There are unlimited quantities of it to draw from, in fact an acre of quarry will produce 250,000 cubic yards of stone for a mile or more.

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**Miss Inez De Lashmutt will leave here on the 20th for Wellesley, Mass., to attend the annual meeting of the board of the Portland Cyclorama Company. She will be accompanied by her mother, Mr. Ernest De Lashmutt will also accompany them and will continue his journey to Leipzig, Germany, where he will attend college.**

**At the annual meeting of stockholders of the Portland Cyclorama Company the old board of directors, consisting of C. W. Roby, Rufus Mallory, H. W. Scott, F. N. Shurtliff, B. P. Cardwell, J. H. Kings and George P. Frank, were unanimously re-elected.**

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**When the workmen on the Portland & Milwaukie road suspended employment on Friday evening they left a bank on the roadside partially completed. On Saturday morning, as one of the laborers, named McLaughlin, was passing, it suddenly caved in upon him. Mr. Clark, the superintendent, conveyed him to his residence, where he died.**

**Judge Deady has appointed Captain John H. Couch as hull inspector, John Nations boiler inspector, for this district.**

**The annual conference of the Methodist Episcopal Church of Oregon and Washington meets this week at Lebanon, Bishop Jones presiding.**

**More Show Than Food.**  
Judge.  
Mary—Ida has a glorious lot of silver hair. I find there, at the end of the meal I find a lot of forks left over that I haven't had anything to eat with.

**Captains of Industry.**  
Boston Transcript.  
Bix—Joe says he gives employment to a larger number of men. Dix—So he does—another people's bill collector.

**NEW SUNDAY FEATURES.**  
Admirer I Have Met—More Summer-girl confessions as told by Rita Reese. An interesting page with striking illustrations.

**Is the Human Race Decaying?**  
—An able writer answers this question in a thoughtful article. His answer is an emphatic "no."

**Will the United States Build That Alaska Line?**  
—A decision will be reached shortly on the matter of undertaking this vast enterprise.

**Wanted: \$50,000 Men for \$5,000 Jobs.**  
—If you are looking for such a post and are qualified, apply to Secretary of the Interior. He is looking for you.

**South America Prepares for the Panama Canal.**  
—An important and carefully-prepared article of deep interest to all who would know of our future trade relations with South America.

**Women's Dress in 1925.**  
—Comfort will be the keynote—no stockings, no waistline, no tight-fitting effects.

**Real Switchboard Troubles.**  
—The exchange girl airs a few of her grievances.

**Is It Wise to Beat Your Wife?**  
—Doctor says "yes," and one woman agrees with him. But "General" Rosalie Jones says it is all both to suggest the idea.

**Theodore Roosevelt's Autobiography.**  
—In his own story of his life Colonel Roosevelt tells of early days in the public service.

**MANY OTHER FEATURES.**  
—Order Today of Your News-dealer.

**Embarrassing!**  
—Riggs (facetiously)—This is a picture of my wife's first husband. Diggs (silly looking guy)—But say, I don't know your wife was married before she met you. Riggs—She wasn't. This is a picture of myself when I was 25.

**Enometrical Diagnosis.**  
New Orleans Picayune.  
Doctor—Well, and did you take his temperature. Wife—Oh yes, sir; I put the barometer on 'is chest' and it goes up to very dry, so I fetched in a quart of beer, an' now 'as gone to work.

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**Twenty-five Years Ago**  
From The Oregonian of August 9, 1888.  
Salem, Aug. 8.—Father J. L. Parish, the well-known pioneer and missionary, returned today from Forest Grove, where he was married to Miss Marie A. Pierce on Monday. Father Pariah, who is 83 years of age, is the father of Chief Pariah, of Portland.

Salem, Aug. 8.—D. Tutthill, owner of the Salem gas works, died suddenly at Santa Cruz, Cal., this morning.

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