

NOMINATION OF JUDGES BY PEOPLE UPHHELD

Bar Assembly Clouds Issue, Supporters of Burnett and McCamant Contend.

REAL QUESTION STATED

Shall All Voters or Lawyers Only Choose Bench? Is to Be Decided.

Every Citizen Alike Has Interest in Judiciary.

Accusation that the real issue has been clouded by the members of the bar assembly in designating their recent nomination of candidates for the Supreme Court as a movement for a non-partisan judiciary, is made in a negative argument signed by several members of standing throughout the state who are in sympathy with the candidacy of Judge George H. Burnett and Wallace McCamant.

Reply Made to Lawyers.

The officers of the Lawyers' Assembly, held on July 19, recently served on Judge Burnett and Mr. McCamant a negative argument for publication in the official pamphlet objecting to their nomination at the Republican primary for Justices of the Supreme Court. An answer to this negative argument was signed by several members of standing at further consideration, the friends of Judge Burnett and Mr. McCamant have preferred to print in the official pamphlet an abridged argument. The following argument is the one originally prepared and signed by friends of the two candidates, who believe it to be a cogent statement of the reasons why judges should be nominated like other officials by the people and not by the bar:

"Certain gentlemen have printed in this official pamphlet a negative argument against the nomination of Judge George H. Burnett and Wallace McCamant for Justices of the Supreme Court. An issue is raised by this negative argument which we regard of vital importance to the people, and an issue, therefore, which should be made plain at this time.

Minority of Bar Represented.

Pursuant to this resolution, an assembly of lawyers was held in Portland on July 19. The number of men present and participating in the assembly was 113 and no more. The records show that there are upwards of 1500 lawyers in the State of Oregon. We submit, therefore, that the two men who have signed this negative argument and who undertake to speak for these 113 lawyers have no warrant whatever for calling themselves 'the bar of Oregon.'

"This assembly proceeded to nominate Will R. King and W. T. Slater, and it issued an address to the people in support of its contention that judges should be nominated by the lawyers only, and not by the people, as other officials are nominated. This address contained the following language: 'The movement now initiated is not designed as a temporary expedient. It is intended to be urged, and we hope with success, for all time to come.'"

Whole People Represented.

"In compliance with the law, their petitions, signed by more than 100 electors residing in 11 different counties, have been regularly filed in the proper office and their candidacy is thus submitted to the electors for their action, in the manner prescribed by law, in the manner in which other officers are nominated and in the manner with which the people are familiar.

"The question is squarely presented, therefore, in this negative argument, whether judges should be nominated by the lawyers or by the people. This issue we believe to be of the utmost importance. The courts are institutions designed for the service of the people, and not the lawyers only. Judges should come from the people, be in touch with the people, and the administration of justice should commend itself to the confidence of the people. Judges should not be nominated to feel that they owe their office to the meager support of a comparatively few men, who are practicing before them and whom they will have frequent opportunity to reward. Lawyers are apt not to be interested in the selection of judges. If judges are to be selected by lawyers it will be difficult, if not impossible, to displace unfit judges. There will always be lawyers who have important cases in the courts presided over by such judges, and these lawyers will often be found supporting the re-election of such judges even though they know their unfitness for judicial office.

"We believe the electors of this state are unwilling to abdicate their power under the constitution and the law to select and nominate their judicial officers, and we think they should make this plain by decisively defeating the present movement for the selection of Supreme Judges by the lawyers' assembly.

Movement Not Non-Partisan.

"The movement in question is improperly designated a movement for a non-partisan judiciary. Judge King was a Populist Senator, sitting in the Legislature as such from 1894 to 1898. In 1898

he was fusion nominee for Governor and was defeated by Governor Geer. At another election he ran for District Attorney, on his party ticket, in his judicial district. Judge Slater has been less conspicuous as a candidate for office but is equally pronounced in his partisanship. This is not said to the discredit of Judge King or Judge Slater, who have a right to the judicial views, but solely for the purpose of pointing out the humbug and deception involved in the title selected for this movement designed to constitute a non-partisan bench.

"Judge King and Judge Slater have never been elected by the people of the State of Oregon as Supreme Judges. They were appointed by the Democratic Governor when an act was passed by the Legislature increasing the membership of the Court from three to five. This act provided that this appointment should be merely temporary, to continue until the next general election, when the people were to select their own judges. The case of these gentlemen is therefore widely different from the case which sometimes happens of the re-election of a judge without opposition, when he has been on the bench for a long period of years and has been repeatedly elected by the people and has demonstrated his qualifications for the office by long and faithful service. Judge Robert E. Bean was elected Supreme Judge in 1893, with little or no opposition, because no Democrat cared to run against him. He had been on the bench for eighteen years and had been elected three times by the people.

Judge Not Legislator.

"There is a statement in this negative argument to the effect that Judge Burnett and Mr. McCamant are apparently not in accord with the spirit of progressive legislation and popular government. This statement is entirely unwarranted. So far as the attitude of these two gentlemen on legislation is concerned, it is immaterial. A good judge will not attempt to legislate, but he will declare the law and enforce the law as it is, and not to make it something different from what the people, acting through the initiative or through their representatives, have decided it to be. So far as the loyalty of Judge Burnett and Mr. McCamant to popular government is concerned, we are authorized to say that they are entirely willing to accept the vote of the people at the primary election. They will support the ticket nominated by the people, whether their names are on it or not. Will those who are attacking Judge Burnett and Mr. McCamant attest their loyalty to popular government by an equal willingness to accept the result of a fair election, conducted in the manner prescribed by law? If they will not, then we pass up to the people the question of which are the better friends of popular government, Judge Burnett and Mr. McCamant and their supporters, or Judge King, Judge Slater and their supporters?"

HUNTERS LOST ON TRAIL

WANDER IN CASCADE MOUNTAINS AND NEARLY STARVE.

Two of Party in Trout Lake Region Fight for Last Scrap of Tobacco.

Four Bears Are Shot.

HUSUM, Wash., Aug. 20.—(Special.)—Having been lost in the mountains and been on the verge of starvation for two weeks, a party of hunters passed through here today on their return from a hunting trip in the Trout Lake region. He was accompanied by two men from Sioux City, Ia. They went from Carson, Skamania County, about 50 miles over the new forest rangers' trail. The party wandered from the right trail and ran out of provisions. They were nearly on the point of starvation when they reached one of the forestry stations occupied by rangers. After leaving that point the hunters had the good luck of killing two mountain lions and four bears. Mr. Tulley's companions were great tobacco users. One was an inveterate smoker, while the other craved for chewing. While they were lost their supply became exhausted, until but one chew remained. The plug fiend had smoked it several times, but finally sliced it. The other had taken it for a smoke. The two quarreled over the affair and the chewing away at each other with six-shooters when Tulley stepped in and put a stop to the affray.

PRIESTS' VISIT IS EVENT

Redemptorist Dignitaries Guests at Receptions in Their Honor.

The visit of Most Rev. Father Patrick Murphy, superior general of the Congregation of the Holy Redeemer, accompanied by Fathers Favre and Spidel, of his council, was a noteworthy event in the history of this order. Rev. Father Murray and his counselors arrived Monday and became the guests of the Holy Redeemer Church, at Piedmont. He visited many of the local schools of Portland and vicinity and Monday night was the guest at a reception in the schoolhouse auditorium of the Redemptorists at Piedmont. This was attended by a large number of Catholic laymen and clergy of Portland and surrounding territory. A luncheon which was attended by Archbishop Alexander Christie and a large number of Portland clergymen, was given on Tuesday. Several addresses were delivered. Rev. Father Edward E. Cantwell, C. S. R., superior of the local Redemptorist Community at Piedmont, made the introductory address. Rev. Joseph Gallagher, C. S. R., president of Columbia University, spoke in behalf of the regular clergymen. Archbishop Christie delivered an address. Superior General Father Murray made the response to the addresses and expressed appreciation of the reception. He declared that he was favorably impressed by Portland and expressed admiration of the leadership of Archbishop Christie. He mentioned in particular his visit to St. Mary's Academy and College. He also attended the Redemptorist Community of Portland.

NEGRO DIES FROM WOUND

North Yakima Assailant Is Held for Murder in First Degree.

NORTH YAKIMA, Wash., Aug. 20.—(Special.)—William Knox, the negro assailant of Abraham Lincoln Plaza, another negro, in a shooting affray at Colored Park in this city on Tuesday evening, will have to face a charge of murder in the first degree. Plaza died this morning at St. Elizabeth's Hospital after donning his hat and a knife or stick he resisted Knox's attack, as Knox asserts. Knox has been held at the County Jail.

The quarrel was said to have grown out of the appearance of Knox in court as a witness against Plaza. Colored residents are eager for a vigorous prosecution.

BASIC TAX FAVORED

East Side Clubs Outline Proposed Water Amendment.

MONEY WILL BE REFUNDED

When Lots Are Improved Water-Users Will Have Credit for Amounts Paid In—Excess to Be Met From General Fund.

The water committee from East Side push clubs has prepared a summary of an amendment to the charter to be submitted to the voters in November. It suggests that the 1907 law be changed in the following particulars: First—Charge a basic frontage tax of \$35 a lot of 5000 square feet, which amount is to stand to the credit of this lot until used up in water supply at the regular rates. A credit is also given all lot owners who have paid for extensions under the law of 1907, where the front footage of property has been taxed for such extensions, the money to be repaid in the same manner. Second—The Council is to be authorized to sell bonds to pay for water mains when the cost exceeds the frontage tax and the water fund cannot meet the cost. Third—The proceeds from the sale of bonds, the proceeds from water consumed and the frontage tax of \$35 shall create a water fund. Fourth—All bonds and the interest thereon shall be paid out of the water fund. An annual sum of not to exceed 2 per cent of the bonded indebtedness of the water company shall be set apart from the water fund to pay off the water bond. Fifth—All extensions and renewals of the water system shall be paid for out of the water fund. Sixth—The law should authorize the water board to lay water mains and to connect these mains with each lot at the curb line, and to charge the cost of the connections to the property. The committee which drew the provisions which are to be incorporated in this amendment were organized three months and secured the chapters from 50 cities for suggestions. Only such provisions were incorporated as seemed to fit Portland conditions. Part of the Seattle method of laying water mains was adopted. L. E. Rice, chairman of the committee, said that the committee sought to meet the objections urged against the present method. When the City Attorney has completed a draft of the amendment it will be submitted to Mayor Simon and members of the water committee for additions or changes. As soon as the amendment has been framed and adopted the push clubs will be asked to take the subject up at their meetings. A minority report of this same committee, representing the views of the labor union men, was presented. Its purpose is to force the issue, but it is not known whether it will be presented. To get it before the voters would necessitate an initiative petition. It is considered probable that the water amendment outlined will go to the voters with such changes as the Mayor and members of the water committee may suggest.

LAUNCH MAKES RECORD

Limit Battles Elements for 58 Hours and Wins Long Race.

VANCOUVER, B. C., Aug. 20.—(Special.)—After battling with all kinds of elements for 58 hours and establishing a new world's record for distance and speed for 50-foot cruising launches, the 50-foot horsepower power boat Limit, owned by Messrs. Lepage, Marriot and Fellows, of this city, today finished first in the long-distance race from Ketchikan to Vancouver, a distance of 625 nautical miles. The Stark, owned by Scott Nicoll, a wealthy Ketchikan miner, was second, and the St. Anthony, also of Ketchikan, owned by N. A. Mitchell, was third. The race was under the auspices of the Pacific Power Boat Association and the entries were those in the Marblehead-to-Bermuda race of last year. The Stark, a 30-foot craft, had a handicap of nine hours over the Limit, but required 72 hours to make the run. The Limit is the smallest pleasure cruiser to have completed a race of that length.

BEND, OR., Aug. 18.—(Special.)—

BEND, OR., Aug. 18.—(Special.)—Bend, like all the other towns of Central Oregon, has been profoundly interested in the recent visit of President Lovett and his bodyguard of Harriman officials. This, the first appearance of E. H. Harriman's successor in the Oregon field, following close upon the very recent tour of inspection of this territory by J. P. O'Brien and several locating engineers and traffic experts, naturally gives rise to the belief that big Harriman building moves are contemplated, and that the Hill development has set under way a comprehensive development of interior Oregon by the great rival system. That the Deschutes Harriman road will be constructed through to Bend and southward from this point, instead of temporarily stopping at Redmond as at first announced, is regarded as a certainty, and purchase of right-of-way between Redmond and Bend is a development anticipated at almost any time. However, a possibility that perhaps better might be characterized a probability, in view of the common use of the same rails by both roads at several points along the Deschutes, is that such a course will be put into practice to Bend. What lends color to this supposition is the fact that from Bend easterly, extends the recently-completed survey for the Hill east-and-west road. Should construction upon this be commenced as seems probable, a temporary division of territory between the two roads might evolve, whereby the Hill line would terminate at Bend and take the eastern road from this point, and the Harriman road develop the southern territory, connecting with their Natonon cutoff at Crescent. However, the gentle art of predicting railroad plans in Central Oregon of late has become a most bewildering pursuit. President Stevens' announcement that construction on the Oregon Trunk, recently shut down southward from Bend, is to be resumed, apparently indicates that that road intends to make its way through to California irrespective of all competition. Several hundred workers are engaged on the grades near this point. A mile and more of grade is completed on the outskirts of the town, and at present the bridge for the railroad across Greenwood avenue is occupying the attention of the engineers. More than 40,000 feet of lumber have been purchased for this crossing alone. The camps near town are assuming more the appearance of permanent additions to the country's building than temporary shelters. Wooden buildings are being erected and preparations made for continuance of construction, apparently upon a larger scale than even through the winter.

Extension of Harriman Road Regarded as Certainty.

Interior to Be Developed

Common Use of Rails at Points on Deschutes With the Hill Line Causes Belief Same Course May Be Followed to Bend.

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Odd Beds from broken bedroom suits at half price.

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