

WOODS DEFENDER OF OREGON SYSTEM

Legality of Initiative and Referendum Given Additional Proof.

PUBLICIST HAS ARGUMENT

Clause Upon Which Telephone Company Places Reliance Intended Only as Insurance Against Domestic Trouble in States.

Further defense of the legality of the initiative amendment to the Oregon state constitution, involved in the case of the State of Oregon against the Pacific Telephone & Telegraph Company, which is now before the United States Supreme Court, is supplied by C. E. S. Wood, of this city, who has prepared an argument to the brief prepared in the case for the state by Attorney-General Crawford.

Mr. Wood argues that the contention by counsel for the telephone company that the amendment to the Oregon constitution is in violation of the United States Constitution is not well founded, otherwise the provision of the Federal Constitution, relied upon by opposing counsel, would preclude the people of Oregon or any other state from making any changes in their constitution.

A republican form of government, insists Mr. Wood, in his argument, contemplates and means a government of the people as distinguished from monarchy, tyranny, anarchy, despotism, monarchism or government by hereditary privilege.

In part, the argument of Mr. Wood follows:

Clause is Quoted. "It is true, Hamilton and Madison, in particular instances, arguing for our wide domain, and the wide reach required of the future Government, spoke of the disadvantages of the pure democracy, such as the Greek cities, which necessarily were limited in action to small localities, and even there were subject to those errors arising from the passions of a mob, making it perfectly plain that their idea of a pure democracy was the Athenian democracy, a congregation in which every citizen met, debated and voted; and yet continually these same men are speaking of the 'republics of Greece, among other republics in history. This general use of the word 'republic' and 'republican form of government' is so thoroughly in the atmosphere of the formative time of this Government, as meaning only a popular government generally, without regard to internal form, and this is such elementary knowledge that solemn proof of the fact seems to me to savour of pedantry. With this apology, I call attention to the following:

"The clause of the Constitution which is relied on by the appellants, section 4 of article 4, is: 'The United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion or by the Executive (when the Legislature cannot be convened), against domestic violence.'

"If there were nothing else to interpret this section of the constitution in which the words 'shall guarantee a republican form of government' are found show that the intent was that the stronger government—the Federal Government—guaranteed to protect each of its weaker integral members against invasion, insurrection and the subversion of the will of the people by force, or by some dictator or powerful faction. Mr. King, in speaking in the Massachusetts Legislature upon this section, said:

"If the present constitution of the state was meant to be guaranteed as a fixed form by the United States, would this not be a great defect as precluding any change by the state itself, should it see fit to do so? (Elliot's Debates, volume 2, page 101).

"This clause in the Constitution was adopted by Hamilton in his plan from Randolph's draft first submitted to the convention, and every utterance of Hamilton, Randolph and Jefferson shows that the intent was to protect each of the states in its individual weakness that each would be protected in maintaining a government of the people, by the people, for the people. Hamilton's utterances are numerous to the effect that 'the foundation of a national government must be laid deeper than in the most ancient republics. The fabric of the American empire ought to rest on the solid basis of the consent of the people.' In No. 21 of the Federalist, Hamilton says that the objection taken by some against the election of the House of Representatives by the whole people strikes at the very spirit of the republican government, and a little further on, in the same essay, says:

"The elective mode of obtaining rulers is the characteristic policy of republican government. Real liberty is neither found in despotism nor in the extreme of democracy, but in moderate government. Those who mean to form a solid republican government ought to proceed to the confines of another government, as long as offices are open to all men and no constitutional rank is established, it is pure republicanism, but if we incline too much to democracy we shall shoot into a monarchy. The difference of property is already great among us. Commerce and industry will still increase the disparity. Your government must meet this state of things, or combinations in process of time will undermine your system." Secret Debates, page 184, Mygatt Edition, Tuesday, June 29. His use of "democracy" is always in the sense of the Athenian democracy.

It is certainly curious that a political measure such as the initiative and referendum, designed to check that great disparity due to commerce and industry, which he feared, that inefficiency in purely representative government due to the combinations which in process of time threaten to undermine our system, should be bombarded by the very man who uttered the above words. His great fear was that some state might lose its pure republicanism by disparities and combinations which might make "the offices no longer open to all men." Hamilton in No. 2 of the Federalist, speaking of the "petty republics of Greece and Italy," shows that "the science of politics has advanced, and that the exigencies of republican government may be retained and its imperfections lessened." He discusses the confederate Republic of Montevideo and the whole essay shows the use of the words "republican government" as meaning only a government by the people.

Again, in No. 51 of the Federalist, he discusses his theories of republican government, showing that he has no particular form in mind, but simply aims at "a government founded on the consent of the governed."

Lastly, Hamilton, the author of the clause in the Constitution we are discussing, and expounding the very clause, says, No. 21 of the Federalist: "The want of a mutual guarantee of the state governments is another capital imperfection in the Federal plan (meaning the old confederacy). There is nothing of this kind in the articles that compose it; and to imply a tacit guarantee from considerations of utility would be still more flagrant departure from the clause which has been mentioned, than to imply a tacit power of coercion from the like considerations. Without a guarantee, the assistance to be derived from the Union, in repelling those domestic dangers, which may sometimes threaten the existence of the state constitutions, must be renounced. Usurpation may rear its crest in each state, and trample upon the liberties of the people; while the National Government, which would do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law, while no success could constitutionally be afforded from the Union to the friends and supporters of the Government. The tempestuous situation, from which Massachusetts has scarcely emerged, evinces that dangers of this kind are not merely speculative. Who can determine what might have been the issue of her late conclusions if the malcontents had been headed by a Caesar or by a Cromwell?"

The inordinate pride of state importance has suggested to some minds a scruple of this kind would deprive us of one of the principal advantages to be expected from union, and can only flow from a misapprehension of the nature of the provision itself. It could be no impediment to reforms of the state constitutions by a majority of the people in a legal and peaceable mode. This right would remain unimpaired. The guarantee could only operate against changes to be effected by violence."

England Tacitly Has Referendum. This is the interpretation of this constitutional clause by the man who drew it upon Randolph's model, and who battled for its adoption. It is harmonious with its general purport and with common sense; and to have the clause itself raised now as a barrier to those very reforms of the state constitutions made by a majority of the people in a legal and peaceable mode to overcome the corruptions of legislatures and the growing tyranny of great commercial combinations is certainly a reductio ad absurdum.

SYNOD OPPOSES MISSION CHANGES

Reorganization of Home Field Is Referred to Presbytery for Report.

GILBERT'S REPORT STIRS

Delegates Hold Varied Views as to Growth of Sunday Observance. Prohibition Campaign Is Widely Discussed.

Plans for reorganization of the home mission method, changing the management to a committee of 19, one minister and one layman from each of the Oregon presbyteries, suggested by the committee on home missions, met with such opposition on the floor of the Oregon Presbyterian Synod, in session in the Mount Tabor Presbyterian Church, yesterday, that the whole matter was referred to the presbyteries, and a report will be awaited at the next annual meeting of the synod next fall.

During the morning session the proposition was placed on the table, after a strong talk in opposition from Rev. Robert McLean, of Grants Pass, who held that the change would take the management of the home missions from the synod and centralize the power in the hands of a committee. The matter was taken from the table on motion of Rev. W. S. Holt, and the synod approved of the proposition to be referred to the presbyteries.

Rev. Ernest F. Hall, representing the Board of Foreign Missions, addressed the synod at length, which was followed by a practical demonstration of foreign mission work. Among the recommendations adopted was that the Board of Foreign Missions assume charge of the work among Orientals on the Pacific Coast, and place an American in the work who can speak the Chinese language. Both recommendations were approved.

Pastors' Observations Differ. Rev. W. S. Gilbert submitted the report on church activities, stating that never before in the history of the church was it so efficient or active in all lines. The report said that Sunday observance was more general than ever before. A number of recommendations were made in the temperance reform movement.

Rev. G. L. Tufts, representing the Sunday Observance Alliance, addressed the synod, declaring that he could not agree with the report that Sunday was being observed more than ever, and, on the contrary, declared that there were forces at work to destroy the Lord's day. He urged the Religious Liberty Society as one agency in the destruction of Sunday. He made an attack on the Seventh Day Adventists as one of the forces in the movement to set aside the Lord's day.

J. R. Knodell, retiring superintendent of the Anti-Saloon League, made a short talk reviewing the cause of the recent defeat of the temperance cause in Oregon. He announced that J. Frank Burke, an experienced temperance man, had arrived in Portland to take charge of the work of the Anti-Saloon League. Rev. William Parson also spoke on the defeat of the temperance cause in Oregon.

A motion to approve the Anti-Saloon League was opposed by Rev. Samuel C. Adams, of Coos County, who said that the defeat of prohibition in Coos County was due to the "criminal neglect of the Anti-Saloon League." Rev. Mr. Adams made an extended address in opposition to the incorporation of the Anti-Saloon League, but after a statement from Mr. Knodell the synod passed the resolution approving the work of the league in Oregon.

Peace Move Promoted. Rev. J. V. Milligan was recommended for re-election as Sunday school synodical missionary for Oregon, but the plan to appoint local Sunday school missionaries was referred down to the presbyteries for consideration. All the other recommendations for the betterment of the Sunday school work in Oregon were adopted by the synod.

The synod went on record as approving the general plan of the Government to promote peace throughout the world, and it was voted unanimously that the synod of Oregon join with the synods of Washington and California in the movement that a peace commission of two Presbyterians be appointed to promote the work of peace with the United States Government. The report on "Co-operation in Education With Other Churches" was adopted by the synod.

Last night a popular meeting was held in the interest of the four-mission work. Rev. Robert McLean presided, and Rev. E. F. Hall, field secretary, delivered addresses. Services will be held this morning in the Mount Tabor Church, with a sermon by Rev. S. W. Seaman, moderator. Other pulpits will be occupied by Presbyterian ministers attending the synod. The new churches of Coos and Trinity will be dedicated today. The closing services of the synod will be held tonight in the Mount Tabor Church, with an address by Rev. W. S. Holt on home missions.

The synod will hold its next annual meeting with the First Presbyterian Church of Wallowa, which invitation it accepted.

BOYS MISSING FROM HOME

E. W. Rossman Says Chum Persuaded Son to Run Away.

Leaving home Sunday, to escape the necessity of attending school, Newton G. Rossman and Max Hoagland, both about 15 years old, have disappeared, and their parents have not yet been able to find any trace of them. E. W. Rossman, of 877 Vancouver avenue, says that he believes the two boys have sought work in the near vicinity, and he is making inquiries.

"Max Hoagland had already run away from home several times," said Mr. Rossman, "but had either returned or been brought back. A short time ago I persuaded our boy to stay away from school, and finally, on Sunday, he and his chum, Max Hoagland, ran away from home, and I think that they were led to run away entirely by the influence of his companion."

Mr. Rossman describes Newton Rossman as a lad of slight build, with heavy black eyebrows and light brown hair, closely clipped. When he left home he was wearing black bib overalls, and a black shirt, low shoes that were much worn, and a broad brimmed hat.



The Knight Shoe Company

announce their change of location to Morrison Street, at Seventh (Tull & Gibbs Building)

Opening Day

is Wednesday October Eighteenth

On Monday and Tuesday, October sixteenth and seventeenth, the store must of necessity be closed, but their new

PERMANENT HOME

will be ready to receive you Wednesday, October Eighteenth

SKIDMORE IS BANISHED

MAN OF MANY TROUBLES IS SENT OUT OF TOWN.

Husband Who Squandered \$1500 on Spree Promises to Lead Better Life Hereafter.

With \$25 in his pockets, the pitiful remnant of a once healthy bank account, Frank Skidmore, salesman, errand husband and cause of woe to himself and many others, was bundled into a taxicab at the police station yesterday to take passage on the steamer Bear for San Francisco, that solution having been grasped at by the Municipal Court as the only way out of a tangled mess.

Skidmore had many appearances in the court, and through him many others came to woe in that tribunal. For selling him liquor, two saloonkeepers are under sentences to the rockpile, brought to conviction by the determination of Skidmore's wife.

It was shown that the man had squandered \$1500 over their bars and kept in a continual state of intoxication for weeks. He was arrested and received a suspended sentence. Later he was caught in a raid on North End house, and a few days ago he was picked up for being in contempt of court for being drunk in the face of his promise to the court.

The culprit has given assurances that away from his cronies here he will straighten up. On that promise, and with precaution that he should remain in custody until the boat sailed, Judge Cohen allowed him to go.

Drunk Empties Pistol at Foe. An unidentified man, too drunk to give his name, was arrested yesterday by Patrolman Dolts in a poolroom at 91 Russell street after he had fired several shots at George Nick, following a quarrel between the men. The drunken man put up a fight while waiting for the patrol wagon and was handicapped with difficulty. Nick was not injured.

Dr. Moe's Orthopedic Gymnasium for infantile paralysis and all nervous disorders, rheumatism, gout, bladder and kidney troubles. Most modern methods. No drugs. 26 E. 14th st.

DOES THE CHICKEN BUSINESS PAY?



Poultry farming is destined to become the leading industry of Oregon, which fact is self-evident when we know that more than \$1,000,000 worth of eggs (alone) were shipped into Oregon from the Eastern markets during 1911.

WHAT WE WILL DO FOR YOU

In buying one of our Oakland Poultry Farms you will be taught the poultry business, absolutely free of cost, by the best poultry expert in the country, whom we have engaged to be on the ground continuously. We have reserved 40 acres of this land for our plant, in which we will install a 10,000 capacity incubator. We will co-operate with you at all times, so that you cannot help but be successful.

Our property is located at Oakland, Oregon, the greatest poultry-raising section in the United States.

5 and 10 Acre Tracts, \$75 to \$150 Per Acre ON EASY TERMS

Write for Literature.

OAKLAND POULTRY PRODUCTS CO., Inc.

308 Spalding Bldg. Originators of Exclusive Poultry Colonies. Main 1590.