

DIRECTOR NEWELL GIVES ADVICE ON IRRIGATION PLANS

Reclamation Official Tells Investors in Private Projects Not to Expect Work Can Be Done Less Than \$1 Acre.

What does it cost to run private irrigation projects and what is the difference between these and the projects which are operated by the government?

To secure answers to the question Director F. H. Newell of the reclamation service has written to all the managers of private irrigation projects in the United States, including those of Oregon. The information when acquired will be used to aid private projects as a contribution by the government.

Investors in projects think operation and maintenance should be carried on for less than \$1 an acre, and they have discharged manager after manager endeavoring to get the cost below the dollar, says Mr. Newell.

Says System Deteriorates.
The result has been that the systems have greatly deteriorated and accidents

have occurred at critical times, resulting in crop losses or reduction in value of crops, far exceeding the greatest needed expenditures for effective operation and maintenance," says Mr. Newell. "In saving a few hundred dollars they have lost thousands."

This condition will continue until definite action is taken concerning the real cost of operating the larger irrigation projects, and of maintaining them to the proper degree of efficiency. It is recognized that one of the commonest conditions, and one to be condemned by all right thinking men, is that of the new manager who tries to make a record by cutting down necessary expenditures for maintenance and in so doing permits the system to deteriorate, while he is apparently making good on his promises to operate the system at a less cost than his predecessor. The responsible men in every community should be awakened to the dangers of such deception and urged to see that the canal system as a whole is inspected each year by a competent small board of experts for the purpose of ascertaining that the system is not deteriorating to a dangerous degree."

Records Are Submitted.
Director Newell adds that the government finds it necessary to keep careful and business-like records of all work, and he advises the same plan as a means of success for projects privately owned. In his letter he furnishes the project managers with the figures showing cost of operation of the Imperial Water company in the famous Imperial valley of southern California, where the melons are grown. These figures show that the company expense was almost exactly \$1.70 an acre, the water rentals \$1.37 per acre additional, or a total cost to the farmer of \$3.07 per acre, or \$1.11 per acre foot, which is quite a low figure for a country where the water rights average \$12 an acre.

BLAMES LAWYERS, NOT THE LAW FOR DELAY IN COURTS

Present Judicial System, Except Regarding Probate Matters, Simple, Declares Writer; Some Changes.

Pendleton, Jan. 20.—To the Editor of The Journal—I assume that the legislature will not ignore the reports of the code revision commission, notwithstanding the adverse action of the State Bar association. The members of the legislative assembly are not unaware that lawyers, above all other classes of men, are prone to disagree, and that judicial reform is likely to come, if at all, from sources other than the legal profession. Still it should be recognized that the subject is one of public concern, and worthy the consideration of every citizen. I beg, therefore, to offer the following suggestions.

There is no serious difficulty with our existing law of court procedure; there is serious difficulty with the method of its administration. Criticism of the former comes largely from men who have come among us from other states in recent years, and who imagine that the practice with which they are familiar is better than ours.

Declares Code Simple.
The fact is that our whole judicial system, except as to probate practice, is both simple and reasonable, and our code of procedure is one of the most liberal found in the code states. It should be remembered that it is not every change which signifies reform.

"The so-called law's delay in civil cases is in truth lawyers' delay, too often countenanced by conservative, indulgent or forceless judges. In a majority of cases a dispassionate investigation will disclose that trials are delayed because counsel for either the plaintiff or defendant, or both, desire delay, and indeed in this particular attorneys usually reflect the desires of their clients. In criminal cases the authority of the trial judge is practically supreme. If delay occurs, he alone is responsible."

"If any law can be enacted which will prevent lawyers from dancing upon the point of a needle in drawing pleadings and settling issues, and which will inject a little iron into the backbone of judges, cases will be tried promptly and justice will be done. Until this is accomplished, it will be folly for the legislative assembly to waste time upon theoretical code reforms."

Changes Are Suggested.
"There are a few things, however, which public interest requires, and which have been tried out successfully in other states. Probate business should be transferred to the district courts, providing, however, that in the absence of the judge, the clerk may act in his place. The latter provision is necessary for the benefit of remote and sparsely settled counties which a circuit judge visits infrequently. I think that the constitutional amendment of 1910 touching the judicial power of the state will permit this transfer."

"Any circuit judge should have power to call any reputable lawyer to the bench to hold court when such judge is incapacitated or disqualified, or when the docket is congested. This provision will go far toward expediting business, and saving expense. Many states have long recognized such procedure."

Charging of Jury.
The trial judge should charge the jury before argument of counsel. This is known as the Missouri practice, and properly gives a jury the advantage of the law as the argument upon the facts is presented, and aids attorneys in fairly applying the law to the issues of the case in their closing arguments."

"I am not in favor of any other change in our judicial system at this time, and I desire to oppose most strenuously the suggestion that the supreme court be authorized to prescribe modes of pleadings, procedure and forms for practice in the circuit court. Men who have tried to thread the blind mazes of the rules of the federal supreme court are appalled at the suggestion. It is the last thing any legislature ought to consider."

"It will be a courageous and patriotic thing, however, if this legislative assembly shall take the initiative in such legislation and such constitutional amendments as will reach the basic causes of the widespread popular dissatisfaction with courts and court procedure."

Says Justice Misconceived.
"These causes, I think, may be reduced to three: (1) The unwarranted authority which these tribunals have arrogated unto themselves to declare legislative enactments void. No other government in the world permits this, and for more than 30 years of our national life, until the case of *Marbury vs. Madison* was decided, it was not seriously attempted in this country. If courts or legislative bodies do not remedy the evil, there is danger that the people will ultimately find a remedy in revolution. (2) In the trial of criminal cases justice too frequently miscarries in favor of defendants of wealth. The poor are convicted and the rich acquitted. The remedy for this evil lies in a provision that the state shall provide, not only a public prosecutor but a public defender as well, and in the prohibition of the employment of private counsel in criminal cases. Then and only then will the balances of justice be held even. (3) We

have an inherited, mistaken notion that to judges should be accorded either life tenure, or long terms of office."

Should Be Elected by People.
"Experience is teaching both states and nation that there is no class of officials in which public interest requires so frequent changes as in the judiciary. New men, fresh from the people, always perform the best, the most prompt, and the most enlightened service. The law must be a progressive science, otherwise civilization blights in the flower, for civilization is the reign of law. Every judge, federal and state, should be elected by the people; no term should be for a longer period than five years; and no man should be eligible for reelection. Thus, and thus only, will the law's administration and construction express unfolding public opinion. Men long upon the bench reflect the cloister; they deal in precedents; they face the past, not the future."

"I am conscious that these now are advanced views, but I venture the prediction that they will be generally accepted within the span of a single decade."
STEPHEN A. LOWELL.

Chemawa School Burning Oil.
(Special to The Journal.)
Chemawa, Or., Jan. 20.—Oil as fuel is being used for the first time today at the Indian school. The saving will be large to the government, as the price of

wood has been steadily increasing of late. While California is reaping the benefit of the change, it is believed by farmers that the heavy hauling of wood over the road in winter time is responsible for their impassable condition in this section and consequent heavy appropriations necessary to keep them in repair.

Clean Up R. & Light District.
(Special to The Journal.)
Aberdeen, Wash., Jan. 20.—An attempt to start the red light district, which was put out of business by the county authorities a year ago, resulted in the arrest of 25 men and women Saturday night, mostly colored persons.

TRIED TO QUIET DRUNK CELEBRATION; MAY DIE

(United Press Leased Wire.)
Seattle, Wash., Jan. 20.—John Walsh, 42 years old, is near death in the city hospital here today as the result of trying to quiet a hilarious friend, who was busy shooting up the landscape. Walsh and his assailant, a longshoreman by the name of McMillan, had been guests at a party. When it broke up McMillan commenced shooting. Walsh tried to pacify him and was hit three times.

Journal Want Ads bring results.



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OREGON ACHIEVES A SCHOOL RECORD

State Leads Union in Point of Attendance for Year of 1910.

Oregon ranked first in 1910 in the list of 48 states of the union in point of attendance at public schools, according to authentic statistics compiled by the division of education of the Russell Sage Foundation. Massachusetts ranks second in point of attendance, and Mississippi is at the tail end of the list.

The data gathered by the Sage Foundation Division of Education, has been published in a pamphlet under title of "A Comparative Study of Public School Systems in the Forty-eight States."

The state of Washington ranked first in a general summing up of 10 specified educational features of the public schools and in this general classification Oregon takes fifteenth place.

Oregon is given fifth place in the matter of school expenditure and wealth, and drops down to thirty-seventh places in its average percentage of children in school. Vermont has first place in this detail and Louisiana is at the bottom of the list.

Oregon had in 1910 10,504 illiterates, which was 1.9 per cent of the population. The state was thirty-seventh in rank in matter of children enrolled, Vermont leading and Louisiana ranking last.

The report shows that in six of the southern states there is still no law relative to compulsory school attendance, and the result is shown largely in the low rank which these states take in the list of school statistics. The states are Texas, Mississippi, Alabama, Georgia, Florida, South Carolina.

Figures show that but seven states in 1910 had complete regulation relative to building construction. They were Ohio, New Hampshire, Connecticut, Maryland, Rhode Island, Massachusetts, and Vermont. Oregon was listed among the states having no regulation of this kind.

Utah and Wyoming are the two western states having free text book laws. Ten eastern states and one middle west state, Nebraska, have such laws. Utah and Colorado are the two western states having laws relative to medical inspection in the schools.

The pamphlet has been issued largely for distribution among state legislators in the hope that they will awaken to the urgent needs of some legislation affecting the schools.

"SOLD IN OREGON"

EXPOSITION PLANNED

A "Sold in Oregon" exposition is to be given January 29 in Women of Woodcraft hall, Tenth and Taylor streets, by the Rotary club. In conjunction with festivity for the members, what they deal in will be attractively exhibited.

The purpose, says President Frank C. Riggs, of the club, is to make club members better acquainted with each other's business and mutual concerns. Then, too, it is desired to see how much more the "Made in Oregon" movement can be forwarded. Rotarians represent each a single line of business in the capacity of owning or managing official. They are employers and dealers and manufacturers and have influence in purchase and distribution of goods. There will be a program of entertainment and refreshments in addition to the exposition.

The Rotarians are to meet at luncheon tomorrow in the small dining room of the Commercial club. Dr. F. E. Moore is to explain the purpose and practice of osteopathy. S. C. Jagger will describe the methods used in sunbathing the houses of a city with electric current. H. Clausenius Jr. announces that he will appear and answer the charges of overcharge made against the plumbing business.

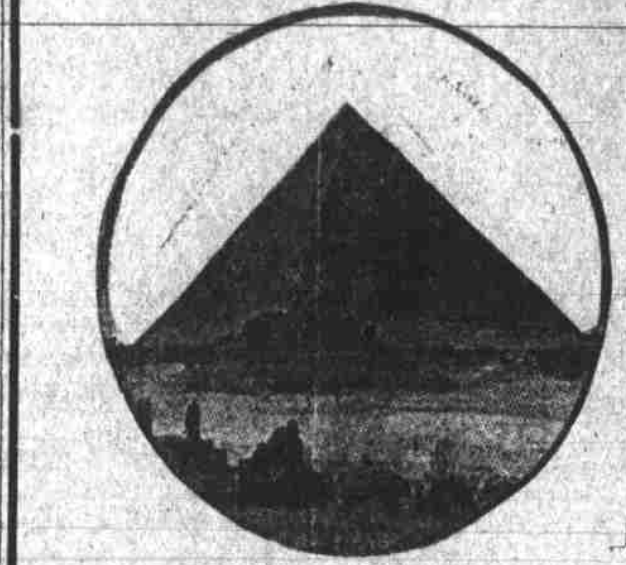
GUEST DROWSES OFF SMOKING; ALMOST BURNS TO DEATH

(Special to The Journal.)
Vale, Or., Jan. 20.—Drowsily puffing a cigarette as he lay in bed, an unknown man who obtained a room at the Drexel hotel here early Friday morning had the narrowest kind of an escape from death by suffocation and incineration. After falling asleep, the lighted cigarette dropped from his immobile lips and set fire to the bed clothes. When the night clerk discovered a strange light in the room the guest was senseless. Alarmed with sleep and fumes of the smoke, he required nearly half an hour to revive him.

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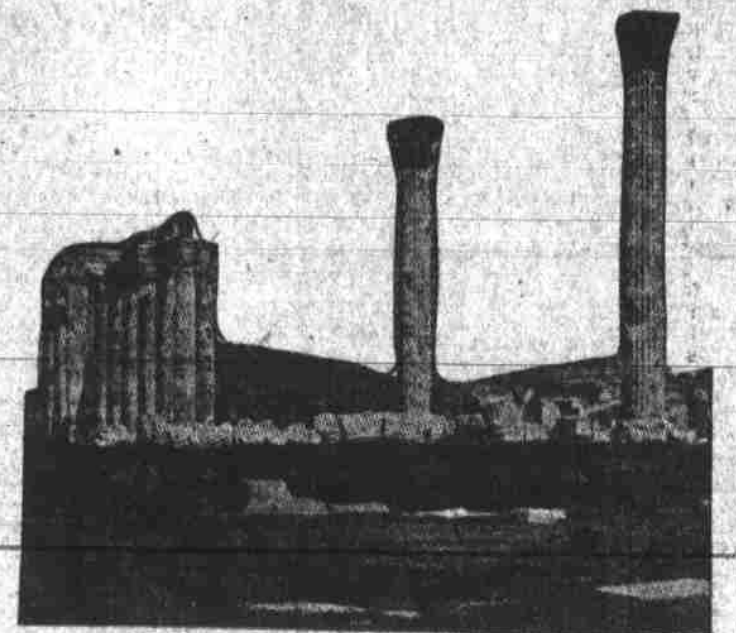
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