The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
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OIL BURNERS

"I have jest about decided
It 'ud keep a town-boy hoppin'
Fer to work all winter, choppin'
Fer a' old fireplace like I did!"
—James Whitcomb Riley

Supreme Court Ruling

THE supreme court dealt a blow to new dealism in its decision that the section of the oil control law which contained a blanket grant of legislative authority to the president was unconstitutional. Now the senators are busy trying to fix up a bill which will say the same thing in different words but will still get by the court. It is gratifying to know the supreme court still feels it has authority and responsibility and is not ready to abdicate its intelligence to the party in power. Its action ought to be a lesson to congress to get busy and do its own law-making instead of merely signing a mortgage in blank and delegating legislative powers to the president. This issue, it may be recalled, is one which Congressman James W. Mott, emphasized in his address last summer, and made clear his opposition to such legislation.

At a confab of economists held in Chicago not long ago most of those present expressed the view that the new deal violated all the principles in the books; but Prof. John R. Commons, veteran professor at the University of Wisconsin, refused to show any concern. He merely said it would all be declared unconstitutional in a few months anyway.

The fact is that NRA has served whatever usefulness it had; and it will be a blessing to the administration to have the court administer lethal sleep. The reluctance of the department of justice to prosecute any cases under the recovery act indicates how chary they were of pressing for a decision on constitutionality. Some of the legislation may get by. For instance gold devaluation may be sustained because of the specific grant of power in the constitution. But a lot of the other stuff will go down the sluice via rulings of the supreme court.

Presidential Primary

SENATOR STEIWER has proposed a constitutional amendment to extend the Oregon primary for expression of presidential preference to the whole country. The preference primary here has been a joke, making the state of minus importance in national conventions. Extending it to the whole nation would preserve an agony that ought to be ended by repeal or modification of the present primary preference. In 1932 this state in the republican primary cast a preference vote for Joseph France whom few had ever heard of, because he was the only one who filed.

So long as nominations are to be made by conventions the conventions should be preserved as deliberative bodies. There is a lot of trading and jockeying—McAdoo for example traded out Garner to Roosevelt and made possible the latter's nomination. Conventions often result in poor nominations; but primaries might be worse. Anyway there's the election at the end when the people get to vote on the nominees.

There is no great present agitation for extension of the presidential primary. We doubt if Sen. Steiwer is very hot for the idea. And the practical politicians among the democrat will be sure to kill it off,—there are enough of them wanting to run for president and they will not trust the nomination to a primary where the Huey Longs and Alfalfa Bills might bag the votes.

The city hall is having its interior redecorated on the second floor. It is an SERA project. Public buildings have a tendency to take on dinginess but the city or county ought to be able to pay the bill itself without calling on the federal government. The question now before the house is whether the chamber of commerce can "renovise" its quarters with fresh paint and kalsomine.

The new ante on busting the traffic rules is one dollar. That seems fair enough. If a man clips corners, does a U-turn in the wrong place, tries to park double deck, etc., he ought to pay a dollar for the privilege. With the minimum fine more reasonable the judge will be warranted in applying it; and the public ought to let up on its croaking—when it gets caught.

Speaker-to-be Cooter says there will be no steering committee at the coming session, thinking none will be needed. With as many new members as there are some sort of organization committee will certainly be needed if much legislation is to be enacted. Since very little is needed, it may be a good thing to have no steering group.

Henry Porter was re-elected superintendent of the Christian church Sunday school at Aumsville for the 60th year. Few people in the United States can equal that record; perhaps none. Mr. Porter has been as faithful to his church as he has to the republican party and that is another record which few can equal.

The combined enrollment of the university, state college and three normal schools is 6260 for the winter quarter. It is about two thousand under the enrollment at the University of Washington alone; and of course far less than for large institutions like California and Columbia.

The supreme court has decided a case where a coast guard boat sank a Canadian rum-runner in 1929. Canada asked for $386,000; and our court says the U. S. should render an apology and pay $25,000. Most anyone would apologize if he could save the difference.

It is revealed now that Dillinger nearly died when he was having his face lifted. Too bad he didn't; for the remaining weeks were no good to him and damaging to society. And if he had died the federal agents wouldn't have gotten the "glory" of shooting him down.

An Arizona prospector turns up with a pound or so of pure gold which he found out in the desert mountains. Wonder if he saw anything of Steve and Rose, Aimee's old kidnapers.

Gov. Meier and wife are going on a trip to Bermuda, after his term of office expires. Getting relief from overwork, no doubt.

Former Husband Reweds, Woman Takes Own Life

OAKLAND, Jan. 9.—(AP)—Told Monday night her former husband had been remarried Christmas day, Mrs. Ruth Kendall of Spokane hanged herself in the dressing room of her apartment here. Her body was found this morning by her 13-year-old son, John.

Mrs. Kendall was divorced last November in Reno from Homer B. Kendall of Spokane, wealthy lumberman and member of the national lumber code authority. She and the boy came here shortly after the decree was granted.

MRS. J. T. HUNT ILL

STAYTON, Jan. 9.—Mrs. J. T. Hunt who makes her home with her daughter, Mrs. H. J. Tate, and who had been quite ill with flu, has now developed erysipelas and a trained nurse is with her. Mrs. Tate and her baby daughter were brought home from a Salem hospital Thursday and Saturday moved to the home of her brother, Morris Hunt.

Give Them Both the Same Medicine!

Bits for Breakfast

By R. J. HENDRICKS

The White Headed Eagle
of Richard Montgomery:

(Continuing from yesterday:) Let's sketch the matter as briefly as possible: The Oregon provisional government was authorized, organized and set in motion at the Lee mission Feb. 18, 1841.

It functioned as one continuous government until Oregon became a territory and validated all its acts.

May 2, 1843, a successful motion at the called meeting at Champoeg specifically continued that government and provided for the framing of a constitution for it—the laws of the state of New York having theretofore ruled. At Champoeg July 5, 1843, the legislative committee of nine that was set up at the May 2 meeting reported the constitution, and it was adopted by viva voce votes. The work of framing the constitution by the legislative committee of nine was all done at the Lee mission. At the July 5 meeting an executive committee of three, provided for by the constitution just adopted, was chosen, and officers were elected on the spot to fill the other new places therein provided for.

The next year, 1844, a new legislative committee was chosen at the polls, with one district not electing, making eight. Numerous new laws were also passed, and amendments made.

In 1845, at the regular election, Jesse Applegate was chosen as a member of the legislative committee, and when it convened June 24, he insisted that the provisional government had neither constitution nor laws, because there had been no vote at the polls of the whole people, but only in the open, viva voce, at the mission and at Champoeg.

Applegate and his like minded colleagues forced an election on the laws and constitution of 1843 and the laws enacted by the legislative committee of 1844, and those passed so far by the 1845 legislative committee—and, July 5, an adjournment was taken until Aug. 5, to allow an election on July 25 and a canvass of the vote. The constitution and laws, and amended laws, were carried by a vote of 255 to 22. The sessions of the legislative committee (now called legislature, with a single house, and with a governor in place of the executive committee of three, were resumed, as provided, Aug. 5, at Oregon City.

In the first session Applegate had provided a new oath of office, reading: "I do solemnly swear that I will support the organic laws of the provisional government of Oregon, as far as they are consistent with my duties as a citizen of the United States or a subject of Great Britain, and faithfully demean myself in office, so help me God."

This was for the purpose of inviting adherents of the Hudson's Bay company, and the company itself, to join the provisional government.

The question of apportionment came up, especially related to the country north of the Columbia river. This was done by proposing to set off the district (thereafter called county) of Vancouver, which embraced all the Oregon country north of the Columbia river—clear to 54-40. But would the officers of the Hudson's Bay company become parties to the compact by payment of taxes and complying with the laws of the provisional government, which promised protection only to its adherents? Should they refuse their support, they would become outlawed, and the objective point if not the prey of any turbulent spirits of the next immigration, then on the plains, with "54-40 or Fight" emblazoned on many of the covered wagons, the slogan of the party backing Polk in the 1844 campaign for president — which meant a demand that all the old Oregon country up to the Russian (Alaskan) line should come under the Stars and Stripes.

Applegate himself came in 1843 with bitter feeling against the British monopoly, openly expressed.

He was now a member of the apportionment committee of the little provisional government legislature of 13 members—held the key to mighty issues.

He proposed a confidential session of the committee to get the sentiments of the Hudson's Bay company on the question of the compact, and was deputized by his fellow members to hold a private interview with Dr. McLoughlin before making a formal proposition.

That interview led to peace instead of war between the United States and Great Britain. McLoughlin himself left on record a narrative of the circumstances, in which he said that Applegate approached him privately, with the proposition to unite with the Americans in the government compact, and that at first he objected; but that Applegate pointed out to him the security it would offer the property of the company, and how much it would conduce to the maintenance of peace and order to have it known to the American people that the two nationalities were united in Oregon.

Wrote McLoughlin: "'There will be a large immigration this year,' said Applegate; 'you may depend there will be many who will follow Williamson's example.'" (Williamson had settled on and claimed a part of the Hudson's Bay company's lands around Fort Vancouver.)

"Remembering the feelings which the person (Applegate) urging me to the measure had once entertained, and reflecting that he had a thorough knowledge of the sentiments of his country," McLoughlin wrote that he deemed it prudent to yield; "especially as in June I had received in answer to my call on the directors in London a communication informing me that in the present state of affairs the company could not obtain protection from the government, but it must protect itself the best way it could." In the judgment of McLoughlin, "the best way to protect the company's property was to accept the invitation tendered by the Americans to join in their government organization," and so he, with James Douglas, "signified his consent to receive a formal proposition."

The formal proposition, conveyed by Applegate, was dated August 14, 1845. Officers of the Hudson's Bay company were made officials of the provisional government.

Bancroft says: "Thus was the machinery of a popular and efficient form of government set in motion, which joined the lion and the eagle, NOT ONE MOMENT TOO SOON."

It is generally agreed by accurate historians that a third war between Great Britain and the United States was thus averted—

Averted by Jesse Applegate and Dr. John McLoughlin.

The White Headed Eagle and the man who was to be afterward known as the sage of Yoncalla (Indian word meaning eagle) were kindred spirits in the philosophies of honesty and justice between man and man, race and race, nation and nation.

In this then near wilderness, they were statesmen as worthy to bear the distinction as the greatest in any age or country.

(Continued tomorrow.)

The Safety Valve

Letters from Statesman Readers

"EDITORIALS UNENLIGHTENING"

To the Editor:

It is pretty generally agreed nowadays that the editorial column of most small newspapers may be safely ignored as unenlightening and at best passed over with a yawn. It seemed to this reader, however, that one in January 5th issue of The Statesman was too raw for even the most indifferent to swallow.

Captioned as "Townsend's Revolution," it caused a gasp to say the least, one must marvel at the temerity of the writer of that editorial. Surely he must realize that many of his subscribers are included in the age racket which he so blithely insults.

We haven't a doubt that although some of them might not actively participate in a revolution they may possess enough virility to quietly forget to renew their subscription when it expires.

Regardless of the merit or lack of merit in the so-called Townsend plan, was it necessary Mr. Editor to so callously insult both directly and by inference our older people?

It provoked wonder also that if the writer of that editorial is old enough to have lived through wars, riots, strikes, pestilences, etc., whether he too might not be eligible for that category which he characterizes as the "false teeth and rheumatic joint" class.

As a matter of fact the truth according to press correspondents was:

Doctor Townsend was invited by various congressmen to set forth his plan, it may shock this editorial writer too, but those scribes back there insinuate that Doctor Townsend was courteously listened to.

So far as this observer has noted, the big city dailies handle this widely discussed topic as any intelligent adult would, namely, by setting forth the known facts, presenting general argument pro and con and leaving the outcome to those lawmakers concerned with its adoption or rejection. Presumably it is left for small town dailies to indulge in undignified, puerile ranting.

From the editorial in question we read, to quote: "Congressmen may shiver at such a threat but the remainder of the country will only smile."

Since when has any congressman enjoyed the luxury of a shiver at something so unimportant as to provoke but mirth in the rest of the populace. Such rhetorical flights, Mr. Editor!

Scanning this rambling editorial diatribe further occasions this observation: This writer happens to know a real newsman who actually reported a revolution. The stories he told were interesting—very. But his impression was that revolutions were pretty serious affairs, not at all lovely nor to be treated facetiously as the aforementioned wan editorial would have us believe.

At any rate Doctor Townsend appears to be a sincere and kindly man; we armchair critics and wishful thinkers must concede that he has had the courage to launch a laudable idea.

One can't help thinking that even if he shouldn't be blessed with his original molars and if he may feel a rheumatic twinge now and then, he is, nevertheless, exhibiting more of the milk of human kindness than could be squeezed out of the sophmoric Statesman editorial referred to.

Jack Elford
Rt. 6, Salem

'THE LADY DANCES'

By Marge Stanley

CHAPTER 1
AFTERMATH

"JUST the same," said John Talbot to his brother with a gesture of futility, as they stood at the San Francisco docks, "You're a fool, Mark. You've got everything to hold you back in Spring Brook—everything that the average person wants."

"Everything!" Mark snapped. "Everything means a respectable roof and three meals a day, I suppose. A chance to rot in an office, and a chance to marry a Connecticut belle. Spring Brook and the law business. Bah!"

"Do you think I flew clear across the country," queried John sarcastically, "just to hear you repeat your objections to sane living?"

Mark Talbot looked at his brother with that sullen expression which had become habitual of late. It was as if he had some means of erecting a frowning psychic wall between them.

"You're a queer duck!" said John, staring at his brother's profile against the glowing western sky. A real Talbot, he thought—so like himself in appearance, but so young, so independent, so restless. He hadn't really understood Mark since the War; something had severed them. John sighed, and tried again. "I don" mean just that, Mark," he said. "I mean, you should consider the family—Mother and sister, and, for that matter, myself. Not money, or material things, but—well, domestic security, and the Talbot tradition—"

"You mean smugness and dry rot," interrupted Mark sharply. "Just because you're married and harnessed, you want to see me in the same predicament." John winced, and Mark was instantly contrite.

"I'm sorry, John. You know I think Marie's a peach, and it's not her fault, her father is so puritanical. Only—not for me!"

"Well," said John, "I think you're foolish. The War's over. You had your fling at adventure, and did well enough. Now forget it and settle down.'

"The War's not over for me. After a taste of real living and real thrills—Oh pshaw! I can't explain it to you, John. You weren't there."

Again John's face darkened.

"That wasn't my fault, you know I tried before you did."

"No, it wasn't your fault they turned you down, of course. But *you weren't* there, and you don't realize quite what it did to a person. After flames and racket and death—to come back to the life of an office in the family law mill, to substitute legal arguments with crooked opponents for battle, and the problems of the law court for a life-or-death struggle—"

Mark paused, and turned to face John again.

"It's no use trying, John. I've tried it for three years now, and I can't stand it!"

"But we let you go once—"

"Listen to me, John!" interrupted Mark. "I guess I'm an anachronism—either that, or a born black sheep. I suppose I was intended to be a soldier of fortune or an adventurer, but I happened to be born into a world where adventure, except for one overly-expensive war, is at a discount. And here's the point: You know as well as I do that another year in Spring Brook would end in some sort of scandal. Isn't it better for me to travel, to get far enough away so my black sheep propensities won't bother the family?"

John shrugged.

"There's no law requiring you to get into trouble," he said.

"There is, though," replied Mark, "and it happens to be a law of nature. When you bottle up steam, it piles up pressure for a while, and then—bang! But if you let it escape, there's no explosion at all, just a pleasant sizzling. What I'm trying to do is find myself a safety valve, and so far the only thing I can see that offers any promise of success is travel — and travel to some of the less civilized regions of the world. I'm sick of the drabness and restrictions of civilization."

"Well," said John slowly. "I don't seem to be able to impress my point of view on you. Of course, you're old enough to know your own mind, but I should think your mother's wishes would have some small influence with you."

"Mother would be all right if you let her alone," said Mark. "She caught some of Dad's spirit, and she's quite capable of understanding my feelings. And that, John, is somewhat more than I can say for you!"

"It is? Well, I understood you well enough to see the uselessness of this wild goose chase across the continent for the purpose of a last minute argument with you! It was because of your mother that I'm here at all!"

"Yeah," said Mark dryly. "I can hear the family argument, and especially your part." He assumed a nasal pompous tone. "'Leave him to me, mother. I'll talk to him; it'll be all right!'"

John flushed.

"I'm through arguing with you, Mark," he said. "I've given you the family's wishes, and I've given you my own viewpoint. If neither sentiment nor reason has any weight with you, I don't see what else I can do about it. Your money's your own, and so is your interest in the practice. Now go ahead and get yourself into trouble!"

"I've been around," answered Mark with a grin. "Any trouble I get into won't bounce back on the family."

"It had better not!" said John darkly.

The two brothers fell silent for a moment both eyeing the colossal bulk of the steamship *Orient*, so massive that it towered beside the dock without perceptible motion from the oily swells of the Bay. The sun was dropping lower across the Pacific; sailing time was approaching, and the two turned scarcely-seeing glances on the crowd and bustle that marked departure, which had flowed around them for the past half-hour.

A trickling stream of last minute arrivals moved past them toward the gang-plank. Business men, tourists, vacationers — Mark eyed them indifferently; they were the representatives of the world from which he was fleeing, the security, the routine, the smugness which was all he could see in America. John paid them even less attention; deep in a reverie, he hardly saw them at all.

A portly old gentleman puffed by, followed at a little distance by a slender girl in a severely dark dress, accompanied by some port official or other. Mark shifted his eyes casually to her face, and suffered a sudden awakening from his cogitations. He glimpsed a small, ruby-lipped mouth, a tiny, up-tilted nose, and a pair of very dark eyes, all framed by a semi-circle of blue-black hair beneath her hat. But the lips were set in a straight, sullen line, and the dark eyes, for the instant they met Mark's own, gazed into his with a stare of cold enmity.

She withdrew her glance, and passed the two with her eyes sternly ahead, and a sort of grim resignation in her attitude.

"Whew!" said Mark, turning to gaze after her as she and her companion mounted the gang-plank. "Pretty! Darn pretty! But I wonder what she thinks I ever did to her?"

"Eh?" said John, startled out of his mood of thought. He turned to follow Mark's gaze, and a quizzical smile of despair spread over his features.

"Mark, you're hopeless!" he exclaimed. "I give up! I'm through arguing! Once and for all, are you going?"

"I'm going!" said Mark decisively.

"Right!" said John. "Then, if it's settled, I want you to know that our best wishes, and the family's love, go with you. I want you to know that."

He paused, shifting a little, as if fumbling for words. Thoughts did not flow so easily into words for the quiet John as for the fluent, irrepressible Mark.

"And one other thing," he continued awkwardly. "Don't be so cocksure that I'm just a dried-up old fogey, without the insight to understand your viewpoint. After all, once I was just as young as you are, and I haven't entirely forgotten how it feels to be young—no one ever does."

He paused again.

"What I'm trying to say, kid, is this. Just work the restlessness out of your system, and then come back. I hope you have a good time, but I hope it won't take too long."

Mark stared at his older brother in amazement. This from John, whom he had grown to consider the very soul of sedate conservatism! Was it possible, he asked himself, was it possible that even John had his doubtful moments—his longings and dreams of other places and happier times?

Indeed, now that he thought of it, he remembered a different John, a carefree, irresponsible chap full of the joy of life. That had been long ago, before their father's death, and before John's marriage. Life had changed John, he thought; he felt puzzled, and a bit touched and repentant. He grinned and held out his hand.

"Apologies for my opinion, John," he said. "I guess it's the Talbot stubbornness in me that kept me from admitting it, and you from explaining. I inherited rather more than my share, it seems."

John grasped his brother's hand. A long warning shriek from the *Orient's* siren interrupted them.

"My stuff is aboard," said Mark, "and I'd better get along myself. Luck!"

"Luck!" said his brother.

John stood for a long time watching the great dark bulk sliding into the western seas toward the exotic ports of the Pacific. There was a regretful smile on his face as he turned finally toward the city, for the journey back to Spring Brook and the ways of business; he acknowledged a trace of envy toward that brother who sailed toward the sunset in search of adventure.

(To Be Continued)

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The girl withdrew her glance, and passed Mark with her eyes sternly ahead.

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