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"No Favor Sways Us; No Fear Shall Awe"
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CHARLES A. SPRAGUE Editor-Manager
SHELDON F. SACKETT Managing-Editor

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Oregon's Debt Limitation

SINCE under our system of government, the state legislature may enact any laws it sees fit unless such laws are clearly prohibited by the federal or state constitution, many hedges are put in the state constitution to restrain the legislative power. The Oregon constitution is punctuated with such declarations: "No law shall be passed. . ."; "The state shall not. . ."; "The legislative assembly shall not. . ."

One of the prohibitions which has bobbed up since the burning of the capitol is that which bars the legislature from creating any debt in excess of fifty thousand dollars, except in certain circumstances. The presence of that limitation, together with the section forbidding the state, county or municipality to become a stockholder in any corporation is not an accident. It is the product of the times in which the state's constitution was written.

It was in 1857 that the delegates assembled in Salem for the constitutional convention. Other states had been busy writing constitutions. Iowa and New York in 1846, Wisconsin in 1848, Michigan in 1850, Ohio and Indiana in 1851. Oregon drew on the accumulated experience of these as well as other states.

These new constitutions were written in the backwash of the panic of 1837 and the hard times of the early '40's. So severe was the money stringency that Pennsylvania, Maryland, Indiana, Illinois and Michigan defaulted interest on their state bonds. Mississippi and Florida repudiated their debts.

The money had been borrowed by these states chiefly to promote internal improvements and often to engage in business directly or indirectly. Pennsylvania had bought stock in turnpikes, bridges, canals, railroads, etc. Florida had loaned her credit to the Bank of Pensacola, the Union bank, and the Southern Life Insurance and Trust company. Mississippi's loan had gone to finance a state bank. The depression was a consequence of too rapid expansion in the west, land speculation, and followed the contraction of credit of the Bank of the United States when Jackson ordered the withdrawal of the deposits of the government in the bank, and the bank failed to receive a renewal of its charter.

The memory of the unwise adventures of the states into business, the collapse of state credit when bonds passed into default, caused the framers of constitutions in the years of the 1840's and 1850's to put the legislatures in tight harness with respect to going in debt, loaning the credit of the state, and subscribing to stock in corporate enterprises.

While the founding fathers set \$50,000 as the debt limit of the state, our actual bonded debt is over \$50,000,000, and reached a total of about \$75,000,000. This came about through constitutional amendments: rural credit loans; world war veterans' state aid fund; state bond payment of irrigation and drainage district bond interest; highway bonds. There is also the power district amendment which has not yet been exercised.

Another limitation in the state constitution is the one forbidding the state to establish a bank; and prohibiting any bank to have the privilege of issuing any bills to circulate as money. This too was a product of the experience of the preceding two decades, when states had lost heavily in banking enterprises; and the people had suffered great inconvenience because of the shin-plaster currency put out by a great variety of banks. Oregon constitution-writers thought they would profit by that experience, and framed our fundamental law accordingly.

Constitutions thus reflect the atmosphere of the times in which they were written. Though the writers seek to project a document which will fit the needs for a long period of time, they cannot detach themselves wholly from their political, social and economic climate. That is why provision for amendment is made,—so that changes in political temperature may in time be reflected in the fundamental law.

The Federal System

THE whole theory of the constitutional government is passing under severe scrutiny at the present day. The decisions of courts invalidating virtually all of the new deal program of social reconstruction precipitates keen controversy. Some attack the power of the courts thus to render null the acts of the legislative arm of government. Others demand a change in the constitution to vest in the congress powers which the courts say congress lacks under the text of the present constitution.

People need to have a clearer understanding of the FEDERAL system of our frame of government. Under the terms of the national constitution, amendment ten, the powers not delegated to the federal government by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. In other words the congress may legislate only in the fields assigned to it, though by the doctrine of implied powers that field has been broadened beyond the strict letter of the constitution.

State governments however have wide latitude. They can do anything not strictly forbidden. Their limits must be positive, specifically set up in either the federal or state constitutions. Thus it is that the supreme court of the United States frequently sustains laws passed by states on the ground that no definite constitutional prohibition appears; while at the same time the courts invalidate congressional enactments on the ground that specific constitutional authority is lacking.

Citizens need to realize this fundamental distinction between the powers of the federal government and of the state government, as defined in the constitution. The reason for the difference is that otherwise the states would become mere enlarged counties or municipalities, and virtually all power would center in Washington.

Street Riots in Paris

"HANG Laval", people cry in Paris, capital of France. Why hang Laval? Because he has ordered a reduction in salaries and in pensions. And why was this done? To save the franc, to avoid inflation.

For months France has been pressed by the drive against the gold franc. The franc, on a gold basis, was being sold and gold demanded either for hoarding or export. France, having suffered agonies from one devaluation of the franc, in 1926, hesitated to inflict another such punishment on the people. For the French are very thrifty people. Their savings, those of the humble peasants are invested in government securities. Devaluation or inflation meant heavy loss to this class which already has suffered once.

The other alternative was reduction in government expenses to balance the budget. But the vast civil army rebelled, and the pensioners, and others on fixed money wages. That is why the classes affected by the decree march in the streets, riot, threaten Laval, the premier of the crisis.

All countries with swollen government expenditures face such protests when they try to shrink their costs. That is why days of strain are ahead for the United States.

When granaries bulge in the midwest, lumber orders pile up at coast mills. The farm is the great consumer of lumber, since most of its service buildings as well as the house are built of lumber. So when farm income is low lumber demand falls off. This year midwest farmers will have good crops; they are getting AAA checks from the government. So they will have means to make many long deferring improvements to their farm buildings. This will mean more business in logging camps and mills of the northwest.

Bits for Breakfast

By R. J. HENDRICKS

Diary 79 years old yields strange history: Journey to Oregon in 1856: (Continuing from yesterday.) Captain A. J. Smith made his first entrance into Oregon at Port Orford in 1853, in charge of a company of U. S. soldiers sent to help finish the first Rogue River Indian war.

Readers of this column are familiar with the meeting on Table Rock to arrange the terms of a peace—with General Joe Lane in authority for the state troops, and, by the same sign, by general consent and request, over the whole matter.

Readers will recall that General Lane arranged a conference with 700 armed hostiles under old Chief Joe, with sub chiefs Sam, Jim, Limpy and George, and 11 prominent white men, including himself and Capt. A. J. Smith—the whites to be unarmed. The date was Sept. 10, 1853. But for General Lane's unalloyed bravery and his clear understanding of Indian nature, and his quick wits, the conference would have ended in a massacre. The particulars made one of the great stories of Oregon's early history.

Capt. A. J. Smith's life was that day saved by General Lane—and the lives of the other white men. The parley ended in arrangements for a treaty, signed a few days later.

U. S. Senator J. W. Nesmith of Oregon long afterward told the story in detail—it has been twice published in this column.

He spoke of "old" A. J. Smith. Capt. Smith was then only 38. He told how fast Capt. Smith's eyes snapped when the tense moments came in the parley on Table Rock.

Smith must have had trouble in making his snapping eyes behave on many occasions in his unusual career of fighting and venturing into the yawning jaws of death. Besides that day on Table Rock, less than three years later, at the Battle of the Meadows, when, in the space of a split second, his life was saved, with the lives of his whole company, by Capt. Augur riding to the rescue with his dragons at top speed.

Or, five years later, with Col. Steptoe in eastern Washington, fighting the savages under Chief Kearsy.

Or, 11 years after, when chasing General Price's raiders out of Missouri.

Picture the scene at the Battle of the Meadows, the closing major engagement of the so-called Rogue River Indian war. Old Chief John of the Rogues with his hands making his land stand at the big bend of the upper Rogue river. The wily old savage had agreed to come for a peace talk—then refused to keep his engagement; parrying for time. Two Indian women from his camp had brought word that he was preparing to attack the next day. Then:

Capt. A. J. Smith, with 80 dragoons, having sent a courier to Col. Buchanan for reinforcements, took a position on May 26, 1856, on a high knoll, with an open space about 250 yards long and 50 yards wide—overlooking "The Meadows."

About 10 on the morning of the 27th the Indians appeared in force, and about 40 braves approached up the eastern slope to Smith's camp, declaring friendship, saying they had come to lay down their arms. They asked to see the captain in person.

Smith, sensing their plot, told them to lay down their arms outside of his camp.

The savages returned to their own camp, and old John's forces then commenced their attack—charging up the east and west slopes of the knoll at once, but seeking to avoid the range of the howitzer which Smith had. Fighting lasted all that day and night, and continued the 28th, until about 4 in the afternoon.

By that time a third of Smith's men were dead or wounded, and the rest hungry and almost famished for water. Chief John had them bottled up, or "treed," on their high knoll.

At about 4 o'clock ceased on both sides; the only sounds in Smith's camp the groans of wounded men and their cries for water. Not a sound in the Indian camp. It was a tense hour—"a silent and awful hour, in expectation of speedy and cruel death"—wrote one of the dragoons in the camp, in a letter some after the event. Herote further:

"As by the baton of a concert leader, an infernal chorus burst forth—the war cries of each band in old Chief John's host joining in one blood curdling burst of fury, and the rush was up the east and west approaches."

Busiest People Bothered Least By Either Hot or Cold Weather

By D. H. TALMADGE, Sage of Salem

Referring to the late hot weather: Folks were depressed Till a cool sea-breeze rose, And then halt the valley With much blissfulness snoze.

Rhyme is important. Sometimes it becomes necessary to distort a perfectly unoffending word to meet the requirements of rhyme. Probably seven-tenths of the world's best poetry would not set through the public schools alive were it not for rhyme.

Many of us devote the best years of our lives to learning of the beauty and value of simple blessings. Note the case of the woman who left Oregon 20 years ago for California, and who returned not long ago and sat on the green grass and wept. It was the first time she had sat on green grass in 20 years.

During the past 40 years I have drunk city water in many places. The orgy began in New England and ended in Salem. Standing at public drinking fountains, I have asked bystanders (there are always bystanders) their opinion of the water, and they have invariably said "terrible" or something to the same effect. Not quite invariably. The bystanders at Portland gave a favorable report, in which was included an complimentary reference to the water in certain other cities. This was the first favorable report on city water I, a stranger, received from strangers on a long and checkered journey.

Personally, recalling waters I have drunk in various towns and cities, I have no fault to find with Salem water.

With water, as with other food and drink, opinions as to quality are governed largely, I reckon, by appetite and thirst. Very bad water may seem very good water and very good water may seem very bad water. Water may be synthetically glorified or contaminated by prejudice or by politics.

All in all, it appears to be the case that the busiest people suffer least from hot weather or from cold. There is an old codger in Salem who suffered so acutely from the heat one day back in the Missouri river bottoms that he all has to do during a hot spell nowadays is to remember. After he has remembered he goes on with his work, cool as a cucumber.

By the way, how cool is a cucumber? I understand there are skeptics who do not believe that a sufferer from heat may find relief by associating with a cucumber.

Probably a cucumber is referred to as "cool" because it is so seldom served hot.

A boy on the corner asked to know Sunday if the flag was displayed on the court house because he believes her innocent and, besides, he has an old score to settle with Boyle. "One-Armed" explains that, a year ago, he was on the trail of a pair of crooks, Big Jeff Whipple and his sweetheart, Brenda, who were plotting to lose an arm before he'd let them escape him. They did, and thereafter Boyle called him "One-Armed" Toole.

When a man has nothing to say he should say it. There seems nothing to offer in response to the following, which fluttered in on a heat-spurt early in the week:

"Aren't you ashamed of yourself, Mr. Talmadge? The idea of addressing clean dirty handkerchiefs and dirty clean handkerchiefs, as you did in last Sunday's Statesman! Preposterous!"

Anyway, thanks for the kind words which accompanied the foregoing outburst.



D. H. TALMADGE

"Dream on! Though heaven may woo our open eyes, Through their closed lids we look on fairer skies; Truth is for other worlds, and hope for this; The cheating future lends the present's bliss; Life is a running shade, with fettered hands, That chases phantoms over shifting sands; With ever-clutching palms and stray shapes that mark life's slender chain, The flying joys we strive to clasp in vain, Death only clasps; to live is to pursue— Dream on! there's nothing but illusion true!"

Steve Mergler, of The Statesman news force, whose record for dependability is above the average, reports the Mergler family dog to be suffering from a partial paralysis of the tongue, due to over-panting caused by the extreme heat.

"A hit av a lie, wid a wink av an eye."

Many things seem which are not. Folks hereabout—usually folks who have recently come to this region—say that Oregon sunshine is brighter, and the atmosphere is sunnier than the atmosphere of other sections. Most of the weather talk here is done by folks from the east and south. The native Oregonian is not especially interested in the weather. Only once or twice in 40 years has he known weather sufficient to detract from a general average to arouse him to comment.

A son of the president of the Chinese republic, who is to marry a Columbus, Ohio, shop-girl, is named Jim Lin. Something vaguely familiar about that name.

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The Safety Valve

Letters from Statesman Readers

NEGRO HAS PROVED WORTH Salem, Oregon. Editor of The Statesman:

In regard to your remarks with reference to the American Negroes existing to fight in the war against Italy in Abyssinia. When Japan began her invasion of China an American aviator enlisted and fought on the side of China and in the meantime was killed in action. What problem did that solve?

The American Negro has proved his worth as an American citizen in every walk of life especially on every field of battle where the country's honor was involved.

The so-called problem you refer to has its existence more in the lascivious and lassitude mind of the misanthrope than anywhere else.

Wilbert D. Henderson, 371 State street.

Grocers Picnic Attracts Guests AIRLIE, July 20.—Mrs. E. M. Turner accompanied Mr. and Mrs. A. J. Thompson and Mrs. John Thompson of Blodgett to Salem park where they attended the Willamette grocers' picnic.

Mr. and Mrs. Victor Bevens are moving to a home near the Tampico school house. They are selling their home here to Alvin Sams.

"Happy days are (nearly) here again!"



"THE SNOW LEOPARD"

By Chris Hawthorne

SYNOPSIS Karen Sire, lovely daughter of the wealthy Maurice Sire, is suspected of murder when her new Filipino servant is stabbed in the back and thrown out of the window of Sires' exclusive Park Avenue apartment. Dick Bannister, young geologist, witnessed the man's plunge from the street. He is greatly attracted to Karen and cannot resist the temptation to investigate the crime. A valuable clasp and girdle are missing from a rare leopard skin robe belonging to Sire which had followed the Filipino in his descent. At the Sire apartment, where the inquiry is being held, Captain Boyle leaves Detective "One-Armed" Toole in charge and goes out. Dick finds a stiletto in the aquarium and slips it into his pocket, unnoticed by Toole. Boyle returns and orders Karen searched. The latter slips her hand into Dick's pocket and relieves him of the dagger, dropping it into Toole's pocket. Finding nothing on the girl, Boyle again leaves. Toole then reveals that he knew all about Karen's planting it on him. He refrained from reporting it because he believes her innocent and, besides, he has an old score to settle with Boyle. "One-Armed" explains that, a year ago, he was on the trail of a pair of crooks, Big Jeff Whipple and his sweetheart, Brenda, who were plotting to lose an arm before he'd let them escape him. They did, and thereafter Boyle called him "One-Armed" Toole.

The detective connects the so-called "Whipple Syndicate" with the present killing, claiming they were after the clasp and girdle. Toole drops the stiletto back into the aquarium. He believes Brenda will try to get it that afternoon. Maurice Sire survives with a woman who introduces herself as "Helen Calvert," a newspaper reporter. Toole recognizes her as Brenda, and sets a trap for her, but she becomes suspicious and leaves without trying to retrieve the stiletto. Later, Brenda strikes Karen into the latter's eyes. "What did she say?" asks Dick. "You'll never know from me," the girl replies. And then she dismisses him, but Mr. Sire asks him to return that night with his brother, Hod, a friend of the millionaire. Before she left, Brenda had tried in vain to get some information from Boyle concerning Karen.

CHAPTER X Brenda had fooled Boyle, too—there was something consoling about that. The woman began to have a fascination for Bannister. Unconsciously, he clothed her figure in a leopard robe, remolded her into a wild creature and felt himself taking the trail with the savage joy of a hunter. The leopard woman! What diabolical secret did she possess to prevent her victim from making an outcry? What was it that Karen had to whisper in her father's ear when they were alone together? Bannister was promising himself the pleasure of a call that night when Myers appeared at the door, silent but with a convulsed face. Sire lifted interrogatory eyes.

"Another robbery, sir?" quavered the butler.

"Here?" shouted Boyle.

"No sir—at the Southampton house it's just been discovered, one of my men tells me over the phone. Happened while I was away, sir, coming to New York. The lock on the wall safe was burned off with a torch."

Boyle turned to Maurice Sire. "What were these people after?" he asked.

Sire shrugged. "Jewels, perhaps, and a lot of old family documents."

"Families sometimes have a way of becoming divided."

"Oh, this is a family affair, then?"

Sire laughed. "I didn't mean to imply that. But there is a collateral branch of my family that might have some use for certain old parchments I kept in that wall safe. However, I have never seen any of them. In fact, they live in the Orient."

"In the Philippines, maybe?"

"Ridiculous!" Sire don't associate the murder of a Filipino servant with what I have told you. The documents relate to a period of family history dating back several hundred years. They were heirlooms.

Sorry I sparked off your suspicions along that line.

"You have nothing else to tell me—no lead?"

"Absolutely none!"

"Then," said Boyle impressively, "I'll follow that one." Like a gray wolf he left the apartment.

Maurice Sire turned to his daughter. He forced another laugh but there was a faint gleam in it. "There goes my dream, Karen—mine and yours!"

But Karen did not laugh. Bannister's gaze was fixed upon her with strange intensity. She closed her eyes and thrust a hand toward him. What vision had she shut out? Did she see him gun in hand, stealing down the purple mountain slopes, stalking a magnificent snow leopard? Did she see him laying the robe at her feet with the clasp and girdle restored? In a moment her eyes opened but she kept them averted from Bannister. Clutching at Brenda Whipple's note in her bosom she fled from the room.

Bannister was astounded at the inaction of Maurice Sire. Where was the vaulted lightning that was reputed to be so ready at this giant's hand? Why the cool, almost indifferent attitude toward the murder and robbery under his own roof? Again, only a few minutes before, Sire had heard that his Southampton home had been despoiled of treasure and had merely smiled, vowing to lose an arm before he'd let them escape him. They did, and thereafter Boyle called him "One-Armed" Toole.

"Mr. Whipple on the telephone, sir."

"Who?"

"The one who came from Bannister before Sire had time to speak."

"Know him?" Sire asked, pausing on his way to the telephone.

"A detective working on the murder case mentioned his name," Bannister answered with difficulty.

"Ah!" Sire showed only a polite interest. He bowed pleasantly and walked to the desk. Before picking up the receiver he called back: "See you tonight, then?"

Bannister, bewildered, made his way out of the apartment. Twelve floors below, in Hod's apartment, he found Toole standing near a window, under Bully's somewhat critical survey. He looked tired and blown; defeat was written all over him. "I'm licked," he said. "She got away from me."

"She kept behind you all the way," Dick jeered. "If you walked backward, you'd have stepped on her toes."

Dick told him of the note left by Brenda Whipple and her mysterious telephone call to Karen. He omitted his own painful experience as a detail which was none of the detective's business.

"Brenda is getting reckless, ain't she?" was Toole's only comment. Dick showed his next card—the invasion of the Southampton house and the theft of valuable old parchments.

"Done by the same mob," said Toole.

Bannister yawned. He was preparing to play his ace. "Jeff Whipple had Sire on the phone—old friends?"

Toole leaned over and patted Bully's head. "Huh!" he uttered finally, "Jeff and Brenda must have quarreled."

Bannister growled. "I'm stating some important facts," he said, "and you're answering me like a gyp reading cards."

"Yep, that's what I'm doing," Toole admitted. "This robe and girdle was looted with a murder."

When Jeff found that Brenda had written a note to Miss Sire he made up his mind to give his little playmate the works and save his own pelts. What else, sonny?"

Bannister told him of Matt Boyle's return to the house, of Sire's smiling admission that the murder and robberies might have been executed by certain "oriental relatives" whom he had never seen, and of Boyle's sudden suspicion that the little Filipino himself might have belonged to the crew. He quoted Sire's words to his daughter—"There goes my dream, Karen, and yours!"

"So Matt thought the little Filipino might have been one of Sire's relations, hey?" Toole chuckled.

"Took the tip hot off Sire's bat. He looked over the little fellow's body for fifteen minutes without noticing that the nails were manicured and that the fingers were long and delicate—not a serving man's fingers. And Matt never noticed that the

Philippino had been used to wearing six rings."

"There were no rings—I saw the body first, you remember."

"The rings had been removed, but not by the killer. They were taken off slowly—probably with warm water and soap—and that only a day or two before the murder."

"This so-called Philippino had six ring circles on his fingers and the skin on his hands was cracked, wasn't scratched or bruised. He took the rings off himself. For what? To conceal the fact that he was not a servant!"

"Who was he then?"

"Well, he was a light smoke who had some money."

"Light smoke?"

"Some kind of a mixed breed."

"Did he look like a fellow who'd wear a leopard robe with a jeweled clasp and girdle?"

"That's the hook-up. Maybe he was an akoon or a marry-aw-jaw."

Toole gave a touch of reverence to his mispronunciations of those exalted titles, as though they encompassed all human glory.

"Do you think he was working on his own hook against the Whipples?"

Toole shrugged. "Maybe the stuff belonged to him. He might have failed to get it back by legal means and resorted to this plan to recover it."

"That would let the Whipples out."

"It would and it did."

"Not altogether—they got the girdle, evidently."

"You got the robe!" Toole grinned down Bully.

"Toole," asked Bannister anxiously, "what do you make of the fact that the killer was alone on the same floor with Karen?"

"You might misunderstand my answer to that and sock me on the jaw," the detective laughed. "Honestly, I think he was there all night, but not with Miss Sire's knowledge. Anyway, you're seeing her and her father tonight. Perhaps they'll be able to clear up that point."

"What are you going to do about the stiletto in the aquarium?"

"Leave it there! Some servant will be freshening up the water and will find it. That's the only way it will ever fall into Matt Boyle's hands. I was on the job about ten minutes ahead of him—sent from a precinct station—but when he arrived he took the search out of my hands and turned me into a watchman and telephone boy. At that, I saw the dirk in the water just a few minutes before you spotted it. I waited just to see you play the hand out."

"What are you going to do about the murdered 'smoke'?"

"Nothing. He's an important guy and he'll be missed. His identity will come to the surface in a few hours. Even Matt may find out about that."

Bannister grew sarcastic. "So you're going to squat back on your haunches and wait until the newspapers tell all about it?"

"Not exactly. I'm going to have a little chat with Jeff Whipple. He came out of his hide-away about an hour after the papers announced what they called the suicide of the Philippino. He dived back again when they learned that it was murder."

"Who told you that?"

"Confidential information—my own secret service."

"Do you know where Whipple is now?"

Toole became more evasive. "You know how Brenda got away from me. They say she's on her way to escape a detective in to follow him. Well, Jeff has a few little tricks like that in his hat. If a general radio alarm was sent out for him he'd probably stand on the front steps of the public library or the City Hall, where nobody would expect to find him."

"Maybe you'll catch him dining with Captain Boyle," Bannister suggested gravely.

"That ain't so funny as you think, you stood up and took off his derby—a sign that he was going. 'Learn whatever you can from Sire and his daughter tonight,' he said. 'I'll be ask Sire any questions, just listen. It won't help much, either, if you tell your brother all that I've told you. Remember that.'"

Toole patted Bully's head and left the apartment.

(To Be Continued)

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