

The Oregon Statesman

"No Favor Sways Us; No Fear Shall Awe"
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Judicial Procedure

MANY are the criticisms that have been leveled at American courts. Justice is regarded often as both blind and spavined. Delays, technicalities, musty precedents are said to be used to interfere with the processes of justice. For some of this criticism there is foundation. Members of bench and bar are alert to need for reform; and progressive attorneys are continuously at work seeking improved methods which will reduce the expense of litigation, the uncertainty of justice in the end and the time-consuming delays.

An Oregon committee headed by Justice George Rossman of the supreme court has during the past biennium continued work previously begun looking to reforms in judicial procedure. These reforms are none of them radical; many of them are minor in character. On the whole they should result in improvement and reduction of time required for trial of cases. Perhaps the most important proposal is one permitting the trial judge to comment on the evidence introduced in a case as well as to advise jurors as to the law. It is felt from his long experience in the trial of cases the judge is in position to offer helpful comment so jurors may more readily analyze the evidence and arrive at a just verdict. This right is now enjoyed by judges in our federal courts and in the courts of England and Canada which bear a high reputation for the administration of justice.

As a method of avoiding delays in criminal cases the committee recommends change to permit the district attorney to file information against accused persons, after hearing, against whom lies probable cause of guilt. This would save the wait for a grand jury session.

Few are the prosecutions for perjury although false swearing is a frequent occurrence on the witness stand. The reason is that not only must the falsehood be proved but the fact that it was material in the case. A lesser penalty is recommended for perjury in the second degree where a person is found guilty of false swearing. This, it is hoped, will do away with some perjured testimony. Another reform proposed is to equalize the number of challenges permitted each side in criminal cases; to require an accused who plans to plead insanity to give notice of his intention instead of springing it at the last moment.

In addition the committee recommends changes in court rules such as the machinery of appeals; permitting an adversary to impeach a witness he has called if he questions his credibility, etc.

One proposal of importance and merit is to have circuit judges report to a central office the sentence dispositions they make in criminal cases. This may prevent some of the disparity in sentences now observed. In addition there ought to be a central bureau containing records of persons guilty of offenses even if they are not committed to the penitentiary.

The operation of courts move according to rules long established, which naturally should not be altered save for good cause. Where the chance for improvement is found however then the change should be made. The recommendations of the Rossman committee are made after considerable study and in general conform to the recommendations made by bar associations and federal authorities. The legislature should give the bills involving the necessary legal changes their careful and favorable consideration.

Bonneville Delay

THERE is no delay in the progress of construction of the dam at Bonneville, but there is delay back at Washington in forming the policy to govern the sale of its power. So slowly has the political end moved the dam may be completed with no transmission lines ready to carry the energy to consumers. Last session of congress bills were introduced and revised to meet certain criticisms, but no action was obtained before congress adjourned. It was anticipated that early action would be secured at this session; and Sen. McNary re-introduced his bill giving the federal power commission rate-making authority.

Now the whole subject is held up until a national policy is formulated. Pres. Roosevelt has named a committee to develop such a policy. This task will take some time. Whether it will be drafted and adopted in time to serve Bonneville when the building job there is completed cannot be foretold.

The bone of controversy which will be fought over is the relation between public ownership and private utility operation. This centers now in TVA where the division reaches right into the governing board.

Chairman Arthur Morgan favors a program of cooperation with existing private facilities. Member David Lilienthal favors public ownership without regard to the investment of private companies. Pres. Roosevelt has made no public expression of choice in the matter; instead has passed the whole problem on to this new committee which will consider not only TVA but Bonneville, Grand Coulee, Fort Peck, and other great hydro plants being built by the government.

Clearly the government must come to some decision. Either it should effect a compromise with the private concerns with the government holding a short snub rope in the way of rate control; or else it should frankly take over the utility companies at reasonable compensation. A great government cannot in fairness destroy through ruthless competition the investment of large numbers of its citizens made in good faith in a utility which has long served the public.

Capitol Decoration

OREGON'S state capitol will enjoy a real distinction in being one of the few state capitols whose conception, design, construction and beautification will be homogeneous and will be complete with the building's erection. In preparing their preliminary plans the architects Trowbridge & Livingston and Francis Keally consulted with artists to make the plans for decoration harmonize with the architecture. The state capitol commission has very wisely, in our opinion, awarded commissions for the art work to the men who participated in the original conception, and whose careers as artists are proof of their superior talents.

The building itself promises to be an impressive and beautiful structure. With the embellishment by the sculptor and the mural painter it ought to become one of the great art triumphs on the Pacific coast, attracting travelers from all parts of the world.

The state is faring very well in a financial way in its building enterprise. It will get a commodious capitol, faced in the finest of building materials, white marble, and will have the art work completed; all for \$2,500,000. The people will have reason to be proud of the capitol and be grateful to the commission which is in charge of its construction.

THE best tribute that may be paid to George E. Allen, prominent merchant of Salem who died suddenly Wednesday is to say that he bore a high reputation for integrity as a merchant and as a man. Active and progressive in the management of his business, he was interested in the finer things of life aside from business, in church, in music, and in civic affairs. The loss of a leader of his type is serious in any community.

Four years ago on his inauguration day the banks were closed. This year motor plants are closed and west coast shipping suspended. The country hopes the president can open up these industries as speedily as he did the banks in '33.

Bits for Breakfast

By R. J. HENDRICKS

Burning of the historic Bennett house in early part of legislature of 1847:

(Continued from yesterday:)
The house of the Capital engine company, whose LaFrance pumper was located at the southeast corner of Liberty and State streets, and was destroyed only a few rods from the burning building.

The Bennett house was on the northeast corner of State and High streets, where the Masonic building is now.

The Tiger engine company, that had the Sibley machine, was housed west of and near the southwest corner of State and Commercial streets.

There was a great rivalry between the Capitals and Tigers. That was before Salem had a paid fire department. All were volunteers, and the most prominent men in the city were firemen, and the most outstanding ladies were members of the coffee club, which provided that beverage and lunches to the firemen when they were called upon to fight the destructive element.

"Sidewalk firemen?" That was a word of contempt for the people who stood around in the way of the firemen and gave unsolicited advice.

The reporter of 50 years ago who called the Chinese nation the vilest in the world and the Cantonese national of that race who predominated among the ones who came to this coast the vilest of the vile, needed a little enlightenment.

The Chinese people compare favorably with the average white in the matter of individual honesty and faithfulness to their pledged words. This was (and is) true of the "coolies" who came in large numbers to Oregon up to the early eighties, when the exclusive right to pass—came mostly from the south of China, in the Canton section.

The average Chinese house servant was honest and faithful, and the Chinaman who made a business promise generally kept it. No race or nation has a monopoly on the human virtues of that kind. There were and are vile Chinamen, as a matter of course—there would be among people who make up about a fourth of the whole human race.

The Chinese are generally thrifty; saving in money matters, and the first comers to this coast were suspicious of the white race, and did not trust bankers. Hence the hoarded gold and other money of the Chinamen in the Bennett house.

But all Chinamen thereafter trusted our bankers, and were good depositors, and are to this day.

The man who told the reporter that most of the members of the 1852-3 territorial legislature were quartered at the Bennett house was right.

He would have been correct had he included the 1451-2 legislature, which was the first one to hold its sessions in Salem. At the time of the opening of that first session, the first Monday in December, 1851, the Bennett house was new; likely finished during the summer of 1851.

The Salem townsite plat was filed March 22, 1850, and Bennett made a deed for the time, contracted for the site of the Bennett house, with W. H. and Chloe A. Wilson, the "owners" of the property—though Wilson in fact only represented the real owner, the Oregon Institute, which became Willamette university. (But that's a long story.)

The deed Bennett afterward received, to 14 lots, among them the hotel site, cost him \$1300, according to its face. Those 14 lots, in three very central of Salem, are now worth several hundred thousand dollars.

But A. Bush was not a member of the 1852-3 legislature, nor of the one before. He was not a member of any legislature. But he was the only territorial printer, and the first publisher of the Bennett house. During the sessions of the first two legislatures in Salem, there was no other hotel to patronize, with room for any considerable number of guests.

Nor was Geo. L. Curry an ex-governor during either of the first sessions of the legislature in Salem. Not until May 14, 1853, did he become secretary of the territory, his first step toward the chief executive's chair.

All early day hostilities were called houses, not hotels, as generally now.

The Bennett house was the first pretentious place in Salem for the entertainment of the traveling public, with capacity for a considerable number.

Before its day, the traveler, whether by vehicle or on horse back, here in Oregon, generally went prepared to entertain himself, with a roll of blankets and a rope to tether his horse, or with a tent and the makings of a place to lay his head.

Or in case he came to a cabin, however small, rude and scantily furnished, he was welcome to share whatever the settler had. The man who did not offer such accommodations as he had was worse than an innsate.

(Concluded tomorrow.)

Dallas Legion Post Plans For State Officers' Visit

DALLAS, Jan. 26—The regular meeting of the Carl B. Fenton post of the Dallas Legion will be held Thursday night. Plans will be made for the February 4 meeting when state officers will be present.

Sage of Salem Speculates

By D. H. TALMADGE

THE VALLEY WIND

'Tis a frolicsome, rollicksome wind—
The wind of the vale called Willamette,
In from the sea and in from the hills,
A rather nice wind—I salam (it)
Round it goes here and round it goes there,
Wet from the south and cold from the north,
Heats it briefly passing the east—
Good idea, too, as might be set forth.
Blows from the west for an hour or two,
Turns south to breeze in on a leak,
Blows the leakage all over the place,
And we've rainfall for a full week.

—Excepting, of course, during the intervals when the wind is on its travels. But at this season of the year the heart of the wind is in the south, and it is never long absent from its home.

Against the Current

For the first time since Manager Eddie Lewis opened his present season of vaudeville at the State theater, I caught a breath of the old-time spirit from the bill presented Friday and Saturday.

We who have come down the long trail from the days of the Four Cohans and Harrigan & Hart perhaps realize more fully than do more deeply than the youngsters of today the changes that have come in the attitude of the public mind in relation to stage variety entertainment.

Eventually, the amusement-minded public may turn again to vaudeville and the minstrels. There are those who think it will. And there are those, also, who have attempted to galvanize the ghost of Uncle Tom, and have thus far failed to do so.

The public this time finds itself well satisfied by photoplay, radio and the daily comic strips in the newspapers. However, there is an element in the population which still retains a sentimental liking for the flavours of its younger days, not all of which the stage and screen seem to them to have brought along.

As I was saying—'t is difficult to keep on the subject? I asked an innocent question pertaining to the fire at Jefferson the other day, and the gentleman of whom I asked the question started his reply with the fire at Jefferson all right, but when I staggered away a half-hour later he was telling about an attack of prickly heat he once had in Arizona—as I was saying, I say, the bill of the week-end at the State had a quality which some others of the season's bills had failed to catch. This may have been due in some degree to the mood in which I looked at the show. More than one fairly meritorious entertainment has been overlooked because of the damper chanced to be in the wrong mood.

Some what it may also have been due somewhat to the presence, as program director, of a former orator of the varieties, a man approaching 70 who did an old-time step out and sang a number of old-fashioned songs and sang a song in a surprisingly good voice. A half-way down-and-outer, I reckon, but not bad at all. The stage bill included two rather pretty dance numbers one Spanish the other of the sort known as "strip," which succeeded well for a sensational without being vulgar. And there was a skating act, which was somewhat commonplace perhaps, but done by two youngsters, a boy and a girl, whose sincerity was so apparent that it was impossible to help liking them. The bill ended with a clamor of recalls for a number of musicians, two women with violins and a man with an accordion. This act included a mandolin solo and a song or two, and the audience, young and old, fiked it.

Some folks are hard as the dickens to understand. There was Wis Hopkins, who lived about two miles up the creek from Mason's Corners. Wis said coffee kept him awake nights when he drank it for supper, because if he didn't he got a sort of weak feeling in his stomach, and when he got up in the morning he groaned a heap.

Ten Years Ago

January 31, 1927
Pay of legislators will be increased by \$5.00 a day according to the adoption of a house concurrent resolution in the senate.

Boy Scout awards were made last night; high honor of "Life Scout" awarded to Horace Stewart.

Five bills recommended by Governor Patterson transferring the management of Oregon State penitentiary from executive department to state board of control approved by senate.

Twenty Years Ago

January 31, 1917
Moumouth is sending an excursion of 350 students of State Normal school and residents to Salem to four institutions and view legislature.

London rocked by explosion in huge munitions plant, scores killed, hundreds injured.

Fred S. Bryson has received a bronze medal from International awards bureau of Panama Pacific International exposition in recognition of his service in personally collecting and sending to exposition important exhibits.

because he hadn't slept much during the night. So Mrs. Hopkins she gets some imitation coffee down at the store—the kind you know that's made from grains and vegetables and bark and one thing and other—and she serves it to Wis at supper, but it doesn't succeed in keeping Wis shut of his sleeplessness. Wis said imitation sleeplessness was just a bad as any other kind so far as he was able to see. Anyway, the neighbors said that in the warm weather, when the windows were open, they could hear Wis snoring like a foghorn within ten minutes after he'd went to bed, and they believed the coffee story was nothing more than an excuse for not getting up as early as he ought to have.

The line which separates bad luck and something else of a more personal nature is a very thin one. The man who left his galoshes under an open window and found them half filled with rainwater next morning called it bad luck—but I dunno.

INTERPRETATION

A whistle pounding from the night outside
Is no more than a sound to you and me,
But to the hearing of the girl in pines,
Quite plainly it utters the one word, "he."
And to the whistling boy the home outside
Is sentiment, put in a word, is "she."
And the sum of its meaning, outside, inside,
Is no more nor less than the one word "we."

A question much favored by oldsters when I was a kid related to me years of the moon as it appeared to the eyes of a very young person. "How big does the moon appear to you?" the wise oldster asked, and some kids replied "as big as a dinner plate" and others replied "as big as a barrel head," and some kids replied "as big as the world." A boy who was the biggest of the oldsters that a reply to this question threw a light upon the character of the kid, perhaps it did so, but I was never able to definitely determine what the light revealed.

Conditions, I reckon, have much to do with a person's judgment in such matters. A man who told me somewhat more than two years ago that a silver dollar looked as big to him as a full moon informed me years of the moon as it appeared to the eyes of a very young person. "How big does the moon appear to you?" the wise oldster asked, and some kids replied "as big as a dinner plate" and others replied "as big as a barrel head," and some kids replied "as big as the world." A boy who was the biggest of the oldsters that a reply to this question threw a light upon the character of the kid, perhaps it did so, but I was never able to definitely determine what the light revealed.

HERE AND THERE

Marconi's definition of science: "A lantern in a forest." . . . Tallulah Bankhead is for many moons missing from the Salem screen in "do" Scarlet O'Hara in the film version of "Gone With the Wind" . . . Mrs. Simpson is reported in the "big" news to have lost 10 pounds in weight . . . Queen Apparent Juliana of Holland married recently, wore red flannel under her wedding gown, and the bridesmaids wore red flannel under their gowns, and taken all in all it was a good sensible Dutch wedding. I like the Dutch . . . "Life is mostly froth and bubble, and like stone, kindness in another's trouble, courage in one's own." . . . Charles Kingsley . . . I hear of a scene in a Rogers-Astaire picture which was retaken 47 times . . . A window opened a mere crack when the outside air is cold provides as much ventilation as a window open full length at 50 degrees—Expert opinion . . . A party of Salem skiers at Idana Sunday. No special enthusiasm noted in their reports . . . I gather that Mount Hood will get most of next week's snow and ice party . . . An interesting game to play. Resemblance between people in the motion pictures and home folks. Not many types of beauty or character in the films that are not duplicated in Salem. Yes, and improved upon.

Co-op Oil Plant Has Good Report

The Marion county Farmers Union oil company, in its annual report, says that the plant, located at Mt. Angel, elected Ernest Wray of Silverton, Warren Gray of Marion and Joe Wray of Mt. Angel to the board of directors. The directors named President and Warren Gray, vice-president, Joe Brockhouse is secretary-treasurer.

The Co-op Oil company pumped 275,327 gallons of gasoline last year, against 201,441 gallons the previous year, with the financial return on this commodity nearly double the 1935 return. Total sales, include oil, tires, tubes and other articles reached \$49,948.97 in 1936, against \$35,991.65 for 1935, with net earnings from operations for 1936 at \$3723.38. Net profit for 1935 was \$2891.17.

A patronage dividend declared June 30, 1936, totaled \$791.59, and a second patronage dividend at the end of the year reached \$1162.05, bringing the total dividend for the year to \$1953.67.

"Whew! Gotta get my barn painted afore my paint gives out!"



"Love's Litany" by Hazel Livingston

CHAPTER XXXII

In the spring, when the acacia trees were sweet with their feathery yellow bloom, and flowering fruit trees all over Berkeley burst into pink and white and coral glory, Christie's attorney, Nelson Pierce, drove up to Spanish Pass to talk to some of the people who had known Adolphus Cooper.

"Want to come?" he had asked her.

Want to come? Her whole being ached with homesickness for the mountains. To smell the pines. To feel the slippery pine needles thick under her feet. To see the first wild flowers, Buttercups, Indian paint brush, Jonnie Jump Ups, and the little wild violets, purple and white.

Above all, to see the old house again. Just to look at it from the outside. Even that would be heaven.

But she couldn't ask Janet Woods to keep Donny for a whole day, and she couldn't take him on such a long drive.

"No—no—I don't believe I do," she told him.

So he went alone, and just to keep her mind off of it she spent the day washing woodwork and windows, and waxing floors, pausing only long enough to rescue Donny from the corners he got into with his "walker," loaned by Janet, whose "Sister" didn't mind it any more, and to answer him as he recited his vocabulary over and over—

"Mmm—Dada—Mumm—Dada—"

"Yes, darling! Mummum is listening—Daddy will come bye and bye."

But her mind was miles away.

Next day Nelson Pierce came out to see her.

"Not much luck," he said.

"I was afraid not. Dad never talked much, you know."

"Evidently not. I found plenty who knew you as his daughter, though. Let's see, Hector Bloomer is one—remember him?"

"Remember him! My goodness, he kept store there, ever since I can remember. Gladys Platt and I used to buy all day suckers and potato chips there! But I never liked his wife because she was one of the church ladies who told Dad he oughtn't to let me run wild—that was before he married Aunt Nettie, of course."

"I dare say. About your Aunt Nettie. She's prepared to put a lot of money into this thing. In fact she's already spent a lot. McGilgan and Stanley have had a man in Alaska and they've got everything cold. Of course we have traced your—your father's activities, but most of those old timers are dead now."

but full of fight still, and strong as a horse.

"He'd already made two fortunes—one in gold on the Yukon and another in a dance hall and gambling place he had in Dawson. Then he sold out and moved to Nome when the rush came there, and he picked up another fortune."

"Mimi didn't work long as an entertainer. They moved around a lot after the rush was over, and made a couple of trips to Seattle before they finally closed up and came back here to the states. Yes, he made a lot of money, Mrs. Latham."

"I can see him as a miner—he always liked mines and he always had some prospecting going on somewhere. But I can't think of Dad running a gambling place."

"Well, Alaska was a pretty rough place at one time—"

"I know. But Dad was so different. So quiet. And Mimi was so gentle and sweet."

"Of course, I do know that she sang ballads—Dad told me about that once—and I know it was true, but I can't see how a young girl like that ever happened to go to a place like Nome."

"I told you that Aunt Nettie would never talk about it. And heaven knows their family—the Geddés—were respectable enough! I wasn't much more than a baby when Dad took me back there—after Mimi died, you know—but I can still remember the stiff, early Victorian house and the afternoon coffee parties and Grandma Geddes in black silk."

"But they're all dead, Mrs. Latham. The only one who could throw any light on it is this alleged aunt of yours, Nettie Geddes Cooper, and depend on it, she won't! Of course, if I can get a little more positive information such as she won't care to have aired in a courtroom—"

"What do you mean?" she asked, uneasily.

"Well—old family history—such as—"

He hesitated. Latham's wife was inclined to be difficult at times. And he was having difficulties enough without adding to them.

"Such as what?"

"Well—why Mimi left home and went to Alaska, for one thing. You will admit that doesn't sound very well, and if I think there was a good reason for it, Nettie Cooper, with her social aspirations isn't going to like that very much!"

"I won't have my mother dragged into it! I don't care what she did. I don't even want to hear about it. And if you're going to try to win the case that way you can stop right now, because I—Oh—excuse me—that's the door-bell—"

Just her luck. A collector. But one of the pleasanter ones.

"How about a little check for Gorman's Wood and Coal company?"

"Oh! Well, not today, but I think next week—"

"Monday?"

"Yes—I'll try to have it on Monday—"

"All right. Monday it is. About how much were you thinking of paying?"

"Well—I don't know exactly. The full payment! Let me see—yes—\$12.65. That's the amount Mrs. Latham—"

"Well—I couldn't promise it all. But I'll try. Good-bye Monday—"

"VERY well. GOOD day."

That was the worst of a front door that opened right into the living room. No privacy. Though when they built the house they had not counted on collectors.

She closed the door, returned to Pierce with an apologetic little smile.

"Now you leave everything lit-

me, and don't worry," he said brightly. He rose to go.

"But I mean that about my mother!"

"She wasn't your mother. That much is clear. I still hope to prove that Adolphus Cooper was your father, but we know definitely that Mimi Geddes Cooper wasn't your mother. Didn't I make that clear before?"

"Oh, yes. I understand that. It's the way I feel about her. I won't have anything against her come out in court—not if I never get a nickel!"

He was a patient, kindly man, but he had spent time and money on this case. What's more, he had given up an afternoon of golf at the Wildwood club to come out here to talk to her.

"I'm afraid it's a little late to assume such an attitude. Please believe I am working in your best interests and leave it all to me!"

He left brusquely, leaving her alone with her new, disturbing fears.

Christie wanted to talk things over with Donald, but she couldn't bring herself to do it. He thought she was sentimental about Mimi anyway, and he told her, over and over again, that the entire case was likely to take more courage than she'd have.

"You don't know me," she said hotly. "I may be sort of shy, but when I have to do things I can do them. Remember the time I went to St. John's hospital and talked to the superintendent of nurses when I wanted a job there? My knees were positively knocking together, but I made myself do it. And I certainly took courage to go to Aunt Nettie the way I did. Why, I'd rather face a dozen courts than go through THAT again. Besides I'm like Dad—I'm a fighter!"

He had smiled, a little sadly.

"Perhaps we're all brave in our own way. It's when we're called upon to be brave in a way we're not expecting, that we smash!"

She knew that he was thinking of himself. He had been brave enough to give up time and money and strength to work on that thing of his. He hadn't minded having people tell him he was crazy, or being poor, or risking his health. He'd have died for the cause, if necessary. It was this other thing—the notoriety, the unfair criticism, that was proving too much for him.

Her arms had gone around him, comfortably.

"I know—I know—" she had murmured.

But she hadn't known at all. She was just finding out now.

She had thought that it would take courage and patience to work with Mr. Pierce on his documents and plans. Catching the bus, going down to his office day after day, with Donny in her arms, wasn't easy. She had been prepared to face Aunt Nettie and all the world, in court. To stand up before them, and tell her story, bravely.

But this—this was different. How could she let them drag the ghost of the fragile, lovely Mimi into a crowded, sordid courtroom? Have her labeled dance hall girl—goodtime girl—perhaps worse?

And how could she give it up now without offering to pay for the work that Pierce had already put into it? And where would she get the money to pay?

She got out the silver set that had been Mimi's, cried a little over the photograph of her in the Mercury Widow hat, and even tried to get Pierce on the telephone to tell him that no matter what happened, he wasn't to drag Mimi into it, and that was final. But he was out of town, the office said, and besides, the case had been postponed again.

She worried still, whenever she thought of it. But Donny cut his

(Continued on page 9)