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THURSDAY, AUGUST 1, 1901.

DAILY, WEEKLY AND SEMI-WEEKLY

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MAKING MEN GOOD BY PROCESS OF LAW.

To the Editor.—The above words appear in the closing sentence of an editorial on the "Question of Sunday Closing" in last Monday's issue of the Daily East Oregonian. Similar expressions have appeared in the same editorial columns, implying, as this does, that the writer entertains the idea that the primary purpose of legislatures in enacting laws which seem to infringe upon "inherent rights," so called, is "to make men good by process of law."

I would like to inquire if the writer of those words really believes that our legislators have now, or ever have had, any such purpose in mind when enacting any such laws? Does he think that the average law-maker even entertains the hope that, when he gives his sanction to the law against stealing, he has contributed even so little toward the reformation of some possible thief, or that he has helped to set in motion machinery that will have some influence in making a burglar a "good" man?

The question may seem somewhat superfluous, inasmuch as it is evident on the face of it that, while legislatures may contain some stupid people, the majority may be supposed to have common sense. But, if the writer does not believe that any body of men assembled for the purpose of legislating for the good of society in general would write themselves down, as such shallow-minded and superficial people, why does he plainly imply as much in commenting on the character of such legislation?

It is the fact, isn't it, that nobody expects, to "make men good by process of law." Well, then, why imply that they have entertained such an idea and thereby weaken the effect of existing law? You profess to deplore the lawlessness of society. Does it strengthen or weaken the law to imply that legislators were lacking in common sense, or exceeded their powers when making the law?

It is not the intention of any INTELLIGENT lawmaker to "make men good by process of law." It is the intention of many UNINTELLIGENT lawmakers to "make men good by process of law." And it was with this in mind that the East Oregonian writer commented upon the existence of foolish statutes that require people to desist from certain practices on Sunday, practices that, per se, are not bad.

The Rev. Mr. Potwine in his communication cites the law against stealing as of a kind with that against playing innocent games or selling goods on Sunday. There should be laws against stealing, for the simple reason that everyone concedes that stealing is bad. There should not be laws against playing games or selling goods on Sunday, for the simple reason that many decent people claim that these acts, which are in themselves good, are not wrongfully committed on Sunday.

admittedly by the moral law wrong in all decent communities; those in themselves not wrong, but made so merely by enactment of statutory law.

Furthermore, it is the theory of all well conceived law that it is penal, not reformatory. Penitentiaries have traditionally been penal, not to make men better. Only in the cases of very young people does the state maintain institutions that even squint at the reformation of those who have broken the laws.

It is upon this correct understanding of the meaning of law properly conceived and executed that this paper condemned the Oregon and Washington statutes that ask men to desist from acts on Sunday that are not bad in themselves. And, were the legislature not composed in part, at least, of "shallow-minded and superficial people," no such foolish laws would encumber the books.

The East Oregonian does "deplore the lawlessness of society." Upon the question of the enforcement of the existing laws, the East Oregonian has made active effort to attain this end, by supporting even the infrequent attempts that have been made by the officers to give the laws effect here. The East Oregonian has, within the limits of its power, perhaps, done as much of this kind of work as all of the churches together. But, when comes the question as to the wisdom of the enactment of some of those laws, it frequently believes and does not hesitate to express its conviction that many laws are wrong and should never have been adopted by the legislature.

As to whether "legislators are lacking in common sense," this paper believes that very often legislators have not common sense enough to come in out of the rain, or to pound sand into a rathole. It is this lack of common sense that permits the encumbrance of the law books with measures that are foolish, ill conceived, unjust, prejudicial to people's inherent rights. And this is said with due knowledge that economists limit closely "inherent rights" under a democratic or republican form of government. However constitutional philosophers may look upon it, yet it should be given to men to have absolute freedom in the performance of all acts that are not in themselves bad, while laws enacted should be only those absolutely essential to the maintenance of public order and the protection of the individual's rights.

The editorial in question was as follows:

QUESTION OF SUNDAY CLOSING.  
"That existing laws should be enforced, is a proposition in civic morals that no good citizen can successfully oppose. But, that there should be laws limiting the liberty of the citizen, is equally incontrovertible. It is deplorable that statutes encumber the books of this state, or of any state, that squint at the attempted legal compelling of people to obey a command that rests upon a religious principle."

"The question of Sunday closing has agitated the state of Washington, and by the influence of contiguity, is heard of here in Oregon. Neither here in Oregon nor over there in Washington, as an abstract proposition, has any legislature the right to prescribe what day of the week a man shall make his rest. It may desire to allow, or sell groceries, or play baseball, or do anything allowed by the other laws, he has, inherent, the right so to do."

"It is the existence of laws attempting to regulate men's personal movements, these laws being unenforced, that has wrought to bring all into disrespect to a certain degree. That there is a deplorable lack of proper respect for law in this country is evident to every thinking man. That this disrespect is primarily responsible for non-enforcement is also true. And that, in a reflex manner, non-enforcement is also responsible for added disrespect, is a truth that no one will seriously attempt to overturn."

"It were better far for the country at large if the system of laws were reconstructed, and all statutes that limit men's freedom, by commanding him not to do certain harmless things upon a certain day of the week, wiped from the record."

Smith. She has been arrested for grand larceny, and the officers have no trouble as to her identification. She has on her arms a tattooed rose, a star, a crown, an American flag, and the name of a man. Several persons who have met her at the hand of a woman thus marked put in an appearance as soon as her description was published, bound to make trouble. There are few tattooed women, even in New York.

There has been continuous trouble in the telephone exchange at Belleville, N. J., for a week past. At all hours of the day irate subscribers would ring up: "Hello! What's the matter with my phone?" "Nothing that I know of." "Well, its buzzing all the time, and I want it stopped immediately." "As soon as he rang off another would ring on with the same complaint."

Finally a lineman was sent out to investigate. He heard a buzzing in a transmitter box. He was raised in the country. "That's no electricity," he muttered. The box was cautiously opened and inside was found a swarm of honeybees.

One of the interesting sights of New York during the summer season is to look at the dress suit case brigade on any Monday morning from 8:30 to 10 o'clock. The members come pouring in over all the railroads and ferries from all points of the compass.

They have been out to see their best girls, or those still better girls, their wives, over the half Saturday and Sunday days. There are thousands of men who remain in the city five days in the week and are away the other two. As there is always a hop at all the hotels on Saturday night, they have to go prepared. It is that night of all the week that there are enough men on hand to go "round."

Then it is up early on Monday morning and away for town. The dress suit cases are so close together on the boats and cars that it is difficult to navigate among them.

There are all sorts of games for the winning of a free living. Charles Schmidt chose his by the way of a hospital, but instead was locked up in a police station. His ambition was St. Catherine's hospital, Williamsburg. He has made the trial thirty-three times, and has always failed. The other day he was found on the sidewalk, apparently unconscious. A St. Catherine's ambulance was sent for him.

As the surgeon bent over the man he said to himself: "Here is our old friend again. I'll stir him up."

He jabbed a needle into the man's right leg. Then one into his left leg. No answering motion. Then they held a bottle of ammonia under Mr. Schmidt's nose. He never moved, although the tears began to run down his face. Then the surgeon resorted to heroic measures.

A doctor will know what that was, and would call it "thumping the eye. It is the last resort, and it sends a great shock along the arteries leading to the brain."

Mr. Schmidt would stand much, but not that. He jumped up and hit the surgeon on the nose. Then the doctor, the ambulance driver and a policeman piled on him and rushed him to the police station. The thirty-fourth time was the most dismal failure of them all.

A Turkish bath for horses is one of the latest things introduced by the very rich for the health and comfort of their high priced animals.

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