

From the Richest and Best Part of the State

News from Nearby Valley Points

By the Capital Journal's Special Correspondents

MOORE CASE TO TEST GOVERNOR'S POWER STARTED

Briefs were filed Monday in the state supreme court here for the case which is to test the constitutionality of the state law under which Governor Pierce has appointed a dozen or more special prosecutors in several counties of the state. The suit was brought by A. J. Moore, district attorney of Deschutes county.

The test case resulted from an order issued by the governor on April 3, 1924, appointing Ross Farnham as prosecutor of all prohibition cases in Deschutes county and placing the county prohibition enforcement fund set aside for the district attorney under the control of Mr. Farnham.

"District Attorney Moore had not refused nor neglected to enforce the law so far as it was his duty to do so," read the brief filed by Mr. Moore's attorneys, "and all complaints for alleged violations of law were being vigorously prosecuted."

"The district attorney objected to and opposed the appointment of Mr. Farnham and requested the governor. If he had any evidence or information of any alleged law violations, to present it to his office. The governor ignored the request and did not at that time nor since give any reason for the appointment of Mr. Farnham."

Act Void, Is Contention

"We contend that the act of 1915 under which Mr. Farnham attempted to qualify is unconstitutional and void, as it violates various sections and provisions of the constitution. If the law is valid then the appointment made under it is illegal and invalid because the provisions of the act of 1915 as well as the prior statute of 1913 have not been followed."

"Enforcement of the law requiring a particular class of crimes cannot be taken out of the district attorney's hands, because it is his duty to prosecute violations of all laws and he shall appear for the state in his district in every case where the state of Oregon is a party, and he shall have charge, as attorney for the state, of every proceeding which necessarily arises in prosecuting the cause under due process of law."

"It is true that the legislature might provide him with assistants, might authorize the governor to appoint special prosecutors, who would work under the direction, could be controlled by, and who might give assistance to, the district attorney. If he required such assistance. But the legislature cannot compel the district attorney to turn over to an adverse or antagonistic officer duties which under the constitution he should perform."

"Therefore when Governor Pierce, without the consent of the district attorney and over his protest, designated an individual as a special prosecutor in prohibition cases and that prosecutor attempts to direct and control the funds required by the district attorney for the proper and legal enforcement of the law, then the district attorney is being deprived of his duty."

"The governor of Oregon was elected by the people of the whole state to perform his constitutional duties. The district attorney of Deschutes county was elected by the people of his district to perform his constitutional duties. The right of the people to have their district attorney remain in office and to prosecute offenders against the laws of the state in his district should not be lightly or arbitrarily taken away, and the governor has no right to impress his whims or opinions, whether they be well founded in justice or whether they be purely selfish and despotic, without first having justification therefor, and showing in a legal and open forum his justifications, if any he has, for removing an honest public official from the office and trust bestowed upon him by the voters of the state of Oregon."

"As a result of Governor Pierce's action in appointing special prosecutors in various counties of the state at least two regularly elected district attorneys have resigned, and others have protested against the unfairness of the law under which the executive has made the selections."

OPEN FORUM

Contributions to This Column must be plainly written on one side of paper only, limited to 200 words in length, and signed with the name of the writer. Articles not meeting these specifications will be rejected.

To the Editor:—Before me as I write is a clipping taken from your paper dated August 11, 1924. The headline reads "The Pliver Hobbs" and you, Mr. Editor, of said paper and under caption of above mentioned article could not have taken a surer method of turning away from our fair city, state and the western country, the hosts of people who have perhaps saved and planned for months and years, that they might be enabled to meet in this wonderful country of ours, friends who had long since departed. It is to their guests, friends, families and homes in benefit and prosper in this wonderful and truly beneficent country. Before me as I write I also have

Albert Richard Wetton's appreciation of Oregon. Place yourself mentally in the minds of tourists in the cold winter homes of the north, and perhaps you would decide to journey forth to behold the while to work your way in harvest or field, so long as you had been enabled to behold for yourself the country thus so widely advertised.

Now, Mr. Editor, if you were in any country but the one you were reading of do you not think you would after reading the above quoted lines have an inward desire to see for yourself and get the vision of those who had gone before. And do you think, after you had gone thousands of miles and endured hardships of the road in order to behold that country, you would appreciate such a slip in the face as you most surely gave to the tourist in your editorial. All fliiver drivers are not fliiver owners solely. And, anyway, our forefathers journeyed forth to behold this wonderful country and finally located here in an ox team. And so far as my limited knowledge is concerned we have no records of them as being referred to as migrating birds either.

I for one feel that the article run in your editorial column was uncalled for, and as a voter and citizen of our gloriously beautiful city of Salem feel an apology would be in the order of the day, for surely you could not have had a clear vision when the aforesaid article was written of the tourist as I have personally seen them to be.

S. S. GRACE.

To the Editor:—There is urgent cause for legislation in Oregon to protect the rapidly diminishing trout in our trout streams. The famous McKenzie river, for 59 years the best trout stream in Oregon, is today practically fished out. A careful study of the causes discloses many abuses which should be corrected. One man, early in the season, caught and smoked or dried one hundred pounds of the large resident trout. Another man camped on the river and for 40 days, each day caught and brought in a large basket of fine resident trout, probably averaging 25 pounds of fish per day. Others have hired boats and slowly backed down the lower river, cleaning it of fish as they descended, so that by this date, August 19, 1924, less than four months after the opening of the season, the river is almost without game fish.

There must, at once, be established a season limitation. Twenty to thirty pounds is enough for any one family in any season. The drying or preserving of trout should be stopped and fishing from boats prohibited. The average fisherman in the mountains in July or August should be permitted a few meals with trout as the principal food. As it is now, not one family in fifty gets any trout from the mountain streams, and are forced to look to the coast streams which are replenished from the ocean with annual runs. I have fished the McKenzie river for more than 40 years and have observed the slow but sure end of trout fishing unless prompt and drastic measures are taken to preserve and protect the few fish left.

Yesterday, in order to get fish for my family, I was compelled to go into an inaccessible and very dangerous place where no other fisherman had ventured this season. There I caught and brought in four nice cololids, each a meal for the average family and I should not complain if not allowed more than this number if only the fisherman had been limited so that all families could have at least a taste of mountain trout.

The principal breeding stream for resident trout is Smith river, a tributary of the McKenzie which flows into the McKenzie 10 miles below Clear Lake, the source of the McKenzie. Smith river is supposed to be closed to fishermen, but this season its banks are literally tramped down by the tracks of fishermen who have paid no attention to the law or regulations of the game commission. I am told by reliable persons that a similar condition exists on other closed streams tributary to the McKenzie and with the breeding grounds tramped and the main river whipped clean of trout the end of the trout fishing on this famous stream is clearly close at hand. Eastern people visiting Oregon will find that our state is a mecca of mountain streams teeming with game fish, in a myth or dream will be if the fisherman hog goes on unrestrained. Belknap hot springs are located on the McKenzie river about 65 miles above its mouth and at the highest human habitation and fishermen must walk the trails to reach the river at any point above here, yet the entire river river for at least 15 miles or as far as the fish can ascend, is fished out. I have just returned from a trip of inspection over this upper river. It required two days of hard tramping and disclosed the fact that every foot of this upper river has been fished over many times this season. All along on both sides of the river are the remains of camping parties where fires have been built and even the brush cut away from the stream in places to permit casting. These conditions can best be called to the attention of our game commission by the public press.

CAREY F. MARTIN.
Belknap Hot Springs, Aug. 19.

To the Editor:—It has recently appeared in the public press that the governor plans to close the deer season this year, giving as his reason for the projected action the danger of fires being set by the hunters.

Now, while it might on the face of things appear that such a real danger, to the thinking man it will readily appear that the facts are at variance with the reported reasons for this so-called safety measure.

The deer hunter, of all those who go into the woods, is the least apt to set fire, either wantonly,

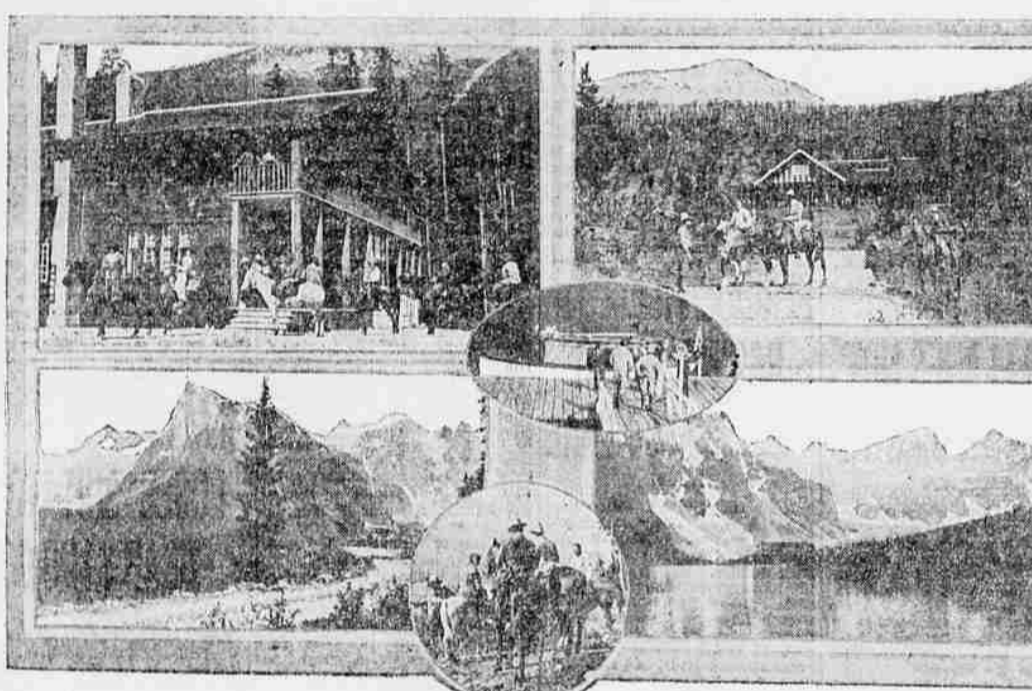
MUTT AND JEFF—by Bud Fisher

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Where are you going on your vacation? The week or two you are planning is precious time. You expect it to give you pleasure and recreation combined with restful comfort, that you may return to the work-a-day world with refreshed activity and renewed vigor, with anticipations of another year to come.

The Canadian Pacific Bungalow Camps present really unusual opportunities for vacation trips. Each one of the nine camps is easily reached, one to the other, and they are modernly equipped, cozy and among nature's indescribable ruggedness, which for beauty and wildness and vacation comfort, nothing in the wide, wide world can equal it.

Starting on the trail you first stop at beautiful Lake Wapiti, which is just west of the Great Divide. Here you are quartered in a modern camp, tastefully furnished, with all the comforts of civilization, and you are looking over a lake of wonderful beauty. A day, a week, a month or longer, tramping over the wilds together with Alpine climbing provides excitement, pleasure, rest and all-around recreation in plenty. Here begins the greatest vacation trip of a lifetime, roughing it during the day, but modern foods and comforts always at your command.

To Lake O'Hara is but hiking distance to another wonder camp. This Alpine lake of unusual coloring is a shimmering pool of magic or through carelessness. Who knows better than the man who appreciates a plate of smoking venison? Who is careful to pinch out the end of the cigarette, instead of tossing it into the dry grass to smoulder and possibly set a blaze, as the undisciplined saw yesterday afternoon on the Spangas landing road?

Who possesses in a greater degree the real love of the merry greenwood than that same deer hunter, whom the governor's edict would banish from those same woods, on the advice of some parties who apparently err in their judgment?

The undersigned would respectfully suggest to the governor that his direct officials to attend to their forest business closely; enforce the present laws to the letter; give the man who carefully or deliberately sets a forest fire the limit, but allow the man who seeks a surcease from business or professional care for a week or so, while carrying his old trusty deer gun down the forest aisles, to follow the trails in quest of moose as he has always done.

D. WIGGINS.
Salem, Or., Aug. 11.

frequently changing its attractive charms to invite your constant attendance. Excursions to Lake McArthur, Lake Ossa and over the Abnott pass to Lake Louise are but parts of the pleasures of this camp.

Now we're at the Yoho Valley Camp, looking directly into the face of the twelve-hundred-foot drop of the falls of Takakhow, springing from Daly Glacier, an awe-inspiring sight. Other trips to the upper valley and over Yoho Pass to the next stop at Emerald Lake will set your blood tingling with joy of living.

At Emerald Lake is the beautiful Club, and here, resting at the foot of Mount Burgess, you can enjoy to your heart's content regular trout fishing, boating, riding, tennis, hiking, climbing, pony trips and music for evening dancing.

We're off again on another jaunt to the Valley of the Ten Peaks, stopping at the Moraine Lake Camp, with its remarkable fishing, climbing, riding and hiking to Coleman Lakes, Paradise Valley and Wenckemanna Pass.

Again we're on our way over the 110 miles of paved Banff-Windermere automobile highway, to the Storm Mountain bungalow camp. As the motor purrs over this wonderful way to the great Storm Mountain, you are awed with the great doings of nature, of ages beckon you onward with their ceaseless organic grandeur, and the restful comfort makes you feel like staying indefinitely.

Silverton News

Silverton, Or., Aug. 13.—Honoring Miss Edwina Erickson, who will soon leave for Eugene, a number of girls met at the home of Miss Erickson's mother, Mrs. Bertha Erickson, on East Hill for an enjoyable little party Sunday evening. The affair was in the nature of a surprise. Mrs. Erickson will soon leave for Norway, where she will visit several months. Miss Erickson will continue her education at Eugene, where she will make her home at the home of a sister, during her the Stubbs Electric company, having

mother's absence. Those attending the party besides the honor guest were Edna Lyons, Inga Goplerud, Esther Kloberg, Mildred Forgard, Mary Moberg, Sybil Larson, Althea Myers, Mr. and Mrs. Holmstrom and Mrs. Erickson.

Miss Sylvia Larson has returned from Hood River, where she has been spending the summer as guest at the Edwin Tingstad home. Miss Larson reports an excellent time. Last Sunday she accompanied the Tingstads on a trip to Lost Lake.

Electric Workers Picnic. One hundred members of the Stubbs Electric force of Portland met at the Silverton Electric company building Sunday morning where they were joined by Mr. and Mrs. T. E. Preston, Mr. and Mrs. Lester Geer and Edwin Evans. The entire party then motored on the Mehama, where they spent the day in sports, both water and land, and in general picnic style. The cars each bore names, that of Mr. Preston being "Old Scout" as he was one of the oldest employees of the home of a sister, during her the Stubbs Electric company, hav-

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