

Capital Journal

Salem, Oregon

Established March 1, 1883

An Independent Newspaper Published Every Afternoon Except Sunday at 136 S. Commercial Street, Telephone R. News #2.

GEORGE PUTNAM, Editor and Publisher

SUBSCRIPTION RATES

By carrier—10 cents a week; 45 cents a month; \$5.00 a year in advance. By mail in Marion, Polk, Linn and Yamhill counties, one month 50 cents; 3 months \$1.25; 6 months \$2.25; 1 year \$4.00. Elsewhere 50c a month; 6 months \$2.75; \$5.00 a year in advance.

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"Without or with offense to friends or foes I sketch your world exactly as it goes."
—Byron

Selling "Raw" Water

That staunch defender of the rights of the people, that is except when the other fellow's religion is attacked or his personal rights infringed, the Portland Journal, throws a cataleptic fit over the fact that the Portland Electric Power Company is utilizing water from the Willamette river at Oregon City falls commercially. Says the Journal in discovering the calamitous procedure:

That raw water from the Willamette river is being sold to the paper mills at Oregon City, and the proceeds go into the pockets of a Portland utility was declared by witnesses at the Portland rate hearing. The corporation's right to the water that it uses to develop hydro-electric current is admitted. But on what theory, under what kind of law, by what normal principle, on what policy in government can a corporation or individuals become owner of the running water in a navigable river and without doing anything to put value into that water, sell it and pocket the proceeds? It is indefensible, because it can not stand in reason or in morals. It is inexcusable, because the public officials of Oregon have never had the right, authority, or pretext on which to permit the free water of the Willamette to be applied in so preposterous a game.

It is hard to figure out what the Journal meant to say, except to appeal to popular prejudice along the approved lines of corporation baiting. The company has a perfectly valid title to the site, the plant, and to the water, owning not only the power and water rights but the riparian rights—and has had for many years. The Journal objects to the sale of "raw water." Does the Journal think it should be cooked before sale? And our laws permit any municipality, corporation or individual to utilize "running water in a navigable stream" to develop, sell and pocket the proceeds under state regulation, providing stipulated conditions are complied with.

Not only the "free water of the Willamette" but that of other streams is similarly utilized, and the use sanctioned by law. If it wasn't, we would have little power, industrial or irrigation development. Salem industries similarly utilize the free water of the Santiam through Mill Creek, the water company sells us the free water of the Willamette—and some times it is quite raw—while districts and individuals appropriate it for irrigation and domestic uses. What is there "preposterous" about it?

This effusion should win the Portland Journal the Pulitzer prize for "raw" journalism. If there isn't such an award, there ought to be.

"Restocking" Streams

The superintendent of state hatcheries reports that more than one million trout will have been planted in Linn, Marion and Clackamas counties when the state game commission concludes the stream rehabilitation work in these counties. All stock is being taken from Roaring River hatchery.

This is calculated to make the sportsmen happy. A million fish seems an illimitable number and the angler at once visions restocked streams sufficient even to satisfy the greed of the fish hogs and so boom the sale of licenses.

But a million fry do not go far when distributed through hundreds of miles of streams. And the mortality of planted fish, even of yearlings, in new surroundings, is high. The survivors will soon be cleaned out by the increasing army of anglers.

The fly in the ointment is that these trout are mostly Eastern Brook, and experience has shown there are but one or two streams in Oregon where this variety propagates, though there are many mountain lakes in which they flourish at the expense of native varieties, with which they should never be planted, for they spell the latter's extermination.

The imported-Eastern Brook spawns in the late fall and early winter. The winter floods sweep away the eggs before hatching. Hence they do not flourish in Oregon streams. The native trout, cut-throat (black-spotted) and rainbow (redside and steelhead) spawn in the late winter or spring, after the flood period, a wise provision of nature for reproduction. In the east, the flood period is in the spring, after the brook trout has hatched.

Why does the game commission not confine itself to native trout? Because Eastern Brook eggs are cheaper and more plentiful and easier hatched and reared. So to satisfy popular demands and make a quantity showing, the foreign fish unsuited to our streams, are substituted. It probably makes little difference in the long run, for the sportsmen will catch out in a year all that are planted and protest any such thing as closure over a period of years to insure restocking. Hence the annual planting and the perennial slaughter of the planted.

Up to the Lawyers

The Oregon judicial council, composed of members of the circuit bench has unanimously decided in favor of the reform of court procedure in the following five point program:

That persons acquitted of crimes on pleas of insanity be sentenced to serve at least three years in insane hospitals without rights of habeas corpus.

That a defendant who relies on the plea of insanity in a capital case must when he enters his plea declare "not guilty on the grounds of insanity."

That the peremptory challenges of the defendant in criminal cases be the same as allowed the prosecution.

That districts have jury commissioners who will examine prospective jurors as to general qualifications before they are called.

That a defendant in a criminal case be allowed to waive jury trial except in cases where life imprisonment or death is the penalty.

Of the advisability of these changes there can be no question. Much the same recommendations have been made previously, only to be rejected by the legislature, which is largely composed of lawyers who profit by the existing system. The judges can prepare and submit the bills, but they cannot very well lobby for them. The bar association lobby is only interested in salary raises and the creation of new judges. So the great "constitutional" lawyers in the legislature another the reforms in committee or defeat them on the floor.

The lawyers, not the judges, are to blame for the abuses that have crept into court procedure. They dominate the legislature. They comprise the bar association. They have it in their power to effect needed reforms, of which this program is but the beginning. But will they?

FIGURE IN RAIL MERGER PLANS



Associated Press Photo

In proposing its gigantic plans for merging the rail lines of the country into 19 systems, the interstate commerce commission, in general terms, proposed a substantial approval of the consolidation plans advanced in several forms by O. P. Van Sweringen (left) and M. J. Van Sweringen of Cleveland.

Life Span Of Moores Coincidental With Salem's City History

Charles Bruce Moores, octogenarian, who died in Portland Sunday, but who spent his youth and much of his manhood in Salem, had a span of life nearly co-incidental with that of the history of Salem as an incorporated city.

For he was brought here when two and a half years old by his parents, Mr. and Mrs. J. H. Moores on a river steamer from Portland. And his father was a member of Salem's first city council, its second mayor, and for four terms served in the capacity of Salem's chief executive in the early days.

The name of Moores became a prominent one both in Salem and in Oregon through the father and the son who died in Portland Sunday.

The father was in the mercantile business as one of Salem's earliest merchants. He was in business at first near Trade and Commercial streets as Moores and Landon, later as Moores and McDonald and the business was moved to State and Commercial streets in the Moores building where the United States National bank now stands. He was there some time with I. R. Moores admitted to the business. The Moores building was torn down to be succeeded by the present bank structure. The elder Moores was in the mercantile business for 13 years.

The father also established the South Salem Lumber, Yards & Flouring Mills which were located near the foot of Miller street. The flouring mills were afterwards sold to Weller & Waldo and two lumber mills, including the South Salem Mill, consolidated into the Capital Lumber company. A. N. Moores, brother to C. B. Moores, was secretary of this mill for 20 years and C. B. Moores its president for many years. This mill was sold to the Spaulding Logging company.

It was an Oregon background which young Charlie Moores had when he entered the primary department at the old Oregon Institute, now Willamette university. In these days the university taught in all grades. The building he first attended was the old institute building which was located at about the present site of the university symposium building. The Moores family lived not far from the university on State street at about the site of the present Methodist parsonage. The old institute building was burned down in 1872. The classes had been moved into Waller hall in 1867 and a few years later the trustees had decided to raze the old building, so some one did the work for them by burning it. Charlie Moores went through the university and came out at his graduation as valedictorian of his class in 1870. Among those graduating with him were such men as Judge H. H. Hewitt, still alive in Albany; Tillman Ford, for many years well known Salem attorney; E. E. McKinney and M. O. Lowndale. There were not all of his graduating classmates but they are indicative of what a part the class later played in Oregon history.

After leaving the university C. B. Moores became associated as a draftsman with the Oregon & California railroad company remaining a year in Salem, going to Portland with the company for three years and in the fall of 1874 went to Washington, D. C., where he took a commercial course. While there he wrote a number of letters for the Portland and Salem papers which now have considerable historical interest in their bearing on the times at the nation's capital. Leaving Washington he went to Ann Arbor, Mich., where he graduated in the law department and returned to Salem where for most of the time he lived until 1908 when he moved to Portland.

He started to practice law in Salem entering the firm of Jones & Patterson who had offices over the old Reed's Opera house, now Miller's store. He didn't practice long as he went into the land office under Land Agent McCracken. In 1880 he became chief clerk of the house of representatives. From 1882 to 1887 he was private secretary to Governor Moody, a post his son, C. A. Moores, later held under Governor Wilbycombe. Governor Moody served longer than a four year term as the legislature changed the tenure of office act during Moody's term and stretched it out some months as a result. In 1885 Moores was elected speaker of the house of representatives, going into the legislature the same year I. L. Patterson, until recently governor, first entered the state senate.

From 1897 to 1903 he was register of the United States Land office at Oregon City where he re-

supply of liquor is so certain that the town slogan of "that's gold in them thar hills" has been changed to "out in the hills are plenty of stills."

The customs service, too, "was a fine service until it came in contact with prohibition," La Guardia asserted. "Only yesterday at Providence, R. I., a shipment of liquor was in care of customs service men. Instead of guarding the liquor they proceeded to drink it and peaceful citizens have to run for their lives to avoid being shot by these agents of the government acting in the capacity of peace officers."

The city of Wallace, Idaho, La Guardia said, has a population of 2316 inhabitants, and in the month of May "there were seven saloons operating wide open, where anything could be purchased over the bar from Canadian beer to mint juleps."

"In the city of Kellogg," he continued, "with only 3017 inhabitants, there were three saloons and thirty bootleggers engaged in furnishing the supplies besides their own retail trade in the surrounding country. In the small town of Millan, with 1320 inhabitants, there are several stills operating in full blast and doing a thriving business."

INSURGENTS PLAN TRINDLE AS ATTORNEY

(Continued from page 1)

much influence with the insurgents who were gradually increasing their power, the defeat of Williams became one of their objectives.

When the election of officers came up Monday night Alderman Patton made the same motion that he made a year ago—that all the incumbent officers from city attorney down to janitors—be unanimously re-elected. A year ago this motion carried. This time it failed heavily.

The majority group of the council had caucused just prior to the council meeting and decided just what they were going to do. Notwithstanding this, Mayor Livesley called for another caucus, with all members present, and the council recessed for 15 minutes while the mayor and the aldermen retired from the chamber. But this resulted in no change in the fixed program.

When the election of officers reached the city attorneyship Williams was placed in nomination by Alderman Dancy, who declared he had served the city well for three years and had saved the city money. Alderman Vandevort, nominated Trindle and Alderman Patton nominated Ferry. Only one ballot was necessary to elect Trindle.

At the conclusion of the session, Williams made a brief speech, thanking the mayor and the councilmen for cooperation and association during his incumbency, and declaring that "win or lose, I have no ill feeling. I am going to be in town anyway and hope to see all of you often. The man who succeeds me will be a good lawyer, and I am sure he will give you good service."

Mayor Livesley thanked Williams for his services. "I hope the incoming city attorney," said the mayor, "will not receive, or have occasion to receive, the unjust criticisms that you have received."

Contrary to expectations the office of sanitary inspector was not

Murder And Robbery Give Chicago Police Much To Worry About

Chicago (AP)—One slaying, blamed on terrorists, one attempted gang killing, scores of holdups and a Gold Coast robbery in which a millionaire publisher was trussed and robbed of \$25,000 in jewelry, gave Chicago's budget-sharred police force something to think about.

The slaying, like others that have gone before, is believed to have been an aftermath of the terror that has trailed the Billy Ranier kidnaping case. The victim was Louis Antonucci, 40, a garage owner, who died Tuesday from bullet wounds suffered in an attack early Monday. One of Antonucci's six children had as godmother Mrs. Angelo Pettiti, wife of the man now serving a 25 year prison sentence in connection with the Ranier case. Police believed Antonucci was killed for refusal to pay tribute to an extortion band which figured in the Ranier investigation.

The gangland assault was aimed at James McManus, 32, known to police as a gangster and hoodlum. He was shot in the back and critically wounded. A motorist heard a shot and saw McManus staggering. At the hospital McManus would not answer police questions.

"Don't bother me," he said. "They got me. I'm through."

McManus was known as an approved enemy of Henry (Whoopi) A. Daley, O'Connor, killed in a gun fight at the C. and O. restaurant September 1, last. He is reported to have been connected with a north side liquor ring. Three revolvers were found on his person.

That was because he could turn the time back to the moment when they had finished their adventure for the evening before, and he also could give them some extra hours so they never missed a moment of their sleeping time!

Now he had brought them to see some creatures who looked just like question marks and he had told the children that they were called the Why's.

"We promised to tell you about the Why business," they said. And then one of them started to tell the story.

"It's our business when anyone says 'why,' the question is rushed to us and if we're not too terribly busy we send back the answer. When the questions are answered it is because we have been able to send the answer back to the one who is trying to answer it."

"When some one cannot answer a question it means we're too rushed with questions. But we look like question marks because we're in that business. Oh, it's a splendid business. There's never a dull time."

And John and Peggy looked at all the members of the Why family and talked to them and asked their questions and had everyone of their questions answered!

THE GREAT WALL
"I've turned the time back ever and ever and ever so far this evening," said the Little Black Clock

"and we're going to see a very wonderful sight!"

The scene changed. The Little Black Clock had turned the time back centuries and centuries and John and Peggy were in China.

"I'll keep turning the time ahead a little now all the time," said the Little Black Clock, "so you can watch this great, great wonder."

John and Peggy watched the most marvelous work they had ever seen.

"This is the Great Wall of China which you're seeing as it is being built," said the Little Black Clock, "and we're going to travel along as it is being made."

John and Peggy were sure this was the greatest trip the Little Black Clock had ever taken.

They saw the wall being started and saw it stretch from the sea, over great mountains, until it reached the desert. They saw forts being made and they saw men carrying the materials and building them all over the most difficult looking places.

And, as the Little Black Clock turned the time ahead so they could see the work being continued they saw a mighty wall that stretched over a distance so great that the Little Black Clock said that if it were at home it would reach over three-quarters of John's and Peggy's country, and further than that if it were straightened out.

"The wall rambled everywhere. They saw thousands of water towers, they saw the wall being built over the mountains, winding thru valleys until the wall looked like a dragon. It was very wide and high."

"In the olden days they built this to keep out their enemies," explained the Little Black Clock, "but when there was no further need of it they stopped building it."

But John and Peggy never forgot that they had seen the Great Wall of China being built and had seen the workers continue it anywhere no matter if a huge mountain was in the way or not!

CAMPAIGN CLOSED

Dayton—Much enthusiasm was shown by the large crowds present each evening at the 4-Square Gospel church in Dayton in charge of Evangelist Rev. Ferris Dodd. The meetings began December 28 and closed January 3.

VISITING IN SUTHERLIN

Silverton—Mrs. J. C. Rosheim and her son Lawrence, and Miss Fay Wilson drove to Sutherlin on Saturday to visit Mrs. Rosheim's daughter, Mrs. Nettie Golden and family. Lawrence will return in a day or two and Mrs. Rosheim and Miss Fay will remain for several weeks. Mrs. Rosheim is not well and it is thought the change may do her good.

BUCHANANS ARE HOSTS

Brook—Honoring their daughter Miss Constance Buchanan of Portland, Mr. and Mrs. William Buchanan entertained the following guests at dinner, Mr. and Mrs. Sylvester Harris and daughter Lavine and son Albert, and Mr. and Mrs. A. E. Harris. Miss Buchanan returned to her work in Portland Monday.

MODE HAS INJURY

Hopville—Joe Mode fractured his collar bone recently when a horse on which he was riding threw him. Mode is well known in this section.

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NEW YORK NOT AS WET AS IDAHO

(Continued from page 1)

officials and the crew of the cutter 290 have been hailed and praised for having well performed their duty, yet, their duty as seen in the light of prohibition."

Part of the liquor taken from the Black Duck, he added, "was in turn sold by members of the coast guard."

"Citizens of this country are prohibited by law to drink alcoholic beverages and yet on the same day the Black Duck was captured members of the coast guard got crazy drunk at New London, Conn."

"Thirty-nine members of the coast guard have been found purloining part of every seizure of liquor made by them."

Referring to Idaho, Laguardia said, "There were more saloons per capita there than in the city of Philadelphia."

"There are more bootleggers per capita in the state of Idaho than there are in the city of Chicago," he added. "Liquor is better in the state of Idaho than in any of the large cities, and cheaper."

In the city of Idaho Falls with a population of 8004, he said, "the

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