

THE PORTLAND JOURNAL
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PORTLAND, ORE., JUNE 17, 1902

A BAD RULE OF LAW.
There is a rule of law, not contained in the statutes but enforced by the courts, that the employer must provide for his servants a safe place in which to work, and safe appliances to work with.

This rule is founded upon a duty due to the servant implied from the contract of employment, but also upon a large ground of public policy. The state has an interest in the safety of its citizens, and this policy is subserved by making the employer liable for its violation.

This rule, however, is modified by another. Some occupations and the machinery necessary are inherently dangerous. The danger may be minimized by care but it cannot be entirely removed.

So far the justice of this rule is apparent. Since the injury is not in such case caused by any breach of duty by the employer he ought not to suffer any loss for what he cannot help. Nevertheless, when the work or the machinery are inherently dangerous, the employer ought to take precautions commensurate with the danger and to adopt such reasonable measures as will lessen the danger.

But another rule of law has been announced by the courts which is not a good rule. It is that when the employer negligently provides an unsafe place to work or unsafe appliances, and these are open to common observation, so that the servant knows, or with reasonable care, ought to know the danger, and he is injured, he cannot recover damages for the injury.

That rule overlooks the public policy which underlies the whole question. No person ought to be permitted to make a contract that gives him immunity for negligently killing or maiming his servant. If such a contract were written in explicit terms, no court would hesitate to declare it void, and yet the effect of the rule referred to is the same as if these terms were written in it.

It is unjust also because the stress of burning a living will often compel a man to enter such service, and he is not, therefore, a free agent in doing so. The rule is unjust also because the servant is charged not only with what he knows, but what a reasonable person ought to know about the danger, and the court, sitting in safety and unperplexed, determines for him what, under the circumstances, he ought to have discovered.

Manifestly the difficulty of correctly determining this question by the court makes its opinion of uncertain value. It is one thing to apprehend a danger in the stress of labor before an accident, and another to point it out after the event has demonstrated it, and after a deliberate examination aided by the accompaniment of the lawyers.

This is a court-made law, and the remedy is to change it by legislative enactment. The passion and prejudice which sometimes operate against employers would have less ground to work on if the law of negligence were simplified and made just to employers and employes alike.

COURAGE ALWAYS COMMANDS ADMIRATION.
The Boers put up a fight that has won them the respect of the civilized world, without respect of any opinion about the intrinsic merits of their cause. But greater than the courage in battle they now illustrate that finer courage displayed in the spirit in which they accept defeat.

Since Robert E. Lee advised his soldiers to go home and yield a loyal obedience to the Government, without useless resistance, nothing nobler has been said than the words of Dewey to his people at the camp at Wynburg. After exhorting them to loyalty to the new government, he said:
"Perhaps it is hard for you to hear this from my mouth, but God has decided thus. I fought until there was no more hope of upholding our cause, and however it may be, the time has now come to lay down our arms. As Christians, God now demands that we be faithful to our new government. Let us submit to his decision."

A FRIENDLY WORD.
It may not be amiss at this period of the Journal's existence to refer modestly to its achievements and ambitions. This is a business enterprise and is intended primarily to make money for its proprietors. As with other enterprises it recognizes that it must deserve the patronage of the public in order to receive it. Its effort to deserve this patronage has met with such encouragement in the increase of its business as to justify the belief that it is acceptable to the people.

A newspaper has a double function. It must give the news and it must exercise influence by the candor and justness of its editorial utterances. In respect of the first, it is under obligations to discriminate between what is important and what is less important and to present current events with accuracy and brevity. In respect of the second, it is bound to exercise its influence for the public good and with no other purpose. When a newspaper advocates any object, ostensibly in the interest of the people, but in reality for some secret and private design, it has violated its implied compact. Under the guise of a public functionary it is a private organ, and forfeits the confidence which its professions invite.

Necessarily where opinions must vary concerning what is for the public welfare, it will find itself at times at disagreement with portions of its own public. But that need not and will not cost it the esteem of those with whom it shall have established a reputation for honest purpose and intelligent judgment. That reputation, indeed, can be obtained in no other way than by candid opinions, expressed with decent moderation.

The Journal is yet young. It hopes to grow older. We have paused so long for this temperate, and we trust not immodest talk with our readers, with the idea that the homes where The Journal enters as a friend, will be interested to know something of its purposes and its hopes. It does not ask you to be satisfied with it, for it is not now and perhaps never will be satisfied with itself, but it expects you to note with friendly pleasure the improvements which time and your kindly encouragement will develop.

Needless to say, THE JOURNAL HAS COME TO STAY.

THAT ALASKA LINE.
W. G. Glafke, a prominent wholesaler of this city, indorses The Journal's previously expressed views on the subject of the Alaska trade and Portland. He stated in yesterday's Journal that he believed ample returns would come from the inauguration of such an enterprise.

Mr. Glafke has voiced a demand that is gaining in strength. Some day, perhaps, Portland will realize the need of the situation and move in the proper direction.

Persons of good judgment who come from Alaska and British possessions in the Far North assert that that region is in only the initial stage of development. Vast deposits of gold are there and other industries are forging to the front. Trade already is heavy and is increasing each year. It is not being secured by Portland business houses. Recently, a party of Portland business men—T. E. Fell and his partners—went North with several carloads of machinery and provisions. They were compelled to ship via rail to Seattle, thence to transport the freight by water. It was only because they lived here, had personal connections with Portland houses, and were loyal to the town in which they lived, that they did not purchase their supplies in Seattle.

It is annoying to the average citizens of Portland to know that all this rich trade is being neglected. They know no reason why it is so. They know only that it is so, and wonder that such opportunities are overlooked.

Mr. Oesch has demonstrated the advertising value of the Oregon exhibits at the Buffalo and Charleston Expositions. He says that the Charleston exhibit has, to his own knowledge, resulted in more business than would pay the whole cost of the exhibit.

CREDIT TO OTHERS.
Much of the credit of the election of Mr. Chamberlain to the Governorship is due to the other candidates on the state Democratic ticket—Messrs. Raley, Wann, Blackman, Bonham, Godfrey, Sears, Butcher and Weatherford. They inaugurated vigorous campaigns and devoted valuable time to canvassing the state. There was no time when these men thought they were going to be elected. The situation was such as to warrant no hope of the election of anyone on the ticket excepting Mr. Chamberlain, and yet the latter's associates on the ticket lent their undivided support to the principal candidate and displayed a loyalty that is remarkable. Few in-

stances are on record of citizens going out as did those herein mentioned and laboring for the triumph of better government, with no hope of success for themselves. That credit be given them The Journal, even thus late after the close of the campaign, has pleasure in making this statement.

A few country papers return belated echoes of the morning paper's fulminations against the Republicans who have failed to do proper homage at the shrine of the new Republican deity. If these editors will consider the true source of the trouble they will be better able to discuss it. The fact of such widespread disaffection is proof enough of a just cause for it. That cause is not far to seek. The iron-handed rule that marked the proceedings of the convention was just ground for revolt. The blame, therefore, should be placed where it belongs. Instead of anathemas hurled at the heads of Republicans approved by long and loyal service the real offenders should be held responsible. The plan was from the first to clear the field of all rivals for the United States Senatorship and it is pursued with diligence. No man who ventures to oppose the dynasty can escape detection. Never before in the history of Oregon politics was there so comprehensive a scheme to destroy rivalry and annihilate opposition. The conspiracy is imperial in its ambition, sinuous in its methods and merciless in its execution.

THROUGHOUT THE STATE.

The people of Jacksonville have decided to celebrate the Fourth.

Eugene will hold a street fair this year on September 10 to 12, inclusive.

W. H. Roberts of Hartsburg, had a fleece of wool that weighed 23 pounds. Over \$3 worth of wool on one sheep is not bad.

The largest crop of wool ever produced in Baker, Grant, Malheur and Harney Counties has been clipped this spring and is now coming into the warehouses.

The contract for the steel bridge across Bear Creek at Medford was let by the County Commissioners last week to George Ridinger of Coos County, if he fulfills the requirements. The contract calls for a steel bridge. The price to be paid is \$900.

While engaged in setting a mole gun on his farm near Roseburg, one day last week, E. P. Peeble in some manner discharged the gun, the load of shot tearing away the flesh between his thumb and forefinger and severing an artery but bearing no bones. Later gangrene set in and the thumb was amputated.

The bulldozers have been blasted out of the rapids along the Sandy River from Troutdale for a distance of 15 miles, and in doing the job over 100 tons of powder were used. The salmon going up the stream at the time in search of spawning beds suffered almost complete annihilation. Everybody in that vicinity had large supplies of fresh fish.

Mrs. J. M. Sloan and daughter, Mrs. Arthur Sloan, of Eugene, while out driving at Goshen had their horse become frightened at the northbound passenger and it came near running away. Before reaching their destination they met the southbound passenger, Mrs. J. M. Sloan got out to hold the horse but it got away, throwing Mrs. Arthur Sloan out upon her head and shoulders. She was badly injured.

Facts and Figures.

Venice has a cafe which has been open day and night for 70 years.

The rice mills of South Carolina clean and polish about 100,000,000 worth of rice each season.

The oldest piece of writing in the world is on a fragment of a vase found at Nipur. It is an inscription in picture writing and dates 4500 years before Christ. The University of Pennsylvania has secured it.

Bolivia produces 1-12 of the world's tin, and is rich in copper and placer gold; it has only 200 miles of railroad for its 600,000 square miles of territory. The almost entire lack of transportation facilities has kept back its development.

A Retrospection.

O Oregon, the "Columbia State," Where great Columbia swiftly rolls, Bear gently in your kindly arms, The pioneers' heroic souls.

Mount Hood I've seen for fifty years, In haughty grandeur white and high; His snow-white crest, bright as the stars, Has gemmed the over-arching sky.

Behold old Hood in kingly pride, Lift high his head to the great; Perpetual snows his royal crown, His wide domain this fruitful state.

Forever stand, most noble mount, In adamant strength and pride, A witness to such human change, The ebb and flow of human tide.

Among the few who danger faced In the "River of the West," I yet still live while others sleep, The sleep of valor, peaceful rest.

A pioneer among the brave, I knew their dangers and their fears, And knew their lives made Oregon, The hope and pride of future years.

Echoes I hear from Forest Grove, Escalating towers gone to rest, Where ring the bell for maid and youth, And tolls its knell at Death's behest.

Across the years there comes the sound Of happy voices Time has hushed; I sometimes see the vanished forms, That Death has met and coldly crumpled.

My dear old mother's face I see, In modern house, though furnished plain, Where once the log house sheltered all, Beneath the locust in the lane.

The JOURNAL SHORT STORY

"So you're a reporter, are you?" The young fellow with the frayed trouser's leg admitted that he was, as he wearily turned from an inspection of the hotel register. As he glanced toward the man with the reticent nose who had spoken, he noticed that he had a kindly eye. He did not object, nor feel bored, either, when he offered to give him "a good story." He knew that the story would be interesting and probably out of the common run, so he went over and sat down.

"I was once a reporter on Eastern papers, myself," said the stranger. "What's your name?" "Never mind my name," replied the man as he buttoned his collar for the 25th time over a button that was six sizes too small for the jagged rent that did duty as a button hole. "Yes, that was 'long about '85. The city where I worked had three morning papers. I was doing sports on one of them. The sporting editor of the Democratic daily was one of the best posted men in his line that I ever knew. He took a fancy to me—I was only a cub then—and took me under his wing. He helped me along and wouldn't let me get scooped if he could prevent it.

"One night there was to be a fight at a theatre. The stage was roped in on the stage, and there were three tables provided for the reporters. Jack had three or four sheets of 'copy' paper and I had perhaps as many more. We were both wondering who the other paper would send to do the fight for its next issue. "To our amazement, in came the dramatic critic of the paper in question. Now this was Major Handy, as good and general a fellow as ever lived, but I don't believe he could tell an uppercut from an anchor nurse or a home run from a golf stick. The major came in with a couple of quires of paper and a half-dozen pencils all nicely sharpened. He was positively shown a seat at one of the tables placed close to the rope.

"Old Jack grinned. When I suggested

that we had better take our seats alongside the major, Jack shook his head. The major told us that although he had never even attended a prize fight he was expected to feature the story if it would play up well, and to review the scrap by rounds. He laid his pencils all out in a nice little row, and got ready. "It was a moment of intense excitement when the two principals—both featherweights—stepped into the squared circle. Neither Jack nor I sat down. He whispered to me: 'The tallest fellow won't scrappiest shock 'em.' Jack and I stood back. After some preliminary sparring the little fellow, who was two inches shorter than the other one, shot out a terrific right-hander. It landed good and hard on the tall one's chin. He was close to the major and that blow laid him right across the major's table, much to his surprise. He never got any further in his story than to make one irregular mark on the paper.

"Jack and I got out quickly and went over to a certain popular resort to get a drink. That blow was a dandy, for it proved a complete knock-out. The major hunted us up, and said helplessly: 'How am I going to report a fight where there was only one blow struck?' "Jack told him to ring in some stuff for smoke-laden atmosphere in which the gasjets had a hard time to live, and then simply to tell the story just as things happened. 'Just give the story what space you think it is worth,' suggested Jack. The major departed.

"Next morning when I placed the three papers side by side, and read the major's account and that of Jack, I had to confess that the major had caught the proper spirit of the thing and that his account had more 'gizmo' in it than either Jack's or mine. I measured the three stories with a foot rule, and exclusive of the heads, they were each exactly 12 inches long."

CHARLES E. SAWYER.

BELIEVE IN EXERCISE.

Lord Salisbury has been told by his medical advisers that he would probably enjoy improved health if he could take more steady physical exercise, so reducing his weight and improving the action of the liver and other important organs. Accordingly his lordship has purchased a tricycle, and, accompanied by his daughter, he may be seen when in town, working patiently up the single incline of Constitution Hill any fine morning an hour or so before the luncheon hour.

The Prime Minister does not appear to greatly relish the exercise, and there is little or no doubt that were it not for the benefit which he expects to derive from it, he would infinitely prefer to stick rigidly to his official duties, or devote the time so spent to following up the scientific recreations of which he is known to be so fond.

The German Emperor is not yet old enough to have put on flesh to any inconvenient extent, but he is said to have recently taken keen pleasure in the game of ping-pong, and to have expressed his belief that the exercise so taken has had a good effect upon his health. It may be mentioned that he was first induced to give his distinguished attention to this modern game through the fact that his uncle, King Edward VII., not long ago presented him with a very handsome set of ping-pong accessories.

Mr. Herbert Gladston prefers cycling, cricket and lawn tennis. At the last named game he is something of an expert, and few of his colleagues in the present House of Commons could afford to give him any points.

Dr. Jayne, the Bishop of Chester, is another well-known public man who plays tennis regularly. He may sometimes be seen playing in the garden which adjoins his palace at Chester, with the members of his own family. In his younger days Dr. Jayne was a boxer of no mean order. During the course of a year Dr. Jayne must also run a good many miles, for he has a habit of "cutting it fine" in the matter of train catching, and may frequently be seen pacing the quiet streets of the city on the Dee at quite a remarkable speed—for a bishop.

It cannot be said that A. J. Balfour, the leader of the House of Commons, is incommoded by "this too solid flesh," yet he comes of a corpulent race, and were it not for his extraordinary devotion to the game of golf, there is no saying what proportions his present elegant figure might have assumed. In some ways his physique is not at all unlike that of his uncle, Lord Salisbury, and those who think themselves able to form an opinion on this delicate subject say that one day, in the distant future, Mr. Balfour will lose his slimmest.

Sir Henry Irving and Sir Charles Dillke both believe in fencing as a means for keeping in the best of condition. Neither of these able men is over troubled with surplus weight, but had they not been given to some form or other of regular physical exercise it is doubtful whether they would now be in possession of the good figure which each is so noted.

While exercise is unquestionably so beneficial it is a mistake to overdo it, for many who have been immoderate in their following of sport or hobby have had to pay a severe penalty in later life. Bishop Selwyn of New Zealand, and later of Lichfield, expressed the opinion that the active exercise, strict diet and regular habits demanded in training for boat racing had considerably contributed to fit him for his hard work in his colonial life.

On the other hand, the late Mr. Symonds was intensely opposed to boating, and was in favor of boating, and could point to many instances of fatal consequences arising from the former.

The fact seems to be that it does no harm whatever to those of thoroughly sound stamina, but finds out the weak points in men who, though they appear models of health, and are doubtless endowed with much muscular power, are not without a weakness of heart or lungs which such excessive exertion as a boat race serves to develop.—Pearson's Weekly.

PATTI'S FIRST CONCERT.

"I paid Adeline Patti a pound of candy for singing at her first concert," said Herman Grau, the oldest operating manager in America. "Little Miss Patti was at that time 7 years of age, and her concert was held in Willard's Hall, Washington, D. C. "I was well acquainted with her parents. They lived at that time on Twenty-second street, between Eighth and Ninth avenues. They were very poor until the little prima donna's singing brought them in \$100 a week.

"Her singing was regarded as marvelous for a child, but no one imagined that she would afterward receive \$1800 for three concerts, as she did in 1862, when singing in Madison Square Garden."

Herman Grau, who is to receive a benefit at the Grand Opera-House this afternoon, is a hale and vigorous old gentleman of over 90 years of age. He was a personal acquaintance of Liszt and Ernst, and has known almost every great operatic star for the past 60 years.

"Liszt and I were born in the same little village of Bregmoravia, 20 miles from Vienna," said the old impresario. "The most perfect music I have ever heard was an impromptu duet by Liszt on the piano and Ernst on the violin. The two—each the greatest master in his line—were playing one evening at Ernst's home, and the music attracted a vast crowd. "I have heard thousands of concerts since, but not one like that. Duets, nothing could equal it. That was 61 years ago.

"My first theater was in Richmond, Va. I had a stock company, which included Carl Fornes, one of the greatest basses the world ever knew; William Castle, tenor, who created the 'Abbott Kiss'; Sher' Campbell, baritone, and Matilda Toedt, the cleverest violinist of her time.

"Afterward I went to Washington, D. C. brought Carl Auchutz, a pupil of Beethoven, from Germany, and gave the first presentation of Faust and Lohengrin ever given in America. My interest in grand opera dates back to 1812, when, as a boy in Vienna, I spent all the money that I could get my hands on to hear the music of Lanner and Strauss. Those were musicians worth circling the world to hear—greater, as I remember, than any of the present day."

"American are, as I have said, vitally economical, but they indulge nevertheless in extravagances and carelessness which are purely wasteful," says a writer in *Almsdean's*: "Our municipal and National housekeeping, for instance, is often quite atrociously loose jointed. Our imaginations are so absorbed in our own interesting speculations that we confide too often our municipal housekeeping to dishonest, careless and incompetent public servants. Charles Elliot Norton, writing 49 years ago of a condition existent in a less degree today, said: 'More than half the sickness and more than half the deaths in New York are due to causes which may be prevented—in other words, which are the result of individual or municipal neglect, of carelessness or indifference in regard to the known and established laws of life.' What more economical than waste of this kind? Again, he said: 'The community is poorer by millions of dollars each year through the waste which it allows of health and life... It increases our taxes, diminishes our means of paying them, creates permanent public burdens and lessens the value of property.'"

"Statistics show that during the year 1886 the fire loss of the country was over \$100,000,000, the cost of sustaining insurance companies about \$36,000,000, and of sustaining fire departments about \$25,000,000. Experts maintain that much of this loss could be saved by better construction and greater skill and care in the use of property. 'The drink bill' of the country, at prices paid the 157,781 dealers licensed in 1883 was estimated by D. A. Wells at \$474,323,000. The loss to the public through the 50,265 criminals in jail in 1880 was, of course, enormous. Our pauper population also greatly swells our expense account. There is a great deal of uncompensated loss involved in these items."

On the cover of a prairie wagon which passed through Manhattan, Kan., the other day, was painted this motto: "No bound for Missouri. Not busted. No going to wife's folks. Just doing this to beat the railroads."

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