

# OREGON LAND FRAUD TRIALS WILL BEGIN ON TUESDAY

## The Appointment of W. W. Cotton as Federal Judge to Succeed Bellinger a Great Corporation Victory

Daily Report of the Land Fraud Trials Will Appear in This Paper and Nothing Will Be Suppressed—The Heads of the Government Departments Will Take a Hand

Portland, June 17.

This week has closed with several announcements, not the least of which was the announcement that Secretary Hitchcock and a force of clerks and Commissioner Richards of the land office would come on next week to take a hand in the land fraud trials. **THIS WILL BE THE FIRST TRIAL IN HISTORY WHERE THE CABINET AND HEADS OF DEPARTMENTS, EXCLUDING THE ATTORNEY GENERAL OF THE UNITED STATES** have descended to a personal interest in securing convictions, and it is virtually the United States vs. Oregon. It will be a battle royal to a finish. All the past week special detectives have been busy polling the jury. George Downing, who was taking in the fair, was kept under close surveillance by several detectives, and it was only after several interviews that they found out that he was not the right Downing, but it was Robert Downing, the Salem Alderman that is a juror, and so George S. escaped. The trials open Tuesday morning and I expect to be present if I am permitted, and report the proceedings. If any of our Oregon delegation are guilty of the things charged I want to hear it from the witnesses themselves, and according to the rules of evidence. As the matter stands they have been convicted over and over in the Portland newspapers. They are still entitled to the benefit of a conviction by a fair trial before being consigned to their political graves. The President has served notice on the land department, the law department and the interior department that the Oregon delegation must be sent to the penitentiary or there will be several vacancies in the cabinet.

**Cotton for Federal Judge.**

There was no surprise in the announcement that W. W. Cotton, the general counsel of the O. R. & N. Co., would be named to succeed Bellinger. **THE BIG INFLUENCES IN WALL STREET HAVE BEEN AT WORK.** In the past it has been necessary to buy up legislatures and to own congressmen and senators in Washington, but this is the first time a man has been put on the bench for life who has been a life-long counsel for the corporations that the President is laboring to hold down in the interest of the common people. It recalls the junketing trip which A. B. Worthington, W. W. Cotton, Governor Chamberlain, Senator Fulton and other gentlemen too in Eastern Oregon a few weeks ago, and ever since then there has been an Aeolian harp of influence stringing music on the breeze between Oregon and Washington to land the plum for Cotton. Fulton's real choice was Tom McBride of Oregon City, but he sent in the names of three other gentlemen, half suspecting that if he revealed his choice it would not be named. **HE WAS PLAYING A FIELD TO GET A LITTLE CREDIT WHOEVER SHOULD WIN.** The Portland papers are heading up their articles so as to give Senator Fulton all the credit for the Cotton appointment, while so far not a single disinterested republican of prominence has approved the selection. The Portland papers at heart all want to kill Fulton off for re-election.

**A Moody Appointment.**

The President has reaped the first harvest of long-distance government. Assistant Attorney General Robb was sent to Oregon to investigate the various eligibles for the office of federal judge to succeed the late Judge Bellinger, and lo, and behold he recommends the Hon. W. W. Cotton the life-long attorney for the O. R. & N. Co. for a life term judgeship, and the President is to give the Hon. Cot-

ton until September to take the job. It is stated that he is getting \$18,000 a year as attorney for the Harriman corporation, and will get \$6000 a year as judge. The two men in Oregon who would have got the smallest popular vote for the place were the only ones really considered, Henry E. McGinn and W. W. Cotton, and the latter is appointed as a result of the influence the Moody faction has with the United States Attorney General who is a MOODY, and Moody and Cotton have always been very close. **THE NAMES SENT IN BY SENATOR FULTON WERE NOT SERIOUSLY CONSIDERED.** He was informed that Cotton would be named and made the pleasant bearer of the news to the successful corporation lawyer and corporation lobbyist.

**Received in Silence.**

Beyond perfunctory endorsements of persons who would endorse anything or anybody, there is silence on the front and rear benches in Oregon politics. It was hoped and expected by many that a clean and able and disinterested man would be named for federal judge. The mass of the people would have accepted the appointment of Justice Bean, Judge Lowell, or any of a dozen other men named in the press with perfect satisfaction, but while they may not say much **THE APPOINTMENT OF COTTON WILL BE RECEIVED IN SILENCE.** The masses of the people of Oregon would have received the appointment of a number of Democrats, like Judge Bonham, of Salem, or even Governor Chamberlain with great satisfaction. But no thinking man in any party will thank the department of justice for forcing a man upon the people of Oregon who, as corporation counsel, and legislative lobbyist, has all his life been trained to think of corporations as sacred, and who becomes a main pillar of the church of frenzied finance for life in a position where no citizen can sue a corporation without fear and trembling, and no state can pass a law to protect itself against corporate rapacity and injustice without risk of having it set aside.

**Prince of Lobbyists.**

If W. W. Cotton had confined his labors in Oregon and Washington to the legitimate duties of counsel for the corporation, and hearing men who were suing for a team killed or for a leg cut off or for a son or daughter killed, he may have been acceptable as federal judge. **BUT HE HAS BEEN THE HEAD AND FRONT OF THE RAILROAD LOBBY IN THIS STATE AND WASHINGTON FOR MANY YEARS.** His labors and his training have been against popular measures. He has helped to defeat all the reform measures that have come before the people of Oregon in all these years, and how he can treat with fairness and justice any law for the protection of the people is beyond the comprehension of many people of ordinary intelligence. As a lobbyist he has always opposed rate laws in Washington and Oregon and other states, and yet the President is heaping every energy to have such a law enacted. As a lobbyist Cotton was overruled in the Washington legislature, which would not listen to his arguments and passed the law giving a commission power to make rates, when Cotton and all the corporation lobbyists used their utmost endeavor to defeat such legislation. Was he honest in advocating those views, and will he take those views on the bench? It will be said he only appeared as a hired attorney, and not expressing his own convictions. He probably has convictions on such matters, but they are corporation convictions.

**Not an Open Court.**

Anyone having a suit against a corporation, whether it be railway, telegraph company, express company, insurance company, or banking syndicate, cannot bring suit before Judge Cotton **WITHOUT FEELING THAT HE WILL BE AT A DISADVANTAGE.** No matter how much fairness and honesty we may give him credit for, no matter how fair or honest he may be, or try to be, the training and convictions men unconsciously receive disqualifies them to go against that training, and against those convictions.

If any law directed against any corporation comes before him, he will not be able to easily rid his mind of the arguments he made against those laws, and he will unconsciously be influenced by his own arguments in the past. As one of the main wheels in the whole stock-watering, high-pressure system that is holding the whole country in the bondage of corporate influences, he will turn in the direction of the system whenever the system is at stake or on trial. **THE LAWYERS OF THIS STATE ARE IN NO POSITION TO SPEAK OUT ON THIS MATTER,** but all know from experience what it is to have a corporation lawyer on the bench, and so far as they are concerned he might as well keep his present position as general counsel for the Harriman lines, and draw the salary as judge besides.

**Office-Seekers Keep Still.**

Not only must the lawyers keep still about this appointment, but the **POLITICIANS OF THE STATE WHO WANT FEDERAL APPOINTMENTS** must swallow whatever objections they might have. If they want to stand well with the President they must keep still. They dare not eulogize the appointment, because the farmers and producers and business men of the country, who are not part of the corporate system will not approve this selection. There is not a cross-roads in Oregon where a meeting could not be called and resolutions adopted unanimously condemning this appointment. The appointment will never be accepted by the people in general, and the best that can be said for it is that it may help turn this state over to the Democratic party. **REPUBLICANISM STANDS FOR SOMETHING BESIDES PUTTING THE CORPORATION ATTORNEYS INTO ALL THE BIG POSITIONS OF ADVANTAGE.** There is no more justice in putting Cotton, of the O. R. & N. Co. on the federal bench than there would be in sending him to the U. S. senate or to congress, and no Republican would sanction either of those propositions. It shows the weakness, the trucelessness and the decay of our political organizations that neither party, nor any leading man in Oregon dare raise his voice in condemnation of putting a representative of the Harriman syndicate onto the federal bench. The man who does condemn it is looked upon as being politically a pariah, and even the common people are silenced and deceived by the press into acquiescence.

**A Block to Rate Laws.**

When the President is striving to enact rate laws, when states like Kansas, Washington and many other states are trying to protect themselves against corporation iniquities, when even Oregon is becoming aroused to the unjust treatment this state is receiving, **IN BLOCKING OF ITS DEVELOPMENT BY A MERGER AGREEMENT BETWEEN HILL AND HARRIMAN,** the appointment of the chief counsel of the biggest corporation the people of Oregon have to contend with, is an insult to the common intelligence of the community. Republicans and Democrats would have willingly accepted almost any man, Republican or Democrat who was not by experience, training, employment and intellectual equipment foreordained to be averse to rate legislation. Not only the states, but the whole nation is struggling to secure protection against unjust rates, and the interpretation of these laws and the orders of the state and interstate commerce commissions are all liable to be brought before the federal courts. Then when the merchant or the commercial organizations, after a laborious struggle, gets into court, it finds itself **BLOCKED BY A JUDGE WHO OWES HIS APPOINTMENT TO CORPORATION INFLUENCES** and who takes the corporation view of these matters. Such an appointment at the present time is fraught with danger to the whole nation.

**Juggle With Issues.**

The constant tendency of corporation attorneys is to juggle with the issues, and not face a square issue in court or in any political contest. The injury and danger from having one of these attorneys on the bench is almost incon-

ceivable. No square deal and no square issue can ever be obtained in such a court. Mr. Cotton be may the best and most honest man in the world, but he is by training and experience constantly liable to be fogged with the corporation sophistries.

Consider just one statement made before the senate committee on interstate commerce at its recent hearings, in behalf of the commercial organizations associated in the movement to secure legislation conferring authority upon the interstate commerce commission to determine what change shall be made in a rate complained of, found upon full hearing to be unjust or unreasonable, such change to be put into effect by the carrier upon due notice and so continue until overruled by the courts, in which attention was called to the fact that the arguments made before that committee by representatives of the railway interests are directed against legislation of an entirely different character, from that proposed, which, so far as my observation extends, has not been advocated by anyone.

**Corporations Already Strong in the Courts.**

It should be remembered that the whole present struggle is to take power over rates from the courts and put them into the hands of the legislature. **THE LEGISLATIVE FUNCTION REPRESENTS THE PEOPLE,** and the federal courts have come to represent the corporations. There was no valid excuse for taking the appointment to the corporations on a silver platter in this case, because there were a dozen good men in Oregon who would have made good judges. **WHY CONCENTRATE MORE CORPORATION POWER IN THE HANDS OF THE COURTS?**

It seems to be the purpose of the representatives of the corporations' interest to imbue the public mind with the idea that legislation is being sought that will take the making of rates out of the hands of the managers of the railways, and place it in the hands of an administrative branch of the government, and, by means of such perversion of the purpose and effect of the legislation actually proposed, to arouse opposition to any form of legislation for the protection of the public against the enforcement of such rates as the carriers may see fit to impose.

**Courts Have Too Much Power.**

The advocates of the railway interest at the recent hearings before the senate committee urged legislation placing the determination of the justness or reasonableness of rates complained **IN THE HANDS OF THE COURT PRIMARILY,** divesting the interstate commerce commission of jurisdiction in the matter. This proposition is evidently induced by the fact that the fixing of rates for the future has been declared by the supreme court to be a legislative and not a judicial function, and hence the courts can go no farther than to condemn the existing rate, if found unlawful, and the carrier would be left free to make such change therein as they may see fit, as is the case under the present law. This, as will readily be seen, would afford the public no relief from existing unsatisfactory conditions. The only effectual means of protection to the public interest lies in conferring authority upon some administrative body to determine to what extent a rate complained of is discriminative or unreasonable, and to declare what rate should be substituted in its place, as provided in the Each-Townsend bill, which confers such authority upon the interstate commerce commission. This

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is in accord with the recommendation of President Roosevelt in his last annual message to congress, expressed in the following language:

"The interstate commerce commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place the ruling of the commission **TO TAKE EFFECT IMMEDIATELY AND TO OBTAIN UNLESS AND UNTIL IT IS REVERSED BY THE COURT OF REVIEW.**"

The whole rate situation is so vitally important that it looks to a man up a tree that the President has been jobbed into making this appointment. It will cost the people of Oregon and Washington dearly before they have got along two years in the struggle for solution of this problem. No worse blow could have been struck to the cause of transportation reform than this appointment of a federal judge for life from the ranks of the corporation attorneys and lobbyists.

**If the President Knew.**

If the President knew that W. W. Cotton is thoroughly opposed to all regulation of corporations if the President knew that he has helped to defeat all such legislation in Oregon; if the President knew the arguments he made before the last Washington legislature when a rate bill was up for passage; if the President knew that he will use all his influence to defeat reform legislation in this state in the future; if the President knew that every lawyer practicing in the courts of this state and the Northwest knows and believes—that no suit against a corporation will ever get a fair deal in a court presided over by a man whose whole training has been from their viewpoint; if the President knew that no man in Oregon has done more to demoralize legislatures by widespread distribution of free passes during the sessions; if the President knew all these things he could not, in justice to himself or the people of this state and nation, recommend this appointment. All this is not saying that Mr. Cotton is not an able and an honest man and **WILL MAKE A GOOD JUDGE ON ALL OTHER MATTERS BUT CORPORATIONS.**



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