

THE CAPITAL JOURNAL

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FULL LEASED WIRE TELEGRAPH REPORT



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A VERY REMARKABLE CASE.

A STORY in Wednesday's Oregonian entitled "Lawyer's Protest Costly" is worth more than passing comment. The story in substance is that Robert Henderson had brought an action for damages for personal injuries against the South Portland Slabwood Co. John B. Ryan and S. S. Humphreys appearing as attorneys for the defense, and although Judge McGinn, before whom the suit was brought, protested against it, they elected to have him try and decide the case without a jury. Now here comes the unbelievable part of the story, because if it is true it shows Judge McGinn up in a very bad light and demonstrates his utter unfitness for the bench. For this reason, and for the further reason that he is a fine lawyer, and as the writer has always believed, an absolutely honest and honorable man, the story seems so utterly impossible. Here is that part of the story to which we allude:

Yesterday he (Judge McGinn) announced that the plaintiff was entitled to \$3000 as compensation for his injuries. The amount sued for was \$15,500.

"Why, your honor, that's not fair. The man was not hurt at all," exclaimed Attorney Humphreys.

"You seem to be somewhat prejudiced in this matter," retorted Judge McGinn. "The verdict is increased to \$7500."

"I am not as much prejudiced on my client's side as your honor is on the other," asserted Attorney Humphreys, still boiling with rage.

"Judgment for the plaintiff is now \$10,000 and it will be increased to \$15,000 if I hear any more criticism of the court," announced the Judge.

"I'll keep quiet. I have nothing more to say," gasped Humphreys, subsiding in his chair.

If this is a correct statement of the transaction, then the more speed Judge McGinn develops in writing his resignation, the better for himself and the state at large.

As a Judge he had decided the case on its merits, and found the plaintiff entitled to a judgment for \$3000. Could the words of an angry attorney affect the merits of the case? Was the plaintiff entitled to a bigger judgment because the attorney for the other side was perhaps guilty of contempt of court? Was the plaintiff damaged \$4500 more by the sarcastic remarks of the attorney about the Judge? Was he again damaged \$2500 by the acts of his attorney? Could he have been damaged \$5000 more as the story says the Judge intimated the judgment would be if Humphreys continued his remarks? The whole story seems so preposterous as to be beyond the possibility of belief.

The law wisely provides the courts with the means of maintaining their dignity, and of punishing lawyers for unbecoming conduct, the punishment even going in some cases as far as disbarment, but it certainly does not contemplate or provide for increasing the amount of damages an innocent client must pay, because an attorney forgets what is due the court. The anger of a Judge at an attorney is a poor basis for the measurement of damages.

As the case stands, according to the story, the defendant now has a judgment against him of \$10,000; \$3000 of which was given by the Judge as damages and \$7000 taxed up against him as vicarious punishment of his attorney. We cannot believe Judge Mc-

Ginn did this, but if he did, then the recall of the judiciary has been given one of the strongest endorsements possible.

MUSIC IN ENGLISH.

HERE is an editorial from the Oregon Journal that, as its subject, Mr. Bispham, appears here tonight, is appropriate as well as good:

"David Bispham, now in Oregon, champions American music on an American stage. If we have no suitable American songs, he says, then sing foreign songs, and sing them in English.

Let Mr. Bispham continue his propaganda. No slogan will meet with a better or more general response. No proposal as to music will meet with a deeper enthusiasm.

"Almost every nation that has opera at all has it in its native tongue. France, Spain, Italy, Germany and even Russia each has the masterpieces sung in its own language.

"Only who speak English look wise and listen to song that we do not understand. We array ourselves in our gayest raiment, pay several dollars per, and proceed to watch motions on the stage that might as well be rendered in pantomime.

"They say English is not a singing language. Mr. Bispham himself, in his renditions, proves that it is a singing language. English contains some of the most beautiful songs ever sung, and some of the greatest of singers have found delight and profit in rendering them in the tongue that Americans love most.

"They say some of the inner beauties are lost in the translation from the original into English. Does it lose more than in the translation into Russian?

"Is it not better to lose some of the inner beauties by the translation than to lose them all through their rendition in a jargon that nobody understands?"

SOME APPALLING FIGURES.

YESTERDAY The Capital Journal had a telegraphic story to the effect that 18 firms, composed of 180 men here in the United States controlled \$25,325,000,000 worth of property through controlling the boards of directors of the railroads, insurance companies and other great corporations. The same story also showed that J. Pierpont Morgan controlled the other 175 of these men, he being one, and so the situation resolves itself into Morgan controlling this vast amount of property. The sum is so stupendous that the mind cannot grasp it, 25,000 million dollars. Let us put it in some shape that the mind can get at least a faint idea of it. If a child born Christmas day, say, could spend one million dollars a day, he would be 75 years old before he had spent it all. He would have enough to permit him to spend a million dollars a day from the coming Christmas until Christmas day, 1987. Divided among the 750,000 people in Oregon, it would give each \$33,000, and if divided among the people of the United States each would get \$277.

Again, if this sum was in gold coin, it would weigh nearly 45,000 tons. This loaded in freight cars of 100,000 pounds capacity, would load 900 cars or 30 freight trains of 30 cars each, or a string of freight cars nearly nine miles long.

In silver it would weigh 720,000 tons, and would load a train of freight cars reaching from Portland to Eugene, and twenty miles beyond it.

Put out at interest, it would at 6 per cent earn \$1,519,500,000 in a year!

44,163,000 a day; \$173,000 an hour; \$2,932 a minute; \$49 with every tick of the clock.

Some money isn't it? And while neither Morgan nor the 180 men own this property, they absolutely control it. Is it any wonder a panic can be started at any time and for any or no reason? What power for good or evil rests with these men—or this one man? Is this country or any other safe when control of such vast combined wealth is in the hands of a few men?

The answer may be given in some day in a way we will little like, but always remember.

That Adventist who Tuesday drew such a vivid picture about the world coming to an end certainly overlooked a point or two in his combinations. For instance he is going to have the flesh baking on a fellow's bones from the heat of the sun, and at the same time hail stones falling weighing exactly 57 pounds. Faucets usually running water will run blood, so he says, but does not mention what the bear taps will produce. However, nothing else matters much for by the time a slower or two of those 57-pound hail stones passes over, there will not be anything left for the sun to cook, and so one alive to sample the faucets. Let us kindly hope he is mistaken, that his extra dose of hashish alone was responsible for the conditions, as he saw them.

The New Policemen.

According to speculations, grounded upon what his friends claim to be facts, Frank Shedeck, the marshal-elect, will take up the duties of his office with practically an entirely new force of patrolmen. There has been considerable scrambling for positions on the local force since Mr. Shedeck's election, and many were confident that they would be given a berth.

Although Mr. Shedeck has refused to make any definite statement, it is fairly well established that he will retain Wilbur Gains, now on the force. Others who are said to be slated for recommendation are Fred Heysler, a well-known man of Salem, and a former baseball player; Frank Flake, who has performed police duty here at various times; Jack Welch, now a member of the street department of this city; Pound Master Irvin and Joe Woolery, a former guard at the penitentiary.

In the event these men are Mr. Shedeck's choice, the force will be represented by officers nearly as large as those now serving. Heysler will make a good officer, and, while not having had any experience with that character of work, will do valuable service for the city. Welch is a six-footer, and has the reputation of being a hustler. Although along in years, Irvin has served the city admirably during the past year as pound master and general police officer, and is said to be in good standing with the council. Both Woolery and Gains have had experience in dealing with people in an official way, and will make splendid officers.

Youngster Generous With Birds

Offering to contribute a thoroughbred pen of White Wyandottes to the poultry yards of the state training school and a cockerel to the asylum farm, a letter from Archie McCauley, of Portland, comes to Secretary of State O'Connell. Young McCauley is the lad who won the prize Shetland pony which was given as a prize in the children's industrial exhibits at the state fair in September as a sweep-stake in the White Wyandotte exhibit. The Portland youngster asks only that the institutions pay the express charges on the birds. Superintendent Steiner and Superintendent Hale say that they will welcome the gifts.

But this is not the full extent of young McCauley's generosity. He is offering to give two settings of eggs from the El Porvenir Poultry yards, with which he is connected, on the same terms that Mr. Kaplinger of Salem is making his offer. All who make application to him before February 1 will have their names filed in the office of State Superintendent Alderman where the names will be placed in a box. The first two drawn out will each receive a setting of eggs. Master McCauley also gives a trio of White Wyandottes of the El Porvenir strain to be computed for at the state fair next fall.

The cockerel which Young McCauley offers to contribute to the asylum farm yards scored 91 1/2 points at the state fair. The cockerel belonging to the pen, which he wishes to send to the training schools under the same score while the pullets scored from 91 1/2 to 92 1/2. He makes it a condition of the gift that the birds be not allowed to mix with the other poultry at the institution.

The Public Libraries of Oregon

ANDREW CARNEGIE HAS GIVEN NEARLY HALF A MILLION DOLLARS TO THEM—COMMISSION MAKES ANNUAL REPORT.

Andrew Carnegie has given library buildings to Oregon aggregating a cost of \$433,000, according to figures shown in the biennial report of the state library commission. Of these buildings nine are new since the last report, some of them not yet being finished. No appropriations are asked in the report.

The report is a resume of the work of the last two years. It shows that thousands of volumes of books are sent broadcast over the state by the commission each year, and that thousands of children and adults in out-of-the-way corners of the state are daily benefited by the books. Trained librarians are employed, and the result is that only the best books are being read. The commission has no use for cheap literature.

"The commission has a library of 24,000 books and pamphlets, and 11,300 classified clippings," says the report. "The work it does is that of a general state and reference library together with supervision of the school library buying of the state, which is done by any other library. Its activities may be divided into three groups:

"1. Its work for the public schools, acting as agent for the annual purchase of books required by law, having bought 58,388 volumes for them during the period covered by this report at a saving of over \$11,000 from this centralized buying as compared with buying by individual districts.

"2. As a state library in the circulation of books and periodical articles through its traveling libraries, general loan system, debate libraries and reference work, having a total record of 44,849 books, pamphlets and clippings shipped out in the last two years.

"3. As an advisory office and clearing office for public libraries of the state serving the small libraries by means of visits by a trained librarian, distributions of publications, blanks, forms and book lists, by loans of books singly and in groups to supplement their local collections, and by advice and help in regard to planning of buildings and organization of libraries.

Location of Libraries.

"There are now 13 public library buildings and two college buildings in the state, aside from the branch libraries in Portland, twelve of them having been built with gifts from Mr. Carnegie, the Multnomah county library building having been built at the county expense under the law passed at the last session of the legislature. Of these buildings none are new since the last report, some of them are not yet finished, and the amount of the gifts are as follows: Albany, \$12,500; Dallas, \$1000; McMinnville, \$10,000; Medford, \$20,000; Newberg, \$10,000; Oregon City, \$12,500; Salem, \$27,500; Union, \$5,500. Mr. Carnegie has now given Oregon \$433,000 in public library buildings and \$20,000 to Pacific university for a library building.

"A good index to library progress is the employment of trained librarians. There are now 19 Oregon public libraries in charge of such librarians who have been specially trained for their work. Five of these being newcomers since the last report. Trained assistants are also employed in Portland and Salem. All of the state libraries have trained assistants.

Books the People Like.

"The orders have been extremely well filled, there being only 45 books which the dealers were not able to supply and about 10 errors in the shipment of 28,584 books to the 33 counties in 1912. Most of the districts made their own selections and evidently have an interest in building up their libraries. The most popular books in 1912 were:

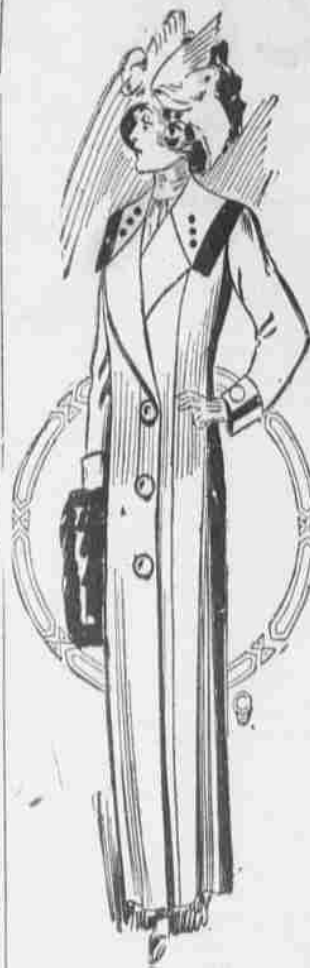
"Chapman, Story of Oregon; Carroll, Alice's Adventures in Wonderland; Powers, Famous Pictures; Ruskin, King of the Golden River; Carpenter, North America; Grover, Sunbonnet Babies' Primer; Carpenter, Asia;

A Skin of Beauty is a Joy Forever

D. R. T. FELIX GOURAUD'S ORIENTAL CREAM OR MAGICAL BEAUTIFIER



"Just Say" HORLICK'S
It Means
Original and Genuine
MALTED MILK
The Food-drink for All Ages.
More healthful than Tea or Coffee.
Agrees with the weakest digestion.
Delicious, invigorating and nutritious.
Rich milk, malted grain, powder form.
A quick lunch prepared in a minute.
Take no substitute. Ask for HORLICK'S.
Others are imitations.



Ladies' Suits
All New
\$4.50
\$7.50
\$10.50
\$12.50

Ladies' Coats
All New
\$3.95
\$5.90
\$7.50
\$10.50



The Big Chicago Store

Is out for our Xmas selling with the finest lines of classy merchandise we ever had the pleasure of offering the people of Salem. Every article in this great big store is new, and you may depend on getting prices lower than anywhere else in Salem.

Ladies' Suits \$4.95, \$7.50 and \$12.50
Ladies' Coats \$3.95, \$7.50 and \$10.50
FURS AT ALL PRICES
Children's Coats \$1.49, \$2.50 and up



Dress Hats and OSTRICH PLUMES

Now on sale at surprisingly low prices
Dress Hats, \$6 and \$8 values
Now \$1.98, \$2.50 and \$3.50
PLUMES
\$1.98, \$2.50, \$3.50 up

Stylish Furs

Now on sale for our Xmas selling.

White Fox Furs
Russian Mink
Isabella Fox

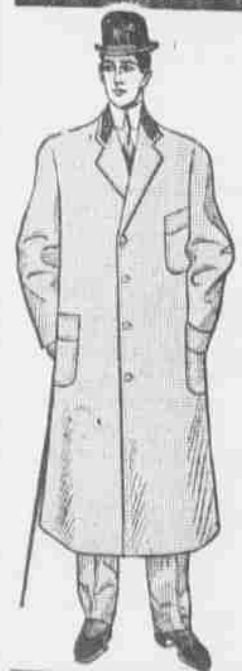
And dozens of others offered at small prices



Men's AND Boys' Overcoats

PRICED DOWN FOR XMAS SELLING

Men's overcoats from \$6.50 up
Boys' overcoats from \$3.50 up
Come here and see the wonderful bargains we are offering in Men's and Boys' goods.



Christmas Present List

There are only a few—We make the low prices of Salem.

LADIES' HAND BAGS
SILK HOSIERY
SILK UMBRELLAS
MENS NECKWEAR
MENS HANDKERCHIEFS
MENS DRESS SHIRTS
MENS DRESS GLOVES
FINE DRESS GOODS and SILKS

LADIES' FANCY NECKWEAR
SILK PETTICOATS
KID GLOVES
LADIES' BATH ROBES
MENS SMOKING JACKETS
MENS AND LADIES' UNDERWEAR
FANCY APRONS
DOLLS, TOYS
GAMES AND BOOKS

CHICAGO STORE

Salem, Oregon The Store That Saves You Money

LADD & BUSH, BANKERS

Established 1868 Capital \$500,000.00

Transact a General Banking Business.

We issue travelers' checks and letters of credit available in all parts of the world.