

## THE CAPITAL JOURNAL

PUBLISHED BY  
**The Barnes-Taber Company**  
GRAHAM P. TABER, Editor and Manager.

An Independent Newspaper Devoted to American Principles and the Progress and Development of Salem in Particular and All Oregon in General.

Published Every Evening Except Sunday, Salem, Oregon.

**SUBSCRIPTION RATES:**  
(Invariably in Advance)  
Daily, by Carrier, per year ... \$5.20 Per month .45c  
Daily, by Mail, per year ..... 4.00 Per month .35c  
Weekly, by Mail, per year .... 1.00 Six months .50c

FULL REBUILT WIRE TELEGRAPH REPORT



### ADVERTISING RATES.

Advertising rates will be furnished on application. "Want" ads and "New Today" ads strictly cash in advance.

The Capital Journal carrier boys are instructed to put the papers on the porch. If the carrier does not do this, misses you, or neglects getting the paper to you on time, kindly phone the circulation manager, as this is the only way we can determine whether or not the carriers are following instructions. Phone Main 82.

### HAIR SPLITTING.

THE Oregonian Thursday, under the above caption, says: "Interested persons in Salem have supplied the Capital Journal of that city with argument in support of the theory that the special referendum election law is constitutional and in opposition to the Oregonian's criticism of Judge Galloway's decision."

There is a maxim of the law that says: "He who asserts what he does not know to be true, is as guilty of falsehood as he who asserts what he knows to be not true." As the Oregonian merely guessed as to our source of information and made an assertion that it did not know to be true, and which is in fact absolutely false, it stands classified judicially, and in our opinion, judicially as being a deliberate falsifier. This is mentioned editorially because it is not news. However to show the thinness of the Oregonian's argument, and the obtuseness of its editorial bunch we print the editorial in full. It says:

"Interested persons in Salem have supplied the Capital Journal of that city with argument in support of the theory that the special referendum election law is unconstitutional and in opposition to the Oregonian's criticism of Judge Galloway's decision."

"It is argued that because the first paragraph of the law sets a day for a special election without relating cause or reason therefor, the act does not meet the requirements of the constitution that special elections shall be called for a specific purpose. Yet the succeeding paragraph of the law provides that all measures passed by the Twenty-seventh Legislature upon which the referendum shall be invoked shall be submitted at such special election."

"While the submission of such measures is admitted by our ingenious friend to be the purpose of the election it is held not to be the purpose because the Legislature couldn't have that kind of purpose and keep within the constitution. The argument turns on a provision of the constitution which provides that no law shall be passed which 'shall be made to depend upon any authority, except as provided in this constitution.' This leads to the following:

"The taking effect of this law, if it was possible for it to take effect at all, is made to depend upon a contingency. That contingency was and is the invoking of the referendum on any measure passed by the Twenty-seventh Legislative Assembly. It would depend upon whether or not Parkinson or some one else worked up a referendum on the U. of O. appropriation or on some other bill."

"A very similar attack was made several years ago on the local option law of 1905. That act provided for the calling of special elections contingent upon somebody working up a petition and acquiring the signatures of 10 per cent of the voters. The local option law even goes so far as to declare that prohibition within the political subdivision designated in the petition shall be contingent upon the vote of the people in the special election. There is not only one but two contingencies. Yet the supreme court has held that the local option law does not contravene the inhibition in the constitution cited by our Salem critics."

"The only distinction that we can discover between the two laws in the particular of creating a dependency on some other authority is that the local option law provides for holding an election 'on the first Tuesday after the first Monday in November of any year'; while the referendum elec-

tion law provides for an election 'on the first Tuesday after the first Monday in November, 1912.' If it be contended that it is lawful to call an election in any year but unlawful to call one in a specific year, each election to be contingent upon the filing of a legally authorized petition, the hair-splitting is so fine that The Oregonian cannot see it at all."

The trouble with our big brother down the creek whom we shall endeavor to set right at the very imminent risk of having your ears boxed for doing so, is that it does not accept the law as made by the legislature, but undertakes to make another as a substitute. The legislature called a special election to be held the first Tuesday after the first Monday in November, 1912. It is called absolutely whether there is anything to vote on or not. It provides that the referendums if any shall be voted upon at that time. Suppose the referendum had not been invoked? The election must be held just the same and it would cost \$75,000 to hold it. The Oregonian says: "Yet the succeeding paragraph of the law provides that all measures passed by the 27th legislature upon which the referendum is invoked shall be submitted at such special election." No doubt the legislature intended to get around the constitutional inhibition, but it did not do it. The Oregonian attempts to read into the law what is not there, to make the special election in 1912, called for the purpose of voting upon all laws upon which the referendum is invoked. It is substituting the evident attempt of the legislature for its act.

Courts do not construe laws by what their makers intended, but by what they did. No other course is possible. The Oregonian is disingenuous, for it compares the law in question with the local option law which provides for holding an election on the first Tuesday after the first Monday in November in any year. It does not, however give or attempt to give the substance of that law which is as widely different from the law in question as black is from white. The local option law is a general law, laying down the conditions under which a special election may be called. It does not call an election, but prescribes the manner in which localities may vote upon the wet or dry proposition. The law under discussion calls for a special election next November, whether there is anything to vote upon or not. The local option law prescribed the manner of holding certain local elections, but it did not call them. Passing upon this question in the case of Fouts vs. Hood River, in the opinion by Chief Justice Wolverson, the court held:

"The local option law adopted in June, 1904, providing that upon the filing of a petition of a designated kind, the county court shall order an election to determine whether the sale of intoxicating liquors shall be permitted or prohibited in the political subdivision, designated in the petition, and that if the vote is against permission, the prohibition shall take effect on the first day of July next succeeding, is a general act, which became a law pursuant to proclamation, and is not within the prohibition of the constitution of Oregon Act 1, Sec. 21, providing that no law shall be passed the taking effect of which shall depend upon any authority, except as provided in said constitution, though the operation of the prohibition feature is conditional upon the vote in the subdivision designated in the petition."

This we presume is the law the Ore-

gonian refers to. Just note the difference the law of 1913 calls a special election to be held in November, 1913, at which referendum petitions, if any, must be submitted. The local option law provides the manner in which elections may be called by county judges in case petitions are filed. To make the cases synonymous, the local option laws should provide that an election should be held every November for the purpose of voting on local option petitions, if any.

The one is a law calling a special election for no avowed purpose. The other a law prescribing how communities may hold elections on the wet or dry proposition.

The Oregonian tries to draw the inference that the act was passed for the purpose of calling a vote to be taken on all referendum petitions. Would not the inference that it was passed just to give our newly made voters, the ladies, a chance to practice their penmanship be just as reasonable? Would it not be more reasonable, since the election is called for no avowed purpose, whatever?

### PROTECTION INDEFENSIBLE.

THE PRINCIPLE of protecting industries is indefensible no argument can be advanced in favor of the principle that a six horse team cannot be driven through Protection is based upon the theory that a man engaged in a given occupation is entitled to the privilege of receiving more for the products grown or made by him, than the price for which others would furnish the same product.

The Oregonian Thursday calls attention to the injustice done Umatilla county farmers by the removal of the duty on oats, and speaking from the viewpoint of the eastern Oregon farmer says:

"They see that oats are to be on the free list and they wonder what benefit would accrue to them if a large crop in Umatilla county came in the same year as a short crop in other sections of this country and a heavy crop in Canada. Four years ago, when there was such a combination of events, Umatilla farmers got \$30 a ton for their crop, being shielded from Canadian competition by protection. With barley on the free list, they would have to share their good fortune with Canada, perhaps give that country the bulk of it."

But in plain English, the above statement means that when crops are light elsewhere, the Umatilla farmer with a big crop, should be permitted, in order to get a big price for the same, to compel all users of that crop to pay an exorbitant price, in order to benefit the Umatilla farmer. The consumer must pay an unusual price, to benefit a certain few. The consumer of the oat crop that is the purchaser, is the city teamster, contractor, or persons engaged in an unprotected business. They have a right to be protected just as much as the farmer or anyone else. They are entitled to protection from the man who is protected, as great as he has to be protected against others.

The Oregonian advances the idea that with the protection of barley or oats, the farmer who had a great crop "would have to share their good luck with Canada, perhaps give that country the bulk of it."

Admitting this to be true, let's look in the other end of the telescope. Under the conditions named the consumer would have no one to share his ill luck with, the law having made him the goat. The good fortune of the man with the big crop—would be not in the size of his crop so much as in the privilege given him by law to charge an exorbitant price, and have his "good luck" at the expense of the "ill luck" of the other fellow. The same paper also speaks of Canada sending wheat to California. As California now ships millions of bushels of wheat and the price is fixed in London, Canada would ship her wheat to London, or if she sold it in California, the purchaser would ship it there, making a profit on it. The great American consumer is going to have his innings. He is going to buy in a market where prices are fixed by supply and demand, not by law, and he will no longer be satisfied to be the victim of special privilege.

As a general thing the producer is helped but little by the tariff. Its benefits go to the middle man, the speculator. This is a great free country, or should be, where everyone should have the same rights and privileges as his neighbor. The government has a right to tax the people, to carry on the government, but it has no right to delegate the right to levy a tax, for their own benefit, to any man or set of men.

### A PLEASURABLE CHANGE.

WE ARE pleased to note that the editorial bunch in the big tower in Portland is recovering from, or at least not giving vent to Anarchistic and blood thirsty sentiments. A few days ago it stated that if such "fellows" as the editor of the Capital Journal were not at times diverting they should be cut off, wiped out, assassinated. Yet if this

Here We Are With the Best Values

SALEM OREGON

# CHICAGO STORE

THE STORE THAT SAVES YOU MONEY

## SALEM'S GREATEST STORE IS THE CHICAGO STORE

We are here with the right merchandise the people want, offered at the lowest prices quoted in the Willamette valley. Come and let us prove it to you.



**\$18.00 SUITS NOW \$7.90**  
**\$9.90 and \$12.50 COATS \$6.90 and \$10.90**

Bargains in **Millinery** Milan shoes, trimmed hats, ostrich plumes, fancy stickups and flowers of all kinds now on sale at the lowest prices in Salem.  
**Trimmed Flats up to \$7 now \$1.98, \$2.50 and \$3.50**



## LADIES COATS AND SUITS

Now on sale at prices lower than ever quoted in Salem for navy blue and fancy tailored garments.

**NAVY SUITS \$8.90, \$10.50 AND UP**

### Girl's Wash Dresses Priced Away Down



ALL SIZES  
**35c 49c 59c 65c 75c 98c AND UP**

### Extra Special

Percales, all colors, yard 5c, 5 1/2c, 8 1/2c.  
Dress Gingham, yard, 5c, 8 1/2c, 10c.  
8c and 10c lawns, yard, 5c, 6 1/2c.  
500 yards of silk, now on sale, yd., 25c, 35c and 40c.  
Remnants of Wool Dress Goods half price

**Chicago Store**

### 1,000 PAIRS OF LADIES

**Kid, Silk and Lisle Gloves** now on sale long and short pair.  
**25c 35c 49c AND UP**



were done, who would occasionally enlighten the stygian gloom that perennially surrounds the Oregonian's collective editorial think tank? We do not enjoy calling our big brothers' attention to their shortcomings. They might be compelled to buy smaller sized hats, and this on top of the extra expense of the rose carnival would be a financial injustice. However, we are glad to note that our somewhat harsh but really well meant chiding has had some effect, and the editorial bunch has returned to legitimate argument and comment in dealing with a misguided country editor who has the temerity to think other than as it does rather than calling him little, a fellow, and squelching him by their overwhelming mental ponderosity. They should remember that length is not longitude, and that the size of one's position is no indication of the qualities of mind, of the one holding it.

Its criticism. The carnival attracts thousands of people to Portland, and it is up to her people to do whatever they do in the way of display in first-class shape, or—cut it out. Otherwise the "show" will cease to attract, and our big Metropolis will play to empty benches.

Slowly Salem is returning from the Portland Rose Carnival. By Saturday morning the streets will no longer be deserted.

The Southern Pacific depot that was good enough for Salem 40 years ago, is not good enough for Salem today. The depot has deteriorated, while the city has developed, and they get further apart every day. It is hoped their parting may not be far distant.

If the Southern Pacific wants its share of Salem's passenger traffic, it will connect its street car lines with its main line down at the old barn, where passengers are given the benefit of the corral while waiting for the train.

**X-RAYS.**  
Lady Constance Richardson, an actress, has just arrived in New York for a two-weeks' engagement. According to the dispatches, she wore a gown, kimono style, made of Japanese silk, that cost only 9 cents a yard, and the split in the side of said gown, the brass reporter says, showed that she wore no socks, and sported sandals. She has the advertising line, though in full costume.

The Royal Annes strikes us as being rather effeminate as a name for the Cherry City Boosters. How could they get up alongside a bunch of Black Republicans! "The Blings" would fit better.

The thanks of all true Oregonians are due to Jupiter Pluvius for behaving himself during the Portland rose carnival. The crops need rain, but will not suffer for a day or two, and the Rose Carnival is surely of enough importance to pay for a few days of waiting.

The Oregonian says the auto parade at the rose carnival was not up to standard—the autos poorly decorated, and in fact was practically a failure. The Oregonian is eminently correct in

its criticism. The carnival attracts thousands of people to Portland, and it is up to her people to do whatever they do in the way of display in first-class shape, or—cut it out. Otherwise the "show" will cease to attract, and our big Metropolis will play to empty benches.

Slowly Salem is returning from the Portland Rose Carnival. By Saturday morning the streets will no longer be deserted.

The Southern Pacific depot that was good enough for Salem 40 years ago, is not good enough for Salem today. The depot has deteriorated, while the city has developed, and they get further apart every day. It is hoped their parting may not be far distant.

If the Southern Pacific wants its share of Salem's passenger traffic, it will connect its street car lines with its main line down at the old barn, where passengers are given the benefit of the corral while waiting for the train.

**X-RAYS.**  
Lady Constance Richardson, an actress, has just arrived in New York for a two-weeks' engagement. According to the dispatches, she wore a gown, kimono style, made of Japanese silk, that cost only 9 cents a yard, and the split in the side of said gown, the brass reporter says, showed that she wore no socks, and sported sandals. She has the advertising line, though in full costume.

The Royal Annes strikes us as being rather effeminate as a name for the Cherry City Boosters. How could they get up alongside a bunch of Black Republicans! "The Blings" would fit better.

The thanks of all true Oregonians are due to Jupiter Pluvius for behaving himself during the Portland rose carnival. The crops need rain, but will not suffer for a day or two, and the Rose Carnival is surely of enough importance to pay for a few days of waiting.

The Oregonian says the auto parade at the rose carnival was not up to standard—the autos poorly decorated, and in fact was practically a failure. The Oregonian is eminently correct in

It is true that women more frequently suffer from kidney trouble than men. It is also true they suffer more intensely, owing to their more sensitive organization. Katherine L. Norton, New Bedford, Mass., says: "I had a terrible pain across my back, with a burning and scalding feeling. I took Foley Kidney Pills as advised, with results certain and sure. The pain and burning feeling left me, I felt toned up and invigorated. I am glad to recommend Foley Kidney Pills." They are tonic in action, quick in results. Dr. Stone's Drug Store.

People on rural routes don't like holidays, especially when they come on Saturday or Monday—no mail.

## HANDS UP!

**We want your money, life and property—Your money to loan and invest.**

**Your life to insure or make happy. With one of our many bargains.**

**Your property to sell, trade or protect with fire insurance.**

**We have bargains in farm land, acreage, fruit tracts or city property and business chances, hotels, restaurants, pool hall, candy, grocery or cigar store.**

**We rent Houses and Furnished Rooms. We sell Insurance of all kinds**

List your bargains with us and we will give you square, prompt and courteous treatment.

**Houses and acreage on installments.**

**Acme Investment Co.**

A. E. COOK, Manager.  
Phones: Office, Main 477; residence Main 2487.

Opposite Court House, 540 State St.  
**Employment Bureau in Connection.**

## THE AD. MAN'S CORNER

ADVERTISING VS. ETHICS.

A short time ago at one of the sessions of the Seattle Ad club, the question of medical advertising was discussed. The ethical side was taken by four of Seattle's most prominent physicians—and it was shown beyond a shadow of doubt that all medical advertising is fraudulent and that no reputable practitioner can possibly advertise and retain his honesty. The unfortunate feature of this discussion is and was, it was one-sided:

TO THE MIND OF THE PROFESSIONAL AD-MAN NINETY PER CENT OF THE ARGUMENTS PRESENTED BY THE PHYSICIANS AGAINST ADVERTISING WAS IN REALTY EXCEPTIONALLY FINE ADVERTISING COPY.

One of the physicians said, "that when a physician enters a home, the only security that the people of that home have against ill advice or dishonest treatment is the physician's personal reputation for honesty and fair dealing. In the doctor's opinion, a man would cut a sorry figure if he advertised the fact that he is an honest and reputable practitioner, for the simple reason it is the habit of those media who are now advertising to exaggerate, to promise impossible cures, and to claim that their skill and equipment are the best in the world. For the honest man to make an honest statement in the advertising columns against the superlatives of the trickster would be, in his opinion, the height of folly.

In the opinion of the advertising men who listened to this physician's remarks, the presence of a two-column advertisement in the daily newspapers of Seattle every day for six months, placed there by the King County Medical Society, as a society, and setting out just the above facts, would drive the man who exaggerates out of business. The only imposition that can be practiced on the public by an advertising doctor, whether he be an angel or a thief, is possible through the general ignorance of the medical profession. A glance through the current issues of the comic papers of the world will show that the medical profession reaps a greater number of quips than any other profession. Because of the fact that the doctor is not called nor his services sought until the day of trouble, there is a popular feeling against a physician in the rank and file; were the physicians themselves—by the same process of advertising which has been used of late years by financial institutions, by railroads, and by life insurance companies—to talk directly to the people and set themselves right with them, they would remove this prejudice by removing the ignorance that causes that prejudice; and they would so fortify the reading public against what they are pleased to term the quack and the fakir that any exaggeration or dishonesty in a medical ad. would be recognized at sight.

In many American homes the family physician is a welcome guest, a counselor and friend. The relationship is based on mutual understanding; the doctor and the family have seen trouble together. But in an hundred homes there is dread and ignorance of the physician where there is a happy understanding in one.

Again, the speakers brought out the fact that the medical profession is based on service to the people; that the better the physician the quicker he heals the sick, and therefore the quicker he reduces his income, where by trickery he might enlarge it. Also, as it is his duty to proceed along that line, it is improper for him to advertise. BECAUSE ALL ADVERTISING IS FOR FINANCIAL GAIN.

HERE AGAIN THE PROFESSIONAL AD MAN DIFFERS FROM THE OPINION OF THE MEDICO. ALL ADVERTISING IS NOT FOR FINANCIAL GAIN.

Much of the advertising that has been done in the last five years by banking institutions has been to educate the people in the general principles of banking and thereby prevent senseless and damaging runs on banks in days of trouble.

If the physicians are sincere in their attitude that it is their own duty to serve the people that their incomes shall be kept down, then I think there is no one medium through which they could teach the public to keep well equal to a two-column ad in the press of their cities,—this ad to appear twice a week for six months.

INDEED, THE FUNDAMENTAL POINT OF DIFFERENCE BETWEEN THE MEDICS IN THEIR SPEECHES OF LAST TUESDAY AND THE BELIEF OF THE AD MEN IS AS TO WHAT CONSTITUTES ADVERTISING.

(To be continued.)  
Oh, the poor congressmen, with a prospect of racking their brains over a currency bill during the dog days.

## LADD & BUSH, Bankers

TRANSACTS A GENERAL BANKING BUSINESS. SAFETY DEPOSIT BOXES. TRAVELERS' CHECKS.