

THE CAPITAL JOURNAL

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LAW, COURTS AND GOVERNORS.

WHEN A WOMAN WILL, she will depend on 't, And when she won't, she won't, and that's the end on 't. That was the way the rather sarcastic Hudibras put it, and had he lived here in Oregon in these days, he might have made the statement apply to our sometimes amusing, and always interesting, governor. It is the governor's misfortune that he is as suspicious of legislators as they are of him. Last winter they took a recess of five days to head off anything he might do with his little veto hatchet, and since that time, if not previous thereto, he has looked with distrust on the so-called law-making branch of our U'berized state government, and places it in the category of unavoidable calamities biennially, but as avoidable between times, and so refuses to call the solons together in extra session.

That an extra session is a necessity is undeniable. Between the legislators making laws, or attempting to do so, and the supreme court butting into the affairs of Deity, and undertaking to discover what the legislators did or tried to do, there has accumulated a state of affairs that is practically hopeless.

The registration is a hopeless and helpless tangle. The county clerks must have their books in two places at one time, and the voter or voters who has any idea of casting a ballot next election has a harder job in trying to find out how it can be done legally, than it is to learn the sinuous dips and willowy glides of the omnipresent tango.

The decision of the supreme court Tuesday, in which the eight-hour law was interpreted has left the state institutions up in the air, or has rather given the boards and managers of those institutions a lift to such an altitude that they can only survey the situation from an altior viewpoint, and are as much at sea as though they had the riddle of the Sphinx to solve and had only an interior sphinx to guide to solve it with.

The supreme court did not make the law, it only stated what in its judgment, the law should be, and hewing to the legal line, let the chips fall like the dice where they listed, or words to that effect. The supreme court gave the lawmakers a certificate of wisdom, just states the facts and says, 'you are.' It states the nature of the crime, but does not suggest a remedy. That is beyond its jurisdiction and certainly beyond its power.

Under this decision the state institutions are up against it. The court says the law applies to them and this prevents any state employe working more than eight hours in any one day, or more than six days in any week.

It can readily be seen, that as Robinson Crusoe so aptly said, 'There is hell to pay and no pitch hot.' If the legislature had provided that there should be only six days in the week, the difficulty would not have arisen, but as they forgot to do this, the institutions are without any help or employe every Sunday. To take care of the insane, for instance, there must be additional help, for the patients must be looked after on Sundays as well as on week days. Then as no one can work longer than eight hours, there would have to be three shifts for Sunday, for there must be some one on watch all the time. It is the same at the prison, and at all the other institutions. In fact the board of control, all except State Treasurer Kay, is pulling its individual hair and wringing its individual shirt collars while wrestling with the problem. And there is no solution.

If the governor could for a day or two forget his opinion of the legislators generally, the solution would be easy. The game is in his hands and he alone can straighten it out—and he, as Hudibras said of woman, won't. The registration law is in an unentangleable tangle, and the eight-hour law has the state institutions bound and gagged. No one can straighten it out but the legislature, and it cannot meet unless the governor requests it to do so.

There is still one remedy that might settle the matter of the eight-hour law as applied to state institutions. The governor might call out the militia, and have the boys do the extra stunts at the asylum and other public institutions. This would give the militia boys a chance to show their enthusiasm and training, and also demonstrate that the governor can handle the situation without aid from the legislature.

Looking at the matter dispassionately, a learned attorney to whom we submitted the proposition in the hope of getting light, informed us that at first blush he considered the state institutions 'de hors the record,' and that the act itself was in the nature of a 'damnum absque injuria,' while the principle of 'sic utere toun non injuria meum' did not apply to this especial bit of judicial architecture.

When we got this jotted down, he added that what the legislature needed was to have its clevis pin moved over, that it took too much land and cut more than it could cover, or as the classical in Arkansas say: 'Bit off more than it could chew.' He further suggested that the governor's 'nolle me tangere' was out of plumb, and that his 'arma virumque cano' was shy on guns, men and dogs, and in violation of the game laws. In conclusion he allowed that 'he who steals the legislature's chance for a special session, steals trash; but he who robs it of its good name—performs a miracle.'

So far as we have examined into the attorney's theory, we are convinced it is correct.

HAS THE RIGHT QUALIFICATIONS.

ELSEWHERE IN THIS ISSUE is a statement made by Judge Galloway when passing on the Hillsboro case a few days ago, and we commend it to the perusal of every one. As the judge states, he has been severely criticized for his decision in the Salem liquor cases and his statement is a manifold one, made in a manifold manner, and is unanswerable. Regardless of the effects of his decision, which by the way in the Hillsboro case left that town 'wet' but made Sweet Home 'dry,' every lover of backbone and believer in courts deciding as the law directs regardless of who it hurts, will commend Judge Galloway for his manly stand. That he refused to alter his decision or make it conform to anyone's ideas, for political or any other reasons, is the strongest reason possible for keeping him on the bench. There is an old saying that 'A dog that will bring a bone, will take a bone.' It is an apt illustration. If a judge will for any reason decide a case contrary to what

he believes is the law, he will decide other cases in the same manner, and there would be no law other than as the judge might be influenced. You see the judges, like editors, are bound to be criticized, and it behooves them to be right, and let the fellows that do the criticizing be wrong. It tastes better when flavored that way. No doubt the citizens of Silverton are feeling sore at him over the decision in their sewer matter, but he has only stated the law. He did not make it. Had he been deciding the case in order to secure support for himself, he would have held against the board of health, for it only has three or four votes, while Silverton has a thousand. Judge Galloway has shown that he is not on the bench to get votes for himself for any office, or to help any party. He is there to do his whole duty as a judge, neither more nor less, and he is doing it splendidly.

Commissioner Dieck, of Portland, was selected to take charge of the engineering department of the city. Now he wants a high-grade engineer to take charge of the work and will pay him \$500 a month, or have the city do so, to take the work off his hands. Thus it goes, and when this high-grade engineer is found, he will also probably want a high-grade deputy to do the work; and the high-grade deputy will want a high-grade—there does not seem to be any place to stop, so we just quit.

The Daily News is the latest addition to Salem's newspaper field. The baby was born today and is small for its age, but it has that much more chance to grow. It is published by Hughes & Sons. It is epigrammatic in expression as well as in size, and promises to be always 'newsy.'

The new currency bill is said to have been made into a law in order to make money more elastic. However, a dollar will not stretch over any larger market basket than the old kind of germ-hatching, greasy greenbacks did.

The days are growing longer again, but in so slow and imperceptible a manner that one is forced to think they are taking pattern after the way an editor's bank account increases.

The devil may be the father of lies, but if so, there is a strong opposition put up by the fellows in charge of the Mexican news that would or should make the fork-tailed old renegade ashamed of his antiquated methods. The press dispatches from Huerta land make anything heretofore presented by the Ananias club look like 'proofs of holy writ.'

A state official now has no right to say a word about his office after eight hours of work. He would be working overtime.

Under the eight-hour law as handed us by the recent legislature, the governor can only govern eight hours, and there will have to be three secretaries of state and state treasurers, in case anything should come up that needs attention during off hours. Carried to its legitimate conclusion, the law forbids a state officer opening official letters after office hours.

1913 BEST YEAR FOR GOVERNMENT FORESTS

More Than Two Million Board Feet of Timber, With Value of Four and One-Half Million Dollars Sold.

INCREASE OF 167 PER CENT OVER SALES DURING 1912

Timber Sale Methods and Problems Explained at Some Length by U. S. Forest Service.

[UNITED PRESS LEASED WIRE.]

Washington, Dec. 25.—More than two billion board feet of timber, with a value of four and one-half million dollars on the stump, was sold by the forest service last year, according to the annual report of Henry S. Graves, forester, published today. This is an increase of 167 per cent over the sales of the preceding year. The timber sold was largely for future cutting under contracts that will run for a number of years. The actual cut was a little less than 500 million board feet, an increase of 150 per cent over 1912. Still larger sales are in prospect.

Timber Sale Methods and Problems The timber sale policy of the forest service is summarized as aiming first of all to prevent losses by fire, and secondly to utilize the ripe timber which can be marketed. Other aims are: To cut so as to insure restocking and forest permanence; to get the full market value for the timber sold; to prevent speculative acquisition and private monopoly of public timber and to maintain competitive conditions in the lumber industry so far as possible; to provide first for the needs of local communities and industries; to open lands of agricultural value to settlement without allowing them to be tied up by timber speculators; and finally, to secure as soon as possible the cost of production and administration to the government and a revenue to the national forest states, to which go 25 per cent of all receipts.

A large number of national forests already more than pay operating expenses. The revenue from the Alaskan forests now exceeds the cost of administration. The same is true generally in the southwest.

Range Management and Receipts. The forage resources of the national forests are pointed out as contributing to the maintenance of over 20 million head of livestock, which supply in part at least the demands for meat, or wool of every state in the union. The receipts from grazing, during 1913, though second to those from timber were more than a million dollars, and showed an increase over the previous year in spite of the fact that the season was less favorable and the area reduced. Over four per cent more stock was grazed as the result of increased production and improvements in handling stock, especially sheep.

The system of range management employed by the forest service is held to offer hope of relief to the average citizen concerned over the dwindling supply of meat products and their alarming rise in cost. The national forests furnish abundant forage sup-

plies, opportunity for adoption of the best methods, freedom from livestock diseases, and protection in the enjoyment of all rights and privileges. Cattle from the Hayden national forest in Colorado took the grand championship prize at the National Live Stock Show in Denver, and in many cases the lambs from the forests topped the market. Losses from predatory animals are growing less as the wolves, bears and other animals are killed off by forest officers.

Game Protection. In connection with the grazing work, the forests serve to protect game, and the Wichita forest, with its buffalo herd, is one of the show places of Oklahoma. During the year the service cooperated with the biological survey in placing over two hundred elk on various national forests. A large number of streams were stocked with trout fry.

Claims on National Forests. A large part of the report is devoted to a discussion of various kinds of claims under which title to land within the forests is sought. Nearly a thousand homesteads were taken up under a special act which provides for opening to settlement land suitable for agriculture. The report states, however, that some old homestead claims were instituted for the purpose of securing timber, and the same is still true of some mining claims.

As attempted frauds under the mining laws are usually resorted to by interests in no way associated with mining, similarly the vast majority of homestead frauds are not chargeable to practical farming, but the appeal to popular prejudice has been made in the name of the mining industry and in the name of the farmers of the country.

Mining Claims. 'The mining laws,' Mr. Graves says, 'afford the greatest cloak for land frauds in the national forests, and fraudulent mining claims are initiated by men and interests having no connection whatever with the mining industry.' The mining laws, for example, have been used to cover townsite and mineral claims, to secure farms and ranches, to secure mineral springs, sites for saloons, water power sites and stock watering place.

It has often been asserted that the national forests have operated as a bar to legitimate mining development. Figures collected in Colorado during the past year show that, if anything, there is more activity in prospecting on the national forests than outside.

As with the stock industry, the proper relations of the forest service with the mining industry should be cooperative.

Classifying Lands for Use. One of the largest tasks of the service during the past year has been the classification of lands within the national forests in respect to their high-est future use. This work was undertaken during 1913 on a more comprehensive scale than ever before, because there was a specific appropriation for the purpose. Large areas are being classified into the amount of land chiefly valuable for agriculture warrants its being taken out of the forests and it also takes care of areas on which development will disclose small areas suitable for agricultural development (within the forests). The work is being carried on with the assistance of the bureau of soils and the bureau of plant industry. One result of this work was the elimination of 340,000 acres from

the Nebraska, national forest, 23,000 acres from the Ranier in Washington, and 413,770 acres from the Deschutes and Paulina, in Oregon. About 500,000 acres in small isolated tracts were listed for settlement during the year. The areas now being examined for classification have a total area of about three million acres.

Water Power Development. The development of water power upon the national forests increased rapidly during the year, particularly in California. It is the purpose of the service to encourage power development in every possible way, while safeguarding the interests of the public. The minimum output from the permits now in force is nearly 800 thousand horsepower.

Regulations now in force aim to safeguard the interests of the public, prevent speculative holding of power sites, provide for complete and proper development and continuous operation, secure a return to the government for the privilege granted, provide a means by which states and municipalities may acquire power permits and prevent unjust charges being placed on the consumer.

Improvements on the Forests. The forests are being made increasingly accessible. More than 350 miles of road, nearly 300 miles of fire lines, and 2,000 miles of trails were built. The present value of all public improvements on the forests is somewhat over \$5,000,000, two-thirds of this amount having been put into lines of communication and protection.

Receipts from all sources for the year were slightly over \$2,500,000, showing an increase of 14 per cent over 1912, while expenditures for administration and protection were slightly over \$4,000,000, showing a decrease from 1912 of two per cent. It is pointed out that the work of examining and appraising timber prior to sale is seriously hindered in some regions and that larger receipts from timber are contingent upon the funds that can be made available for this purpose.

Although money for timber-sale work is necessarily subtracted from what is needed to protect the forests against fire, improved organization of the fire protective system has increased its efficiency. Owing partly to favorable weather conditions the total fire loss was only \$67,000, less than 19 per cent of last year, which was the best to date.

The resident population of the forests is given as nearly 200,000, and the transient population as over 1,500,000. Recreation use of the forests is increasing greatly, and is in some places giving rise to the need for careful sanitary regulation in the interest of the 1,200 cities deriving their water supplies from streams protected by the forests.

Make This and Try It for Coughs

This Home-Made Remedy has no Equal for Prompt Results.

Mix one pint of granulated sugar with 1/2 pint of warm water, and stir for 2 minutes. Put 2 1/2 ounces of Pinex (fifty cents' worth) in a pint bottle; then add the Sugar Syrup. Take a teaspoonful every one, two or three hours.

This simple remedy takes hold of a cough more quickly than anything else you ever used. Usually conquers an ordinary cough inside of 24 hours. Splendid, too, for whooping cough, spasmodic croup and bronchitis. It stimulates the appetite and is slightly laxative, which helps end a cough.

This makes more and better cough syrup than you could buy ready made for \$2.50. It keeps perfectly and tastes pleasant.

Pinex is a most valuable concentrated compound of Norway white pine extract, and is rich in guaiacol and other natural pine elements which are so healing to the membranes. Other preparations will not work in this plan.

Making cough syrup with Pinex and sugar syrup (or strained honey) has proven so popular throughout the United States and Canada that it is often imitated. But the old, successful mixture has never been equalled.

A guaranty of absolute satisfaction, or money promptly refunded, goes with this preparation. Your druggist has Pinex or will get it for you. If not, send to The Pinex Co., Ft. Wayne, Ind.

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Money for the States. Under existing law, 25 per cent of the gross receipts from the forests is paid over to the states by the federal government for the benefit of county schools and roads. An additional 10 per cent is expended in building roads and trails for the benefit of the public. About \$387,000 will be available to the states during the current year from last year's receipts, besides \$235,000 provided for in the road fund. Altogether, including special funds to Arizona and New Mexico, the national forests provided nearly \$887,000 to be expended for the benefit of the states in which they are situated.

Appalachian Forests. More than 700,000 acres have been acquired for national forest purposes in the southern Appalachians and White mountains, of which considerably more than half was secured during 1913. These lands are being protected against fire and the work of the government has greatly strengthened local sentiment against forest fires. Some 250 miles of trail, to help in fire con-

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