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# Editorial Page of "The Capital Journal"

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Editor and Manager.

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## HUGHES AND THE LAND GRANT

The Oregonian frankly admits that Mr. Hughes is as much to blame if there is blame, for the Oregon land grant decision as the other members of the court, neither more nor less since the opinion was unanimous. It adds that had Justice Hughes instead of Justice Kenna written the opinion it would not have been ambiguous. Our contemporary is too modest in its qualification of the decision as "ambiguous." With all due deference to the wisdom and learning of the supreme court of the United States the decision is worse than ambiguous, it is asinine. Old Bill Purvine, the long time justice of the peace at "Pizen Switch," Nevada, who never saw the inside of a book other than the 52 page edition of the stereotyped volume of the four Kings, could, and would have come nearer giving a reasonable and understandable opinion than did the concentrated and combined wisdom of the supreme court.

It is customary for courts in examining into and trying to construe an act of congress or the legislature, to take the intent of the act and the self evident intent of the legislators into consideration; and where an act is in any way ambiguous to construe it as the legislators evidently intended it to be understood. In other words to discover the intent of the law making body and let that govern.

In the case of the Oregon and California land grant the court did nothing of the kind, but simply handed down a decision repeating what the granting act said, and letting it go at that. It held that the land was given to the railroad for the purpose of aiding in the constructing of its railroad, with the proviso that said lands should be sold in quantities not exceeding 160 acres to any one person and at a price not exceeding \$2.50 per acre.

Then it added that as congress had not set a time in which the lands must be sold that time was indefinite, could be fixed by the railroad company, and it need not sell the lands at all, but if it did it must comply with the terms of the granting act. The court stultified itself, handed the people a lemon and the railroad a lawsuit. The court held the granting act was ambiguous and proceeded to make it perfectly lucid by creating an ambiguity in its decision. In effect it said: "An ambiguity is a thing ambiguous, but if we create an ambiguity it is not ambiguous to us but plain as a pike staff." Dogberry himself would be shamed into admiration of such remarkable premises, followed by such clear and overwhelming conclusions.

Justice Hughes was no more to blame than the other justices for adding confusion to what was before badly enough tangled, nor was he less so.

The Oregonian is puzzled over the possible workings of the "land and loan law." The law provides that "land be taxed to the full amount it will bring in rent on a five year lease." Tax on the market value of the land is prohibited. It is on this account that the Oregonian wants to know the rental value of 1,000 fir trees, timber being rated as land. We are always willing to do all we can to shed light on knotty questions for our contemporary, but this time it is wading in deep waters. If it finally discovers the answer we humbly suggest it delve into that other perplexing problem, "Why is U'Ren?"

Now that the Lee Jeans case has been decided let us hope our neighbors up Turner way, may forget their factional differences and recognize the fact that while they differ in opinion as to many things they are still all in the same boat and what helps the town helps all, while what hurts it hurts all; and that therefore all have the interest of the community at heart even though some of them may be mistaken as to what is best. Every citizen has a right to his opinion and to the expression of it. Why then quarrel?

The agricultural activities of some of the big countries of Europe for the past two years have been largely confined to planting men. The trouble is that the more they plant the less they have.

## THOSE ARMY AND NAVY BILLS

The army bill as it passed the senate yesterday carried an appropriation of \$312,000,000, the largest sum ever appropriated by any nation in time of peace except Russia in 1914, when providing for an army of five million she appropriated the sum of \$390,000,000. On top of this the navy bill calls for \$315,000,000, which is the largest navy bill ever passed by any nation. The two make a grand total of \$625,000,000. This seems like a large sum, and it is from an individual standpoint, but from the nations' viewpoint it is a trifle. It is spent every twenty days by England alone in carrying on the present war. In this country the hens, if they kept busy, would pay the bill in a year. Neither of these bills have passed the house, and it is claimed they will have hard sledding there. It is probable both will be reduced before being finally sent to the president. If we, as a nation, are going to be prepared for all emergencies, it is better to be thoroughly prepared. There is a wide divergence of opinion as to the necessity of preparing for possible war, but no matter how any of us believe, we must all admit that the little tangle with Mexico has shown us that it would take some time to get an army of any size together and equipped for the field.

The preparedness sentiment is strong and will undoubtedly prevail, for if public sentiment demands it it will get it. That is what public sentiment is for, and if it is in the majority, it is all right, for that is what bosses in this free country.

The cry has been that we must have a navy second only to England's, and if this is necessary, it naturally follows that we should have a navy second to none. If this country ever has a war with any European nation it will be with England, and England never fights alone. At present she has an alliance with Japan, and this suggests what might happen if we ever locked horns with our mother country. If we ever have war with Japan it will be at England's dictation, and they will be together. If we are going into the preparedness business let us do it in first class style and play second fiddle to none so far as ruling the waves is concerned. It is not probable that we will have war with any European nation, but the situation is much like that of old man Renick, a pioneer of the Hocking valley in Ohio, who was an ardent believer in foreordination. One day his boys wanting to go hunting asked the old man for his rifle. "No," said he, "I am going down to Lancaster and I might meet an Indian."

"Well if you did Dad, he couldn't kill you until your time had come could he?" artfully suggested one of the boys.

"No sonny, he couldn't; but suppose when I met the Indian his time had come, wouldn't I be in poor shape without a gun?"

The republicans, it seems, have concluded to make the presidential campaign not on any things they have done to deserve the confidence of the people, but on President Wilson's alleged mistakes. That he has made mistakes is quite probable, for he is human. That anyone following him now or at a subsequent election will also make mistakes is certain and this regardless of party or creed. If Mr. Hughes is elected he will make mistakes just as all others will. If President Wilson is re-elected he will probably make other mistakes, for perfection is not for humanity.

The Oregonian paragrapher preparing the way for possible slips of memory as to where roads lead to, suggests that "if some of the editors at Medford next week mistake the road to Hornbrook for that to Crater Lake charge it to absence of sign boards." Anyway the result is the same no matter which road is taken. At the end of either one can get a drop of the crater.

The news about the Deutschland is very similar to the statement about Villa and about as reliable. She takes out her clearance papers and is ready to leave as regularly as Villa is killed and resurrected. Pity he could not be placed on her when she really gets ready to leave.



## BIRDS AND CATS

Who does not love the singing birds? I spend much time admiring their solos, which, though minus words, are cheerful and inspiring. The nightingale and bobolink, the thrush, the wren, the linnet! The phonograph is on the blink—these feathered songsters skin it. The birds not only warble tunes that have Caruso going, they eat the bugs that eat the prunes and all things green and growing. To guard the birds we truly should adopt some stringent measure, and make their lives, in field and wood, one golden round of pleasure. But we are raising cats to burn, all useful methods dodging; and nothing that a cat can earn will pay its board and lodging. The cats kill off the orioles, the robins and the thrushes, and tear their bodies full of holes, with eager claws and tushes. The bird kills off the bugs and grubs, and by the cat is smitten, and we should take our choice of clubs, and slay the cat and kitten.

## STATE HOUSE NEWS

Asserting that it would confiscate all land titles; that it is based on fallacy; that it would greatly increase taxes; that it would conflict with the rural credits law; that it would stop the taking of government lands and that timber lands may not be assessable under the law, J. H. Averill of Portland, T. M. Baldwin of Princeville, William Brown of Salem, Leslie Butler of Hood River, Paul J. Brattain of Paisley, C. C. Colt of Portland and a number of others have filed with Secretary of State Oleott an argument opposing the proposed Full Rental Value Land Tax and Homesteaders' Loan Fund amendment.

The board of control held a meeting yesterday to consider the reports submitted by the Superintendent of the board of control, with relation to the flax work of the past year. The board did not decide formally whether or not Cady should be retained another year. Governor Withcombe favored his retention. Secretary Oleott and Treasurer Kay were unfavorable. It would appear that the superintendent will not be retained. Formal action however was deferred until the next meeting of the board.

The reports indicate that the flax experiment has not thus far proved to be a financial success, but at this meeting Governor Withcombe reasserted his faith in the enterprise. "There has been an effort to discredit it in Mr. Goodin's office and at the penitentiary," he asserted. "Mr. Goodin's report shows it. It is an attempt to build up a big expense account, with no offsets."

"There has been no effort in this office to discredit anything," replied Secretary Goodin. "My report shows just what has passed through this office."

Warden Minto told the governor that every assistance possible had been given the enterprise by the penitentiary officials.

Flax Superintendent Cady's report says, "Although the initial year of the penitentiary flax plant has been successful in the broadest sense of the word, I sincerely regret to report that financially it has not been entirely successful."

The report of Secretary Goodin shows that, with the exception of \$1707.33, all of the \$50,000 appropriated by the 1915 legislature for the flax experiment and road work has been spent. The flax experiment has consumed all but \$10,040 of the amount.

Newspapers and other publications going to the prisoners at the state penitentiary will hereafter be censored. At its meeting yesterday the board of control gave Warden Minto authority to this end, after the warden had made the statement that newspaper articles are the cause of most of the difficulty with prisoners in the institution.

During the past week a total of 335 accidents have been reported to the accident insurance commission, two of them fatal. George Nichols was killed at Monroe and Jerry Cohell at Mabel, both in logging accidents. Of the total number reported, 226 were subject to the workmen's compensation act, 39 were from public utility corporations, and 30 from firms and corporations which have rejected the provisions of the compensation act.

Engineer Kelly of the state highway department is in Coos county, looking after highway matters.

In an argument opposed to the Full Rental Value Land Tax and Homesteaders' Loan Fund amendment, filed with the secretary of state, Robt. E. Smith secretary of the state taxpayers' league, says: "Because the proposed amendment is a single tax measure, and because I believe single tax to be unsound and unworkable, I am opposed to it."

The proposed amendment prohibiting compulsory vaccination of all kinds is given warm support in an argument filed by Lora C. Little. She says: "This measure does not prohibit vaccination of any kind. If passed, all desiring vaccination may have it. Those opposed to it will not be compelled to be vaccinated, as they now can be in some instances. The bill stands for simple justice, no more, no less. It deserves your support."

Articles of incorporation were filed this morning at the state corporation department by the Yamhill Mercantile company of Yamhill, of which Frank Neale, W. S. Quigley and Charles N. Griffith are the incorporators, and the capital stock is \$10,000; by the Stuart Land company of Portland, capitalized for \$50,000; and by the Coos Bay Stevedore company of North Bend, capitalized for \$1000. The Pacific Forwarding company of Portland has filed notice of dissolution.

A question having arisen whether or not school districts, and especially districts maintaining high schools, are required by law to admit into such high schools pupils residing outside of such districts, Attorney General Brown has written State Superintendent Churchill answering the question in the negative. The attorney general says that a school district board is not required to admit all who apply to the high school of their district, other than qualified residents of the district, but if others are admitted that tuition is to be paid in the manner provided by chapter 235, laws of 1915.

In a telegram to the state public service commission the Southern Pacific promises relief as far as possible in the car shortage situation now existing. "Besides usual number of empties starting 34 empty box cars from Tracy 58 from Sparks also bring down trainload empty refrigerators from Portland to help situation. Very short cars all over system," says the message.

## Newport Excursion on Sunday, July 30

### Salem Street Car Employees and Band

#### SPECIAL TRAIN—

Leaves Salem 6:30 a. m., Sunday, July 30  
Leaves Albany 7:30 a. m., Sunday, July 30  
Arrives Newport 12:15 p. m., Sunday, July 30

#### RETURNING—

Leaves Newport 6:30 p. m., Sunday, July 30  
Arrives Albany 10:45 p. m., Sunday, July 30  
Arrives Salem 11:49 p. m., Sunday, July 30

**\$2.50**

Is the Round Trip Fare.

LOTS OF MUSIC. A BIG TIME ASSURED.

Special street cars leave both ends of Commercial street and end of Asylum line at 6 a. m. for Southern Pacific station. Special cars will leave station after arrival of special train at 11:49 p. m. for Commercial street and Asylum lines. Secure tickets from street car employees or at S. P. Station.

John M. Scott, General Passenger Agt., Portland, Or

**SOUTHERN PACIFIC**

Coos Bay Railroad Celebration—Marshfield and North Bend, Aug. 24, 25 and 26. Low round trip fare

Permission has been granted the Southern Pacific to put its local rates on the Coos Bay branch into effect at once, without the statutory notice of thirty days, inasmuch as the line is in actual operation. A new schedule, lower than that maintained during the construction period, has been filed with the public service commission.

## BELIEVE BILLINGS

(Continued from page one.)

Police information regarding the part played by others in the bomb plot and that a statement from Billings regarding the case had been in police hands since yesterday.

The head of the alleged ring is still at large, police said, but he is under surveillance any may be taken any time, according to one official.

A ball of steel, an automobile bearing of an odd size, was the prime clue which aided the police in weaving about Billings a net of circumstantial evidence which caused his arrest.

Fickert this morning revealed that a number of what heretofore have been regarded as "slugs" found in the bodies of persons killed by the bomb, were ball bearings. Bearings found in Billings' room were identical in size, Fickert said.

Billings worked some time ago for the Cadillac garage, he said. He was discharged and a number of bearings were later found to be missing, said the district attorney.

District Attorney Fickert reiterated his denial that Billings had confessed and said:

"Billings has been held as we supposed, incommunicado, but during his interview with Miss Smith yesterday, when she identified him, he refused to talk, saying: 'I intend to stick by the rest of the boys.'"

"There is no way that he should have known about 'the rest of the boys,' except through some sub-rosa communication. I have given up hope of getting a confession from him."

All the suspects are held in different parts of the city prison.

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