

XVII.

## TEAMSHIP ALLIANCE IS SUNK

### Streets Are Filled With Bodies of Murdered Jews

#### EAT FLEET COMING

#### PACIFIC SQUADRON

Administration Preparing to Protect Pacific Coast, in Case Japan Should Take Offense At the Sending of the Atlantic Fleet to This Side of the Continent

Washington, Aug. 8.—According to the Guard, the administration's plan for the mobilization in the Pacific of a powerful cruiser fleet will be completed in a few days. Orders have been issued for almost the entire cruiser fleet of the Asiatic squadron to be sent across the Pacific. This fleet is under Rear Admiral Dayton, who leaves Manila with four of the heavy armorers. Navy officers say the mobilization is for the purpose of deterring the movements of Admiral Sigsbee's fleet. Mobilization of the

Dayton fleet is expected to prevent a possible enemy sailing across the Pacific. At no time will Evans be too far from the Atlantic to dash back should a hostile fleet come from the east through the Suez. The administration plans to bring together off the California coast by the end of December four divisions, each representing an aggregate of 159,336 tons. (Continued on page five).

**More Troops Landed.**  
Tangier, Morocco, Aug. 8.—Two thousand additional troops were landed at Casa Blanca today and street fighting continues. The Jewish section of Casa Blanca was sacked and many were massacred. The streets are filled with bodies. Shells from the warships set fire to and destroyed the Moorish quarter and great distress is prevailing among the poor owing to closed stores. All Europeans are safe. It is feared the Andjerras tribesmen near Tangier, may attack the city.

**Priest Shoots Two.**  
Pittsburg, Penn., Aug. 8.—Andrew and Stephen Starzensky, brothers, were shot today by Ludwig Szeziel, a disattached Polish priest. Stephen died and Andrew is in a critical condition. Szeziel is said to be crazed on account of trouble.

## LAWYERS GIVE THEIR VIEWS ON THE REFERENDUM

### AS USUAL THEY DISAGREE, TALK SENSE

And Some Nonsense, and Like the Octopus Discolor the Legal Waters in Which They Sport—Prominent Attorney Who Heard the Argument Forecasts Action of the Supreme Court

Attorney General Crawford opened the arguments for the position taken by the secretary of state in filing two of the petitions and rejecting the petition for referring the university appropriation. His main contention was that the constitution itself provided HOW THE PEOPLE MIGHT PETITION TO HAVE A BILL REFERRED, and the legislature could not change that right nor add to it, or take from it. As to the secretary of state and the manner of exercising his duties and mode of procedure THE LEGISLATURE COULD DIRECT HIM. The manner and form of petition and getting the proper number of petitioners and filing the same was outlined in the constitution, and

**Reads Black Type.**  
He read from his brief, (which by the way was interlarded with black-faced type like a Capital Journal editorial.) While the court listened to Mr. Malarky very respectfully, the old lawyers like Til Ford and Billy Fenton READ BRIEFS AND DRY DIGESTS AND REPORTS DURING HIS ADDRESS. Mr. Malarky states his opponents view of the case and then proceeds to pull it to pieces. He is very plausible in his methods, so befogging his subject that learned counsel are at a loss to know where to begin to reply. The constitution had not inhibited or prohibited the legislature from making reasonable regulations for exercising the referendum. Unless

One of the most prominent lawyers in the state who heard all the Referendum arguments before the supreme court the past two days says he does not see how the court can do otherwise than sustain the objections to the University Referendum and allow the petitions to stand in the Official Free Pass case and the Prisoners Board case. He says technically all are defective, but that the legislature is clearly barred from imposing any conditions on the right to petition not imposed by the constitution itself.

could not be abridged or limited by the constitution. The warning clause was tacked on by the legislature but in the opinion of General Crawford, was as useless as a vermiform appendix. The brief of Judge Lord and Geo. Bingham was elaborate and was based on the assumption that the statute made this appendix a necessary part of the Direct legislative intestinal canal. HE RIDICULED THE PRETENSE THAT THE LEGISLATURE COULD HAND-CUFF THE CONSTITUTION.

Dan J. Malarky jumped up with a snap and proceeded to give the court his theory of the Direct Legislation Amendment to the Constitution under which the people are supposed to have some rights WHICH THE LEGISLATURE COULD NOT WHITTLE AWAY. In his address he disclosed a resemblance to Teddy Roosevelt in one respect a delightful way of revealing his teeth when exultant and impressive.

**A Dramatic Figure.**  
Mr. Malarky grasps the desk, that is provided for timid members of the bar, with both hands, balances backward and forward on his toes and heels, occasionally pointing his forefinger or his little finger at the court individually or collectively. He had his argument under general heads. HE EULOGIZED THE ALL-WISDOM OF THE LEGISLATURE, of which he modestly admitted he was unfortunately a humble member in enacting the new law. When he folded his hands as in the attitude of prayer and plead for the purity of the referendum as shielded and guarded and protected by the all-pure legislature, he was intensely impressive. He did not see how the people could do anything without the legislature telling them how and what to do in each little particular. Under the constitution the people could present "any old thing" in the form of a petition, ROLL IT UP ON A BARREL AND ROLL IT INTO THE STATE HOUSE and ask to have it filed. That was the contention of the petitioners in these cases. He denied this and pointed out that it was necessary for the legislature to prescribe how the people might get up their petition for referendum.

there was a specific impairment or restriction or abridgement of the rights guaranteed under the constitution THE LEGISLATURE HAD FULL POWER TO LEGISLATE ON THESE MATTERS OF REFERENDUM PROCEDURE. "Where is the language forbidding such legislation?" asked Mr. Malarky with a dramatic sweep of both arms.

By this time the Hon. Wm. Fenton laid down his book and sat up and listened. Ford kept on reading his authorities.

**First Interruption.**  
"We have never claimed that the constitution forbids any such reasonable regulation of the right of petition," shouted Judge Webster.

"But you have never denied it," shouted back Malarky.

Malarky contended that the Referendum and all steps leading up to it were in the nature of an election HE VERY CRAFTILY AVOIDED ALL REFERENCE TO THE RIGHT OF PETITION, which is the very crux of the whole Direct Legislation system. He cited authorities to show all courts upheld the right of the legislature to guard elections. The speaker closed one of his perorations with the delicate suggestion that "this distinguished court, which is only one out of many in this whole galaxy of states, would not be the first to differ from the principle which I have indicated."

**Goes Into Details.**

The speaker went into tedious details. The justices, and the commissioners began to lean back and look weary. But there was no escape. There is no limit on the time a lawyer may take. Judge Fenton went out into the library. FORD STARTED IN TO READ A NEW BOOK. The Attorney General spoke about fifteen minutes, but Malarky got in two hours of talk. He was laboriously detailed. He would administer the most minute enlightenment to all present. It was enlightenment to his mind and hence to others. Malarky is "aul generis." He never doubts but that all he says is apropos, all his arguments novel, all his information strictly at first hands and NEVER BEFORE MADE

(Continued on page seven).

#### CREE CHIEFS ON TRIAL.

Government Determined to Put a Stop to Superstitions.

Winnipeg, Ma., Aug. 8.—Two Cree chiefs are being tried here today for the murder of the daughter of one and the daughter-in-law of the other with all tribal formality in the presence of several hundred Indians. They are accused of murdering 20 Indians. The government has determined to stop the savage tradition that all members of a tribe stricken with delirium in fever or possessed of an evil spirit and must be killed at once, or his soul will be lost.

#### CUT OFF HIS NOSE AND EARS

Chicago, Aug. 8.—Mrs. Loretta Van Hok, a Chicago missionary in Tibeiz, Persia, says in a letter to headquarters that a merchant who refused to sell two millions of pounds of wheat to the starving people, was dragged from his home along the

## RAMMED BY CITY OF PANAMA

### STERN IS STOVE IN

Ships Collide At the Mouth of the Willamette At An Early Hour This Morning—Alliance Is Run On Sand-bar to Prevent Her Being Submerged.

Portland, Aug. 8.—While making her initial trip to this port to take the Columbia's run between Portland and San Francisco, the steamer City of Panama, rammed the steamer Alliance, stoving a large hole in the latter's stern. The collision occurred at the mouth of the Willamette at 5 o'clock this morning where the Alliance is ashore on a sand bar.

#### LABOR DAY PROCLAMATION.

WHEREAS, The first Monday in September of each year has been set apart by the legislature of this state and declared to be a public holiday under the name and title of Labor Day.

NOW, THEREFORE, I, Geo. E. Chamberlain, as governor of the state of Oregon, do, in pursuance of the duty enjoined upon me by law, set apart and declare Monday, the second day of September, A. D., 1907, a public holiday, to be observed as Labor Day, and I do request all the people of this commonwealth to lay aside their ordinary avocations on said day and make it a day of rest and recreation, rejoicing in the fact that the relations between labor and capital continue to be amicable, thus ensuring the continued prosperity of our people and the permanent growth and development of the state.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the State of Oregon to be hereunto affixed, at the capitol in Salem, this eighth day of August, A. D., 1907.

By the Governor:  
FRANK W. BENSON,  
Secretary of State.

GEO. E. CHAMBERLAIN,  
Governor.

streets, the people beating and stabbing him. While alive they cut off his ears and nose and hung his body to a post in the street. His family gave a million pounds of wheat to recover the body.

## ALABAMA RAILROAD MUDDLE

Montgomery, Aug. 8.—Governor Comer has announced he will give his answer before night to the Southern Railway's offer to lower the passenger rate to 2½ cents, and withdraw all suits against the state if the commonwealth will not enforce the revocation of the roads' charter in Alabama. The impression prevails that Comer will refuse on grounds that the state is entitled to lower rates.

## BODY OF W. J. BARNEY EXHUMED

Telluride, Colo., Aug. 8.—The body of W. J. Barney, a timber man employed in the Smuggler Union mine, who disappeared in June, 1906, was exhumed near the Alta mill yesterday and brought here today by General Wells. Steven Adams told where the body was buried. Barney it is said incurred the enmity of the union by working at the mine after the strike in 1901. Adams said Barney's body was stripped of clothing before interment.

## STRIKE AT LOS ANGELES.

Western Union Operators Quit, Charging Discrimination Against Union Men.

Los Angeles, Aug. 8.—Western Union operators struck last night and but six operators are at work this morning. The operators struck because they charge there is discrimination against union men. Business is accepted subject to delay.

**Exploding Tanks Killed Many.**  
Santiago, Chili, Aug. 8.—Forty persons, including spectators, policemen and firemen were killed or wounded today when the carbonic acid pipes of a brewery exploded destroying the building.

**Grain Elevator Burned.**  
Baltimore, Aug. 8.—The grain elevator of the Baltimore & Ohio Railway was destroyed this morning. The loss on the building is \$150,000 and on the contents is very heavy.

**Coal Strike Settled.**  
Belfast, Ireland, Aug. 8.—The coal trades strike is settled and work was resumed today. Troops will retain possession of the streets while factories are reopening.

**Finishing Touches for Korea.**  
Seoul, Aug. 8.—The emperor's youngest brother has been appointed heir apparent, and it has been decided that all vice ministers must be Japanese.

**Dr. J. F. COOK**  
THE BOTANICAL DOCTOR,  
MOVED TO 840 LIBERTY STREET  
FOR ANY DISEASE CALL ON DR. COOK. CONSULTATION FREE.

## CHICAGO STORE

PEOPLES BARGAIN HOUSE

### MANUFACTURERS' OUTLET SALE

We are offering during this sale the greatest values in the history of our store. Loom ends of Manufacturers' Goods sold at less than what the raw cotton costs.

25,000 yards loom ends, yd 2 1-2c. Shoes at manufacturers' prices. Ladies' coats and suits at manufacturers' prices. Dress goods and silks all included at this great sale.

### Look For Yellow Tickets

Ladies' Waists and Dress Skirts Going at the same Low Prices

Hundreds of pretty dress skirts going at manufacturers' prices.

Ladies' summer underwear now 7 1-2c.

Ladies' 5c handkerchiefs now 2c.

Pearl buttons, now only 2 1-2c.



SALEM'S FASTEST GROWING STORE.

McEVOY BROS.

COR. COMMERCIAL AND COURT STREETS. SALEM, OR.