

OREGON CITY ENTERPRISE

The Enterprise is the only Clackamas County newspaper that prints all of the news of this growing county.

This is our weekly edition and contains a very complete report of the news of the entire county for the busy farmer.

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ELECTION FACES LEGAL TANGLE

CONFLICT OF STATUTES MAY BE BASIS OF ACTION TO NULLIFY RESULT

VOTERS IN PRECINCTS ARE LIMITED

New Law Provides But 300 May Cast Ballot in Any One Division, Yet Forbids Readjustment at Present

A conflict of state election laws, resulting from the passage by the 1913 legislature of an act governing the size of precincts, may interfere with the special referendum election scheduled for November 4, and may be the basis of an attack through the courts of the results of this balloting. Such, at least, is the opinion of attorneys and others who have been looking into the matter or who have been retained by those opposing some of the measures upon which the people will be asked to place the stamp of their approval.

In providing for the referendum the legislature decreed that an election was to be held upon certain measures on November 4. This election, presumably, is to be held under the general election laws; in fact a statute says so. The general election laws were amended by the 1913 legislature, however, so as to provide that there should be a readjusting of precincts throughout the state so that in no precinct should there be more than an approximate 300 legal voters. The law provided for this further set forth that such readjustment should not be made until the December proceeding the next general election, and as the law went into effect 90 days after its passage, it is now operative.

December, Time Limit.

This law now being in force, there are many attorneys and students of the state code who declare that no perfectly legal election can be held until after December, as not until then is any county court empowered to change the precinct lines so as to conform with the new requirements of the statute, and any election held in such precincts contains more than approximately 300 voters cannot comply with the law. As no county court can readjust precinct lines until next December, and do it legally, the forthcoming election must be held with the former precinct divisions; and in nearly every case, owing to the admission of women to the privilege of the ballot, present precincts contain an excessive number of voters.

Those who raise this point admit that it is but a technical objection, yet at the same time they point out that statutes in the past elections have been declared void owing to even more trivial technicalities. In the present case it is said that should the laws of any of the measures up for referendum so desire to do, they could obtain a court injunction against the effectiveness of any law or other election result solely upon these grounds. Whether or not this technical conflict will be invoked to controvert the result of the election is not now known; but if the bitterness of the fight upon the university appropriation matter is any criterion, there are many who believe that this point will be raised by

(Continued on page 8.)

RUTTY ROADS TO BE REPAIRED

WORK SOON TO START ON THE PACIFIC HIGHWAY TO THE CANBY CITY LINE

TOWNS AND COUNTY CO-OPERATE

Plans Include Aid From Both the Municipalities and the Court—Make Roads Ready for Winter

Within the next few weeks, actual work will probably start on the Pacific Highway where the road has been filled up and ruts been worn. The stretch between Oregon City and Canby will be repaired and the highway placed in condition to stand the travel of the winter season.

Already Oregon City and Canby have ordered the work done inside of the city limits and have planned for extensive improvement on those streets that form a part of the highway. The money that the fair at Canby had left after the expenses were paid will be put into this road fund and additional funds will be secured for considerable improvement work.

Representatives of the Commercial club, the fair association and the Canby Commercial club have been talking the matter over for some time. The county court will be taken through the section of the highway and its condition will be shown to the members. At that time, suggestions will be made for the improvements that are now planned and an effort made to gain the support of the court in the undertaking.

The road has been allowed to travel into a condition that will make travel rather difficult through the winter months, it is said, and several entities in the county have undertaken to better the highway before the rains make passage worse.

SANDY'S FAIR OPENS WITH MUCH NOISE

To the music of her own band and the applause of a great crowd of people, the second annual fair at Sandy was opened Friday.

All morning long the roads from the country were filled with farmers' rigs while the stages hauled capacity loads. From morning till night the streets were filled with almost one solid mass of people. It is hard to estimate the exact number that attended the celebration, but one thing is certain that never before has Sandy seen such a crowd.

The fair opened this morning with a parade, headed by the Sandy band, and marched through the mass of people. In the afternoon there was the eugenics show in the L. O. O. F. hall, which was the main attraction of the day, and a baseball game at 2:30 o'clock between the Sandy and Eagle Creek teams, while in the evening there was dancing in Shelby's hall.

ASSEMBLY IS OUT OF DEBT

DIRECTORS MEET AND GO OVER REPORTS OF OFFICERS FOR THE SEASON'S WORK

CONDITION IS NOW ENCOURAGING

Better Standing Gives Board Hope for Future Meetings of the Chautauqua—New List of Directors Chosen

That the Willamette Valley Chautauqua assembly is once again on its former firm foundation, following a disastrous financial session in 1912 when unfortunately the seasons con-flicted with the National Elks' convalescence, was shown yesterday at the annual meeting of the stockholders.

Reports of Secretary Cross and Treasurer Cawfield showed the association to be practically free from debt, and that the 1913 receipts not only took care of 1913 expenses, but wiped up a note of over \$600.00 which the directors had made to cover the 1912 deficit.

The total receipts of the last assembly amounted to exactly \$5893.50, while the total disbursements to date, paying up all Chautauqua debts, including the \$600.00 note, run over the receipt budget but \$13.62. Included in the 1913 receipts there is probably \$200.00 in unpaid stock, while the books show a balance in unpaid subscriptions made at the last session running close to \$700.

The splendid shape of the pioneer institution is most encouraging and much credit is due the board of directors and officers for the 1913 session. The reports were read and referred to the finance committee.

Directors for the coming year were named as follows: C. H. Dye, Emma M. Spooner, J. E. Jack, O. D. Eby, Sarah A. Evans, Geo. A. Harding, C. Schubel, Dr. Homan, R. L. Holman, J. W. Loder, H. E. Cross, W. A. Huntley, Geo. Hoeye, W. S. Hurst and L. E. Carter. These will choose officers for 1914 at an early date.

The meeting was held yesterday afternoon in the Commercial club parlors, and was attended by a quorum of the stock of the assembly. There was general approval of the 1913 assembly, and plans will be launched at the directors' meeting to make the 1914 session bigger by far than any previous Chautauqua.

CLUB SIGNS LEASE FOR NEW BUILDING

The board of governors of the Commercial club held its regular monthly meeting Monday night at which matters pertaining to the erection of their new building were settled.

Papers for the leasing of the building at the corner of Eighth and Main streets, to be known as the Commercial Club building from the Mt. Hood Brewing company were signed. Arrangements had been reached before, and the details had been settled, but it was not till Monday night that the final papers were signed.

The plans call for a building which will be modern in every respect; not only as a business building, but also for club purposes. The exterior will be finished in the finest materials obtainable and the same care to detail will also apply to the interior.

The second floor, which will contain the club rooms, will have three general divisions: the parlor, the club room, and the dining room with the kitchen. Besides these there will be cloak and committee rooms. The club room will contain billiard tables and every convenience that will tend to ward completeness and comfort. The dining room and kitchen will also be the last word in up-to-date arrangements and finish.

The building will be ready by January if present plans are carried out. The clubmen are working out ideas now for their big "blow out" which will celebrate the opening on New Year's night.

MUMPOWER IS NOT GUILTY

JURY DELIBERATES FOR HOURS AND RELEASES DEPUTY HELD FOR SHOOTING

COURT'S INSTRUCTIONS EXPLICIT

Judge Campbell Goes Into Phases of Case and Talks of Powers Given to Peace Officers Under State Laws

After hours of deliberation, the jury that held the liberty of William E. Mumpower in its hands brought in a verdict of not guilty at 12:05 o'clock Tuesday night.

Mumpower was a deputy under Sheriff E. T. Mass and was indicted by the recent grand jury following his wounding Earl C. McNaughton during an attempt that he made to arrest the boy. The testimony showed that several shots had been fired by the deputy and that two of them had taken effect. The defense introduced evidence to show that the officer had tried to hit the tire of the motorcycle on which the boy was said to have made his effort at escape and that he had not intended wounding McNaughton.

The court, however, instructed the jury that the officer must be held accountable for the results of his act and that his intention must be judged from what happened as a result of his exercise. He also emphasized the law that enables an officer to kill a man if it is necessary in making or maintaining an arrest and that the law empowers the officer to use whatever force is necessary to effect that arrest and no more. The defense also introduced testimony to show that a farmer had notified Mumpower that McNaughton had killed his dog, which the court instructed the jury was a felony if committed maliciously and wantonly and with intent to injure the owner of the property. The case then resolved itself into the question as to whether the officer had reasonable grounds to believe that McNaughton had committed a felony and whether he had used more force than was necessary to make his arrest.

The jury found that the officer was not guilty of assault with intent to kill and also refused to take advantage of the authority given by the court to bring in a verdict of assault. The incident occurred last July when Mumpower was a deputy of the county. His commission was immediately revoked by Sheriff Mass.

Gordon E. Hayes and George C. Brownell were attorneys for the defense while Lily Stipp appeared as prosecuting attorney.

VAN BRAKLE GETS HIS FIRST WARRANT

The first warrant of the county has been paid to Dr. J. A. Van Brakle as county health officer. It was at first thought that injunction proceedings would be instituted against the county clerk, W. L. Mulvey, and County Treasurer Tutts to prevent their paying the warrant to the doctor.

No such proceedings has been filed however, and the warrant was paid for the time that the doctor has served as health officer of the county. Reports have been coming in from the doctors with increasing regularity and the county officer has received the health statistics from most of the doctors now registered. The letters are all addressed simply to the county health officer and find their way to the doctor's office with his other official mail.

Though the physicians declared at first that they would make no reports to the officer and refused to recognize him as such, they have, apparently, changed their tactics and have decided to furnish the reports and conduct their campaign along other lines. At any rate, the statistics have been coming into the office for several days—by this time, almost all of the doctors have filed their statements of the births and deaths that have come under their observation.

SULZER HAS HOST OF BITTER ENEMIES

ALBANY, N. Y., Oct. 7.—The Sulzer impeachment court, in executive session, voted 41 to 14 to overrule Chief Justice Cullen's decision that Allen A. Ryan's testimony before the court yesterday was inadmissible.

The vote indicated an overwhelming anti-Sulzer sentiment. The Tammany members of the court, of course, have been against the governor from the first. Ryan's story that the executive tried to make his position through them evidently has infuriated the Republicans also.

The outlook for Sulzer was in consequence considered extremely dark. Ryan, recalled as soon as the court had voted against striking his testimony from the record, considerably amplified the story he told yesterday.

Not only, he said, did Sulzer try to influence the republican senators through Root and Barnes, but he also wanted Ryan to have Delancy Nicol see "Boss" Murphy of Tammany and persuade him to call the impeachment trial off.

The method the governor suggested, Ryan explained, was to have the senate vote that the lower house had exceeded its authority in impeaching him at an extraordinary session of the legislature.

DRY PETITIONS ARE NOW FILED

OREGON CITY AND MILWAUKIE ARE IN THROES OF BIG PROHIBITION FIGHT

PAPERS ARE NUMEROUSLY SIGNED

Many More Names Appear Than Were Needed to Get Question on the Ballot at Next Election and All Are Legal

Oregon City and Milwaukie, about the only incorporated towns in the county not already dry, are now in the throes of a prohibition fight.

Petitions were filed in the office of Will L. Mulvey, county clerk, Thursday by the fact that has been circulating them through the cities and that has secured more than the requisite number of signatures on which the county court may call a special election.

The law provides that the matter will be submitted at the election November 4, when the state votes on the referendum laws and will be added to the ballot at that time. There are 295 names on the Oregon City petition, and 51 on the one from Milwaukie, more than the 10 per cent of the vote cast for justice of the supreme court at the last general election.

The county clerk has checked over the names that appear on the papers he has filed and all of them are registered voters of the county and are qualified to sign such a petition demanding that the issue be placed on the ballot at the election.

Many in Dry Column.

Most of the towns in the county are already dry and have adopted the provisions of the local option law. Some of them fell into the column during the last county election when they voted for county-wide prohibition. Though the matter failed to carry, the precincts that voted for it have been dry anyway, under the provisions of the law, and the two cities in which the fight has now been started are almost the only incorporated towns that have not gone into the column.

The dry forces have been organizing for several weeks and have now formulated plans for an active campaign. They have about determined on the moves that will be made during the next few weeks before the election date.

Oregon City now has 10 saloons, from which the city receives an annual license tax of \$10,000.

CARVER ASKS FOR HELP ON BRIDGE

From Parkplace, a large delegation visited the county court Thursday to ask for the assistance of the county in the construction of a new steel bridge across the Clackamas river at that point.

The reason for the excitement in Parkplace is the fact that the Carver electric line wants to cross the stream and feels that the county should share the expense of the work. The residents here, with Carver, asked the county to donate \$7500 as one-half of the cost of the bridge to be erected near the present wagon bridge.

The matter was taken under advisement by the county court and will entail an investigation into the necessity for the bridge before the appropriation is made. The new bridge, according to the Carver plans, would have one side devoted to the vehicle traffic and the other to the electric cars of the new line.

BOURNE TO TALK TO LIVE WIRES

EX-SENATOR TO DISCUSS THE QUESTION OF HIGHWAY IMPROVEMENT

BOOSTERS DRINK BULL RUN WATER

Are So Refreshed That Argument is Started Over Various Clauses in By-Laws—Officers Are Elected

Bull Run water was furnished at the weekly luncheon of the Live Wires Tuesday and the beverage so refreshed the Wires that one of the live-est meetings held in months took place. Not much business was transacted either, but a discussion arose over clauses of the proposed by-laws, which were finally adopted. Under their provisions any members of the Commercial club may become a member of the Live Wires by merely signing the by-laws of the electrical organization.

E. Kenneth Stanton was elected transmission wire, succeeding Dr. Clyde Mount, resigned, and Leo S. Burdon was appointed Feed Wire to succeed W. S. U'Ren, whose term of office expired.

Next week there will be no Tuesday luncheon, but on Wednesday evening at 6:30 o'clock, there will be a dinner, at which ex-United States Senator Jonathan Bourne will be the guest of honor. Following the dinner Mr. Bourne will deliver his talk on the federal aid plan for highways. This is a matter that has created no little interest throughout the country. Mr. Bourne is chairman of the committee having the matter in hand and has given the subject deep study, and has worked out a comprehensive plan, providing for maintenance, as well as construction of highways through federal aid.

The menu for Tuesday's luncheon was: Ripe Olives, Fried Spring Chicken, Brown Gravy, Braised Sweet Potatoes, Creamed Corn, Combination Salad, Bread and Butter, Apple Pie, a la mode, Coffee.

CLERK ISSUES NOTICES

Many voters in the county have applied to the office of the county clerk, W. L. Mulvey for registration when their names already appear on the 1913 lists. The county clerk calls attention to the fact that those who registered and voted in the last election do not have to register again.

WRIGHT GUILTY VERDICT OF JURY

JURY ASKS COURT TO GRANT PAROLE AFTER PASSING SENTENCE

GIRL MYSTERIOUSLY DISAPPEARS

Leaves Home When Sheriffs Start After Her and Eludes Their Pursuit—Said He Did Not Remember

COUNTY TO JOIN IN DISPLAY OF VALLEY

Will Clackamas county be represented in the great all-Willamette valley exhibit at the Panama-Pacific Exhibition in 1915, or will the county attempt to make its own individual display?

This, the question that will be threshed out at the meeting of the publicity committee of the Commercial club tonight, when one of the most important sessions of that committee will be held.

At present it is thought by those in close touch with the members, that the Oregon City Commercial club will adopt the scheme and that the other similar bodies throughout the county will soon fall in line.

It is considered by many as the only logical and reasonable way to show the wonderful fertility and prosperity of the Willamette valley. Instead of a number of unconnected and rival displays, there would be one connected and harmonizing showing.

The plan is to unite the eight counties of the Willamette valley in one great display at the Panama-Pacific Exposition in 1915. The movement was started Wednesday of last week when representatives of the Commercial bodies of Lane, Marion, Lane and Benton counties met and made preliminary arrangements for joining the different booster clubs. A meeting was arranged for October 30, to which all the commercial clubs of the valley will be invited to send delegates.

PLANS BREW IN BOTH CAMPS

FACTIONS ARE QUIETLY AT WORK THOUGH LITTLE NOISE IS MADE

FORCES ARE NOW FULLY ORGANIZED

More Secret Meetings to be Held and Details of Campaign to be Laid Out During Weeks Before Election

In spite of the fact that a thirsty public has asked both the wets and dries to quench its desire for news as to plans for the coming campaign, not even a wet will grant the request.

The approaching campaign appears to be one of secrecy. The factions have lined their forces and have prepared for the conflict that will come within the next few weeks. The dries have held meetings but they refused to let one single idea leak out as to their plans for the fight that is coming.

The wets are in the same boat. Though an organization has been perfected by those opposed to prohibition and plans will be brewed at meetings to be held in the future, none of the committeemen have let it out as to just what these plans are to be.

The attitude of both factions seems to be that a personal work campaign by friends among friends. The wets seem to have that idea and appear to be planning a campaign in which every member of the organization will do what he can to influence his personal friends to vote for the conditions as they now stand.

Though the dries have indicated that they would bring speakers into the city and would have a regular program for their campaign, none of the work has yet been started and the committees are silent as to what will be done when the fun begins in earnest.

Each side evidently plans to lie in wait for the other. Neither seems to be willing to start the ball rolling. The evident intention of the wets to make the fight a personal campaign by word of mouth and to import no speakers to assist the local cohorts in the fight is a unique step in political campaigning and one that the wets believe will gain them as many votes as the other method.

In the meantime, both factions are meeting in secret caucuses. Both are preparing for the battle of the last few weeks of the campaign before November 4. In the near future, and probably this week, additional meetings will be held by the forces of both sides and further plans laid.

It is possible that not until the last few weeks of the fight will the two factions come out into the open with their plans and outline just what they propose to do to gain the majority of the votes in the city over the proposition that is to be submitted to the people next month.

But the pot-wows continue from week to week and the conferences take place every few nights where plans and schemes are laid and the machinery oiled for the hard running of the last days of the pre-election fight.

Here's a Second Roosevelt In Action on Stump; Congressman Gardner Wants to Be Governor.



Photos by American Press Association. Congressman Augustus P. Gardner, who was recently nominated for governor in the Massachusetts state primary by the Republicans, is pictured here Rooseveltian in action on the stump. Gardner made a strenuous campaign before the primaries, and these pictures caught him in various attitudes during the delivery of his speeches. He defeated his opponent, Everett C. Benton, by about 6,200 majority in a total Republican vote of over 80,000. Gardner is opposed by Lieutenant Governor David I. Walsh, Democrat, and Charles S. Bird, Progressive. The gubernatorial campaign in Massachusetts is likely to attract national attention.