

OREGON CITY ENTERPRISE

FIFTIETH YEAR—No. 2.

OREGON CITY, OREGON, FRIDAY, JANUARY 14, 1916.

ESTABLISHED 1866

SUNDAY CLOSING LAW IS TIED UP UNTIL NEXT FALL

PORTLAND CIRCUIT JUDGE WILL GIVE VOTERS OPPORTUNITY TO DECIDE FOR SELVES.

STATUTE IS DECLARED UNJUST, ABSURD, OUT OF DATE BY COURT

Dan Kellaher, Portland Grocer, Who Asked For Injunction, Says 20,000 Have Signed Petition to Put Measure on Ballot.

PORTLAND, Ore., Jan. 7.—The Sunday closing statute enacted 72 years ago, will not be enforced until the voters of the state have had an opportunity to pass upon it at the November election.

This was, in effect, the decision of Circuit Judge Gatenben today when he stopped the enforcement of the law in Multnomah county at least until next November. His decision, postponing action on the state's demurrer to Dan Kellaher's suit for a permanent injunction until the people shall have a chance to vote on the repeal of the law, is not subject to appeal by the state.

With the decision of the circuit judge this morning, there came a statement from Kellaher, in whose name the suit was brought, that he had 20,000 signatures to petitions to put the matter of repealing the law on the ballot.

Here is the decision in full: Decision Given in Full.

"The Oregon Sunday-closing law was originally passed in 1854, when Oregon was a territory. Ten years later it was embodied in our penal code, with a few minor amendments in the following form: 'Section 2125. What business prohibited and what allowed on Sunday. If any person shall keep open any store, shop, grocery, howling alley, billiard room or tipping house for the purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called 'Sunday or the Lord's Day,' such person, upon conviction thereof, shall be punished by a fine not less than \$5 nor more than \$50; provided, however, that the above provision shall not apply to theaters, the keepers of drug stores, doctor shops, undertakers, livery stable keepers, butchers and bakers; and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as questions of fact for the jury to determine when the offense is tried by jury.'

Second Attempt to Enforce Law. "No attempt was ever made to enforce it, so far as I am aware, until about seven years ago, when an effort was made to close the cigar stores in the city of Portland. At that time I held the law unconstitutional, on the ground that it was a violation of the constitutional guaranty of religious freedom. No appeal was taken, and everybody appeared to acquiesce in the decision.

"About a year ago the law was again tested in a case arising in Lane county and tried by a circuit judge of Multnomah county. He also held the law unconstitutional. An appeal was taken to the supreme court, which held the law valid, without, however, having had the religious objection to the act presented to it.

"This suit was then instituted, and a temporary restraining order was granted, pending the disposition of a similar case to be begun in the federal courts. Three federal judges, sitting en banc, unanimously decided that the law was constitutional.

Federal Decision Advisory. "This decision is not binding on this court but may be considered as advisory, and, of course, is entitled to great weight. Each of the federal judges is a better constitutional lawyer than I, and their decision on the law is probably right, and I am forced to the conclusion that mine is probably wrong.

"The supreme court of this state, whose decisions are binding upon this court, has not passed upon the religious phase of the case upon which it was decided here. I am somewhat in the position of a juror who is thoroughly convinced of the correctness of his opinion, but who finds that the remaining jurors take an opposite view, and who yields to the weight of opinion.

"I am so thoroughly convinced, however, that this law is absolutely unjust, absurd and unsuited to modern conditions that I feel justified in postponing its execution until the people have had an opportunity to vote on it at the general election in November of this year. This law has remained dormant for 72 years. During that time the state has succeeded in struggling along fairly well, and it seems to me that neither the morals nor the health of any citizen is going to be materially affected by allowing it to sleep seven or eight months longer.

Vote of State is Awaited. "To allow it to be enforced now, and possibly, if not probably, repealed in November, would result in considerable confusion. Most cigar stores, groceries, bootblack stands, fruit stands and other places of business, and places of innocent amusement, such as baseball

MAN CHARGED WITH KILLING DEER FREED

E. B. COOPER IS GIVEN HEARING BEFORE ESTACADA JUSTICE AND TURNED LOOSE.

E. B. Cooper, charged with killing a deer out of season, was released Monday by Justice of the Peace Claude DeVore, of Estacada. The case was tried before the justice without a jury, Philip Hammond, of this city, representing the prisoner, and Deputy Game Warden Cotton, the state.

A deer hide was found at the home of Cooper's mother, and he was arrested for killing the animal and Deputy Warden Cotton made the arrest. The state, however, was unable to connect Cooper with the charge.

CONSCRIPTION IS FAVORED BY THE BRITISH COMMONS

LOWER HOUSE VOTED 403 TO 105 FOR BILL; THREE CABINET MEMBERS RESIGN.

LABOR BODY OVERWHELMINGLY DECLARES OPPOSITION TO PLAN

Parliament Minority on First Reading of Compulsion Measure Consists of Nationalists, Laborites and Few Radicals.

LONDON, Jan. 6.—The conscription bill passed the first reading in the House of Commons tonight by a vote of 403 to 105.

The vote was taken shortly after 11 o'clock. The minority was composed of Nationalists, some Laborites and a few Radicals.

Organized labor of Great Britain, sitting in congress in London today, decided against the government's conscription bill by the overwhelming majority of 1,998,000 votes to 783,000.

Hostility to the government's measure was uncompromising and necessitated the resignation from the coalition ministry of all three Labor members. Arthur Henderson, William Pirbright and George H. Roberts, holding respectively the offices of the president of the board of education, parliamentary under secretary for home affairs and lord commissioner of the treasury, and their resignations were announced during the evening.

The labor congress was in many ways the most important body of the kind ever assembled. More than 1000 delegates were present, representing 400 unions and 3,000,000 workers.

In addition to the formal vote against the government's conscription bill, the congress rejected by four to one a motion pledging support to the principle of conscription for single men and passed by two to one another motion directing the labor party to oppose the bill in all its stages in the house of commons.

The congress closed with an enthusiastic scene, the feature of which was the singing of the Socialist anthem, "The Red Flag."

REGISTER EARLY IS PLEA OF COUNTY CLERK

MISS HARRINGTON WISHES TO AVOID USUAL RUSH BEFORE BOOKS ARE CLOSED.

Wishing to avoid, if possible, the usual rush of voters just before the registration books are closed, County Clerk Harrington requests that all register as early as possible.

A special deputy clerk was put to work Monday morning to handle registration. The office is open every week day to 5 o'clock in the afternoon, when the courthouse closes.

Usually during the week preceding the day the books are to be closed, the clerk's office is crowded with voters, and it takes a week or so to thoroughly straighten out the books and catch up with the work.

The registration will continue to the night of April 20.

MT. HOOD GUIDE IS SUED.

Elijah Coleman, well known Mt. Hood guide, was made defendant Friday in a suit filed in the circuit court by John Straus and W. A. Proctor to collect on a \$250 note. The note was signed February 1, 1913, at Sandy, where both of the plaintiffs live. They also ask \$50 attorneys' fees. Hammond & Hammond filed the complaint.

Multnomah county expended \$1,620, 674 on roads in 1915.

\$5000 GIFT IS MADE TO OREGON MEDICAL COLLEGE

CONDITION THAT \$45,000 MORE WILL BE RAISED FOR FIRST NEW BUILDING.

DR. MACKENZIE SAYS PORTLAND SCHOOL IS RANKED WITH BEST

Oregon Graduates Hear Plans for Making Branch of State University One of Most Important Institutions in Country.

PORTLAND, Ore., Jan. 8.—The gift of \$5000 toward the erection of the first building on the new campus of the University of Oregon Medical college, provisional upon obtaining nine other such gifts, the immediate prospects of several similar donations and the plan to increase the proposed building fund from \$75,000 to \$100,000 or \$150,000 was announced today by Dr. Kenneth A. J. Mackenzie, dean of the Oregon Medical college faculty at the monthly luncheon of the Portland graduates of the University of Oregon.

He also announced steps taken this morning toward the organization of the first University of Oregon Medical college student body association and plans for a closer affiliation with the work of the University of Oregon students by the alumni association.

The names of the donor of the first \$5000 was withheld.

The state legislature, at the close of its last session, after appropriating \$60,000 for maintenance, gave the medical college \$50,000 for its first building to be erected on the new 25-acre campus on Terwilliger boulevard, provided \$25,000 was raised by the college to make possible the erection of a \$75,000 building.

Dr. Mackenzie traced the rapid strides in the growth of the Oregon Medical college and of the tacit understanding with the University of Washington that Oregon is to have the one great medical college in the northwest, to be located in Portland, with Oregon, Washington and Idaho as its exclusive field.

"The school now has as high a rating as that given any school in the country," declared Dr. Mackenzie. "It works equals that of John Hopkins, Harvard, or any other of the greatest schools in America."

Steps to organize the first medical college student body were taken at a meeting of the students that was substituted for the usual clinic at St. Vincent's hospital. The students pledged their hearty co-operation with the university in every department.

THOMAS A. BURKE IS NAMED DEPUTY UNDER GILBERT L. HEDGES

NEW DEPUTY DISTRICT ATTORNEY WILL ATTEND TO ENFORCEMENT OF DRY LAW

District Attorney Gilbert Hedges Thursday appointed Thomas A. Burke, of the law firm of Cross & Burke, deputy district attorney. It will be Mr. Burke's principal duty to attend to enforcing the prohibition law in Clackamas county, although he will assist the district attorney in other work when necessary.

Mr. Burke will make the district attorney's office in the court house his headquarters and expects to be established there within the next few days. Harvey E. Cross, Mr. Burke's partner, will remain in his present offices in the Heaver building, but Mr. Burke will not be connected with him.

The new deputy district attorney graduated from the University of Oregon in 1911, taking a liberal arts course, and later studied law in the office of Mr. Cross. He was admitted to the bar in October 1913, and was made a partner by Mr. Cross.

Mr. Burke is a nephew of John Burke, United States treasurer, and of Thomas C. Burke, collector of customs in Portland.

W. H. DIETZ GIVES VIEWS.

SAN FRANCISCO, Jan. 11.—California will have difficulty in signing up a first class football coach in the opinion of Coach Dietz of Washington State college, who is stopping off at San Francisco on his way home after a cleanup of southern California. "All the top-notchers are tied up on iron bound contracts," Dietz said. "There's not a chance for Yost, Sharpe, Zuppke or Warner. Andy Smith who coached Pennsylvania and Purdue with considerable success, may be available, however, and if so, California couldn't make a better selection."

Dietz left for the north tonight.

32 MILES OF ROADS OPENED IN COUNTY IN 1915, REPORT SHOWS

JUDGE H. S. ANDERSON WORKS OUT SUMMARY FROM SUPERVISORS' FIGURES.

Thirty-two miles of new road were opened up in this county during 1915, according to figures made public Thursday by County Judge Anderson. This new road is situated in every part of the county, and consists, in the most part, of small strips. With this additional road, Clackamas county now has 1363 miles of road.

Using the reports of the supervisors as a basis for his figuring, Judge Anderson has worked out some interesting statistics concerning road matters. His summary of these figures follows:

Reports for the year 1915 just received from each of the road supervisors of the county, show the following totals in regard to the roads of the county, and work done during the past year:

Total number of miles of road in the county, 1363 which is classified as follows:

Plank road	110 miles
Gravel road	185 miles
Crushed rock road	135 miles
Bluminsous macadam road	7 miles
Dirt road	866 miles
Plank road, built in 1915	7 1/2 miles
Gravel road, built in 1915	23 miles
Crushed rock, built in 1915	20 1/2 miles
Bluminsous macadam, in 1915	2 miles
Gravel or rock road	58 miles

Two hundred seventy-eight cement and iron culverts have been installed in 1915, taking the places of that number of plank culverts or bridges.

There are reported in the county, 512 bridges.

The reports show further that 32 miles of new road has been opened for travel during the past year, and that about \$9999.00 has been donated in the form of cash for road improvements.

In road machinery owned by the county, the principal items are: Five road rollers, 11 rock crushers, 1 gravel screening plant, 1 road oiler and asphalt heating outfit, 34 road graders, 40 road drags, 79 wheel scrapers, together with a long list of scrapers, plows and other small tools.

CREDIT REFLECTED ON SHERIFF WILSON BY OFFICIAL TOTALS

EXPENSES HELD DOWN DESPITE ADDED COST OF COLLECTING TAXES.

A silent story of efficiency in conducting his office and of care in handling public funds is contained in figures—the official totals—of the expenses of the office of sheriff under W. J. Wilson, who at the beginning of this year completed his first year of service.

During 1915, Sheriff Wilson spent a total of \$4534.38 in conducting his office, figures secured in the office of County Clerk Harrington Thursday show.

During 1914, Sheriff E. T. Mass spent \$4531.74 in conducting his office, figures from the same source show. The difference is \$2 and a few cents.

But this is where the wonder of it all is: During 1915, Sheriff Wilson had charge of all the tax collecting for three-quarters of the year and part of the expense of tax collecting is included in \$4534.38. The record means that he has conducted the office of sheriff, and assumed the added duties of tax collector, and yet his expenses are within \$3 of the annual expenditures of his predecessor, when Mr. Mass did not have charge of tax collecting.

2 ESTACADA MEN OUT FOR PUBLIC OFFICES

J. W. REED CANDIDATE FOR COMMISSIONER AND H. C. STEVENS FOR REPRESENTATIVE.

J. W. Reed, of Estacada, was in Oregon City Monday and announced his candidacy on the Republican ticket for county commissioner.

Mr. Reed is now in business in Estacada where he operates a garage. He has the distinction of being the oldest resident in the eastern Clackamas county city, as he erected the first building there and was the first man to make his home in that town. He is well known throughout the county.

H. C. Stevens, of the George district, near Estacada, is a candidate on the Republican ticket for representative. Mr. Stevens is interested in farming at George.

MARRIAGE LICENSE ISSUED.

Cenja Jakinen and Antone Ranta, of Molino, secured a marriage license here Tuesday.

RAIL TRAFFIC IN OREGON DELAYED BY HEAVY SNOWS

SOUTHERN AND WESTERN PARTS OF STATE PRINCIPAL SUPPLIERS IN STORM.

EASTERN OREGON FARMERS ARE HAPPY; STOCK MEN FEAR LOSSES

Transcontinental Freight Service Suspended and Shipping and Mails Are Delayed in California—Wires Are Down.

PORTLAND, Ore., Jan. 10.—Snow storms, unusually heavy in many places, are raging over a considerable portion of the Pacific coast. In some sections rail traffic is demoralized, telegraph and telephone wires are down, and communication cut off by snow-blocked roads, mails delayed, and business generally tied up.

While Portland and the Willamette valley bask in the almost balmy weather following the Christmas and New Year snow and cold weather, points from Northern California to Puget Sound are in the grip of winter.

Weather to raise or blast hopes of men of all occupations prevails in the various sections within the confines of Oregon. While the farmers at Pendleton are jubilant at the snowfall, which promises to be worth many thousands of dollars to their next crops, cattle men in the Glendale district fear heavy losses among their herds. With logging suspended at various Washington coast points, farmers in nearby districts are also rejoicing at the snow.

From Sacramento come reports that transcontinental freight service is entirely suspended, owing to heavy snowfall, with irregular passenger service in the Sierra Nevadas.

Ashland, far south in Oregon, reports weather almost mild, light snow and normal conditions in the Siskiyou, but with Southern Pacific trains from the north arriving late.

Medford is almost completely isolated by the heavy snows in the mountains, with rail and wire conditions bad to the south. The storm which prevails in this vicinity apparently extends westward to the ocean.

Marshfield reports that shipping is tied up or hugging the coast, mails delayed and logging companies forced to suspend operations until warmer weather.

One of the chief dangers to railroad traffic comes from fallen trees, accidents from this source being reported from Cow Creek Canyon and Roseburg vicinity.

OREGON CITY RANKS FIFTH IN STATE IN ITS POSTAL SAVINGS

SALEM AND EUGENE LEFT FAR BEHIND—ANNUAL REPORT OF OFFICE IS COMPLETED.

Oregon City ranks fifth among all the cities in Oregon in postal savings. Only Portland, Astoria, Marshfield and The Dalles postoffices have larger deposits than this city.

A report of the amount held by each office in the state shows that Oregon City has 156 depositors and that the savings here total \$21,089. Salem has 120 depositors and Eugene 88.

The annual report of the local postoffice, which has just been completed, shows that less business was done here in 1915 than in 1914 by several hundred dollars. However, in the last quarter of the year just closed, which included the Christmas business, the Oregon City postoffice receipts were \$200 higher than the amount taken in the same period a year ago.

The first quarter of 1915 showed the greatest slump. In the first three months of that year the business was \$800 less than the first quarter of 1914. The total amount of business in 1915 was \$20,000, according to the report.

Postmaster Cooke looks forward to a banner year in 1916. Business conditions, he believes, are improving and from indications now, he predicts that record years of the past will be exceeded.

The establishment of a postoffice at West Linn has cut into the business of the Oregon City office. While rural routes operating out of the local office still supply the town across the river with mail, people in that town buy most of their stamps from their own postoffice. Willamette, Parkville, Gladstone and other nearby postoffices also cut into the receipts of the local office.

SUES TO COLLECT ON NOTE.

J. M. Kuhn Saturday filed a suit in the circuit court against George A. Brodie and R. C. Brodie to collect a balance of \$250 on a \$400 note.

APPEAL IS COSTLY TO COTTRELL MAN

CONVICTED IN JUSTICE COURT AND FINED \$25, BUT APPEAL COSTS HIM \$50.

Price Jones was convicted recently on a charge of assault in the justice court and fined \$25. He lives at Cottrell.

He appealed the case to the circuit court, protesting his innocence. Wednesday he entered a plea of guilty before Circuit Judge Campbell and was fined \$50, double the amount of his fine before the appeal was taken.

Price Jones is a brother of Dick Jones, who was recently convicted on a charge of assault upon his father. The two cases are somewhat similar.

PORTLAND FINDS COURT WORK CUT BY PROHIBITION

AFTER FIRST DAY OF NEW YEAR DROP IN NUMBER OF CASES IS SUDDEN.

CASES OF DRUNKENNESS ARE NOW ONLY ONE OR TWO DAILY

Police, However, Say That Bootlegging Has Not Been Organized Yet So Results Hereafter May Be Less of Contrast.

PORTLAND, Ore., Jan. 7.—Startling and sudden has been the drop in the number of arrests daily for drunkenness with the ushering in of prohibition in Portland.

Police circles are astonished at the results. Less than one-third the number of arrests for drunkenness were made during the first week in January than were made for the same week in December.

The municipal court has been quiet and deserted where 10 days ago it was working steadily on charges of drunkenness, vagrancy and disorderly conduct all day long. Judge Stevenson finished his day's docket at 10 o'clock today and paced the courtroom floor in absolute astonishment at the sudden change.

The decrease in the number of arrests in one week from 285 to 85 is even more striking in view of the fact that 40, or nearly one-half the total of 85 "drunks" for the week, occurred on New Year's day, and should really be counted out.

The police, however, do not expect this record to continue, for they fear that bootlegging operations are in process of formation, and that the product of the illicit saloon will soon appear.

The lull in court work virtually made possible the acceptance by Arthur Langhugh of the appointment to the municipal bench.

"The results of prohibition demonstrate conclusively," commented Judge Langhugh, after a conference with Judge Stevenson yesterday morning, "that the liquor traffic was an economic waste. The profits that liquor traffic brought were but a drop in the bucket compared with the cost of handling it."

Judge Stevenson made the same comment.

27 PETITIONS FOR SUPERVISOR FILED

DATES SET FOR MEETINGS OF DISTRICT BOUNDARY BOARD THIS MONTH AND NEXT

The county court yesterday continued to grind out routine business. Nine road petitions, the most of which ask for minor changes, have been filed this week and are being considered by the court.

Twenty-seven petitions, asking for the appointment of supervisors, have been filed with the county court. They are on file in the office of County Clerk Harrington and will be considered by the court before announcing the appointments, probably next week.

While 27 written petitions have been presented, scores of property owners have called upon the court and asked for the appointment of certain supervisors.

The court Friday, after talking the matter over with County School Superintendent Calavan, set January 25, 26 and 27 and February 8 and 9 as dates for the meeting of the school district boundary board. Mr. Calavan said yesterday that a number of petitions, asking for changes in school district boundaries, have been filed.

It takes 715 freight cars to ship the annual salmon pack of Oregon; value \$5,820,987

VILLYAQUI CHIEF LEADS MASSACRE ON AMERICANS

ADDITIONAL REPORTS CONCERNING KILLING REACH TOWNS NEAR BORDER.

CARRANZA TROOPS WERE ON WAY TO SCENE OF TRAGEDY AT TIME

Men Who Started With Holmes in His Dash For Liberty Shot Down as They Ran—Mexican Passengers Spared by Indians

EL PASO, Tex., Jan. 12.—The number of foreigners massacred in the box canyon west of Santa Ysabel Monday was placed at 19 late today. It was authoritatively declared that General Pablo Lopez, a Yaqui chieftain closely allied with General Francisco Villa, commanded the massacre.

Arrivals from Chihuahua City said that a troop train of 20 cars conveying between 500 and 1000 Carranza troops had preceded the mining company special by about 15 minutes, leaving the capital. The engine and two cars of this train were said to have been derailed by the bandits in order to stop the passenger train of Americans.

A mass meeting called for today to protest against the attitude of the United States government toward the Mexican situation and against the de facto government for its failure to protect Americans traveling under promise of protection was postponed when it was learned that the funeral train bringing the 19 bodies of the slain to the border would not arrive before midnight. The mass meeting will be held tomorrow, it was said.

Reports of those arriving from the capital today were to the effect that the body of each victim bears a bullet wound in the forehead, in addition to other wounds. It was said that the head of C. R. Watson was completely blown off.

Officials of the Mexican Northwestern railroad said that the Carranza government was not attempting to protect the Madera company's properties at Madera and Pearson. It was said that a troop train carrying 40 men was sent out to protect these properties at 6:30 yesterday and returned at 9:30 p. m. The train was still in the yards late today.

Delay in transportation of the bodies of the victims to the border here has caused much dissatisfaction. Late today the bodies had not left the capital, although two other passenger trains had come north during the day. Arrangements had been made for the passage of the bodies on arrival directly across the river to this city. As the day progressed plans for a public funeral of all the victims was abandoned, since many relatives from various parts of the United States claimed the bodies of the victims.

BRIDENSTINES GET VERDICT FOR \$700

PLAINTIFFS WIN IN SUIT BASED ON MISREPRESENTATION IN PROPERTY TRADE.

David N. Bridenstine and Phebe S. Bridenstine Thursday afternoon secured a judgment for \$700 against the Gerlinger Motor Car company, E. E. Gerlinger, F. P. Coulter and C. C. Har Graves. The case was tried before a jury in Circuit Judge Campbell's court and began Tuesday. The jury brought in the verdict late Thursday afternoon.

The plaintiffs traded a 100-acre farm in the Logan district for two houses in Portland and a \$2500 mortgage on property near Seattle. The plaintiffs allege that when they visited the Seattle property, it was found to be of less value than was represented and that the two houses in Portland did not come to the claims of the defendants.

The Bridenstines sued for \$2446, alleging fraud and misrepresentation.

TUALATIN LAND LEASED.

The Tualatin County club has closed a deal for the purchase of 132 acres of land at Tualatin for a golf links. This land has been occupied by the club for some time under lease with the privilege of purchase. The land was owned by Alex Sweek, and it is said the purchase was made for about \$26,000.

Cecil H. Bauer is president of the club and I. L. White is secretary.

RURAL CARRIER EXAMINATION.

The United States civil service commission has announced an examination for the county to be held at Oregon City, on February 5, 1916, to fill the position of rural carrier at Mealls and vacancies that may later occur on rural routes from other post offices in the county.