VOL. III—No. 42.

# OREGON SYSTEM UPHELD BY COURT FLY ACROSS OCEAN

HIGHEST TRIBUNAL REFUSES TO DARING AVIATOR SAYS HE WILL TAKE ACTION IN BIG CONTEST.

Master of State Grange Spence Re- Birdman Will Use Big Machine And ceives Telegram of Congratulations From Attorney Raiston.

• Ing the decision of the Supreme • ⊕ Court was received Monday by ⊕ @ the court.

"Telephone and Kiernan cases @ Congratulations to the \* e tion.

affirmation that the principle of the up one of them. initiative and referendum, as enacted in Oregon, is constitutional, came here the flight, one mechanic and the other man acquainted with the sea who will today when the United States Su- be able to show him how best to ride preme Court refused to take jurisdiction in test suits contesting the validity of the laws.

Supreme Court which was unanimous, is said to have begun. affects many states where direct legislation agitation is before the people. Chief Justice White delivered the opinion. He said:

"The issue is political and governmental, and therefore is not within the reach of the judicial power. It follows that the case present is not within our jurisdiction, and the writ of error therefore must be, and is, dismissed for want of jurisdiction."

The decision of the court leaves the operation unless some contrary action to override them should be taken by

The question of the constitutionality of the initiative and referendum law of Oregon was first raised in an action instituted by the state of Oregon to recover from the Pacific States Telephone and Telegraph Company, under the authority of an initiative law adopted in 1906, a license tax of \$10,450 on its gross earnings. The telephone company refused to pay the tax and in replying to the bill of the state authorities, attacked the constitutionality of the amendment to the Oregon constitution of June 2. 1902, establishing the initiative and referendum, contending that it was in conflict with the constitution of the United tSates, the purpose of which was to establish a republican form of government

Later on the question was raised in the case of Frank Kiernan against the city of Portland. Kiernan, as a citizen and taxpayer of the city, sought an injunction against the issuance of bonds by the city to build a bridge. The bond issue had been authorized by initiative legislation and the initiative amendment to the Oregon constitution was attacked on the same ground as in the earlier case but other amendments to the constitution reserving to the municipalities of the state further rights as to all local and municipal legislation and prohibiting the assembly from amending or re pealing the charter of any municipality, were included in the attack. Kiernan contended that these amend ments, in effect, set up a state within a state in contravention of the Federal constitution.

# Tonight

The general admission will

This is special for the benefit @

OREGON CITY HIGH SCHOOL

In addition to the pictures the school will give the following

1. BOYS' GLEE CLUB.

2. COME JOSEPHINE IN MY FLYING MACHINE.

OH! YOU BEAUTIFUL DOLL

### Grand

Admission during the after.

# ATWOOD PLANS TO

MAKE VOYAGE IN THIRTY HOURS.

### CALLED POLITICAL ONE LINERS EXPECTED TO GIVE HIM AID

Will Be Accompanied By Navigator And Mechanic,

LVNN. Mass. Feb. 19 -- "Believing that I can best prove that the aero-The following telegram regard. . plane may come to stay by making a flight across the Atlantic, I shall attempt such a trip in the early part of May," said Harry N. Atwood today. ⊕ C. E. Spence, Master of the State ⊕ "I believe I have a machine that will ⊕ Grange, from J. H. Ralston, ⊗ accomplish this feat in thirty hours, ⊕ counsel for the Grange before ⊕ with but one stop, under favorable

Atwood confessed that the machine "Telephone and Kiernan cases & would probably be larger than any
 dismissed for want of jurisdic \* previously flown in this country. He said he would carry sufficient gasoline to make a 900-mile continuous flight and when he found his fuel getting low would make a landing near some ocean liner. He declares that there will be about twenty lines on the ocean at that season of the year WASHINGTON, Feb. 19.-Practical and it will be an easy matter to pick

Two men will accompany him on out a gale if one should be encount-Plans for an improved type of hy-

The decision of the United States dro-aeroplane which he will use have been completed and work of building A life-boat will be the only baggage, except for a small supply of food.

WASHINGTON, Feb. 19 .- The nomination of Chancellor Mahlon Pitney, Oregon laws in free and untrammeled of New Jersey, to be Associate Justice of the Supreme Court of the United States to fill the vacancy caused by the death of Justice Harian was sent to the Senate today by President Taft. In executive session the Senate, without discussion, referred Chancel lor Pitney's nomination to the committee on judiciary, which probably will make a report next Monday.

The President also nominated Julius M. Mayer, of New York City. to be Judge of the United States District Court for Southern New York, and Ferdinand A. Geiger,, of Cass ville, Wis., to be District Judge, east ern district of Wisconsin.

**FULTON AND GEARIN** 

OUT OF SENATE RACE. Formal announcements Monday by C. W. Fulton and John M. Gearin both ex-United States Senators, that they would not be candidates for the Senatorship has done much to clarify Oregon Senatorial situation. Neither Mr. Fulton nor Mr. Gearin was a candidate for his party's nom ination, but each had been urgently requested by party voters to enter the contest. Their action in declining to become candidates means that Ben Selling is likely to announce his candidacy for the Republican nomination It is expected also that Dr. Harry Lane will seek the Democratic nomination.

### **BOURNE SENDS COPY** OF M'INDOE'S REPORT

M. D. Latourette secretary of the Commercial Club, received from Senaland, and a promise of a twelve foot

### JURY RESTS AFTER PROBING HILL CASE

After considering the Hill murder case for nearly two weeks, and after hearing the testimony of more than forty witnesses, the Clackamas county grand jury rested from its labors and while its attitude relative to returning an indictment against Nathan B. Harvey, of Milwaukie, is not known, it is assumed that no indictment will be returned. District Attorney Tongue to will not be here until next Saturday at the earliest and the grand jury will not reconvene during his absence from the city. Judge Campbell is holding happy owner of a handsome new mod-court in Hillsboro. There is every el Ford. reason to believe that if the evidence against Harvey as presented to the grand jury, had appeared as conclusive to that body as it does to the Clackamas officers, that an indictivation of special prizes from time to the person who gets the largest number of votes in a specified time.

OREGON CITY, OREGON, TUESDAY, FEBRUARY 20, 1912.

PERPETRATED BY WALT MEDOUGALL



WHO IS IN RACE AGAINST THEM.

### SEVERAL MORE EXPECTED TO ENTER

Race Will Be Battle Royal And Entrant Who Works Hardest Will Win Ford Car.

Thery're off! The Enterprise Grand Automobile Contest started vesterday under the most auspicious circumstances. All those who have entered the race were out working bright and early in order to poll a large number of votes from the very first, as each one realizes that tht first place on the

list is the most desired location. The fact that none of the candidates know who is in the race against them only adds zest to the conest. Each one is wondering who his competitors are and how many votes each

of them have to their credit. While there are a number already entered in the contest there are bound to be more to be in the running. opportunity to win a new \$785 Ford tor Bourne Monday a copy of the Automobile comes only once in a life-report of Major J. F. McIndoe, Corps time and few will let the chance to of Engineers, with maps, on the pre-liminary examination and survey of without making an effort to get the the Willamette River between Port- machine. In order to give those who land and Oregon City. The report could not enter the contest yesterday has been forwarded by H. L. Stim- morning the same chance of winning Secretary of War, to the lower the prize as the more fortunate ones branch of Congress and is now before who had early starts, the nomination the Rivers and Harbors Committee. blanks will appear a few more times. The plan provides for a channel twelve feet deep at low water to Oswego eight miles above Portland, and thousand free votes as a starter. But a minimum depth of three and one- as the Contest Managers reserve the half feet from that point to Oregon right to withdraw this free vote of-The Oregon City Commercial fer at any time, any one contemplat-Club, however, virtually has been asing entering the race is advised to sured of a six foot depth to Portimmediately send in the blank.

In this Ford Contest there are no restrictions as to who may enter the race. The Enterprise is going to give this automobile away on the first of June to the man, woman, boy, or girl

having a splendid time don't wish that love to pay taxes. you were in their places-enter the Enterprise Contest and win a machine for you and your family to enjoy. Automobile weather is at our front door, and there is no reason for you be walking about on hot dusty walks and roads, wearing out shoe

All during the contest the Enter-

(Continued on page 3.)

JOHN BANCROFT, JR.

Young Delaware Society Man

Who Sued Wife For Divorce.



Photo by American Press Association

# ESTACADA COUNCIL AND MAYOR AT WAR

pear to think the Mayor is in the circumstances of the time and his right. The council has become so own spirit did the rest. When but the largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to forgot to levy the five mill tax allow-given for every subscription taken for ed by law so that the citizens will buildts whistle to have the five mill tax allow-given for every subscription taken for ed by law so that the citizens will buildts whistle to have the five mill tax allow-given for every subscription taken for ed by law so that the citizens will buildts whistle to have a find him writer and the first time he heard the largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to forgot to levy the five mill tax allow-given for every subscription taken for ed by law so that the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to forgot to levy the five mill tax allow-given for every subscription taken for ed by law so that the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to forgot to levy the five mill tax allow-given for every subscription taken for ed by law so that the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to have all the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to have all the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to have a subscription taken for each of the citizens will be largest number of votes between Mayor. It appears that the council ing, 'My feelings are strongly bent to have a subscription taken for each of the citizens will be a subscription taken for each of the citizens will be a subscription taken for each of the citizens will be a subscription taken for each of the citizens will be a subscription taken for each of the citizens will be a subscription given for every subscription taken for ed by law so that the citizens will bullets whistle about his head, in the the Weekly or Daily Enterprise, and have to forego the time honored pleasas everybody means anybody, and anybody means you, send in that nomination blank today.

The next time you see a happy crowd of people out in an automobile gnashing of teeth for the citizens do that nomination blank today.

The next time you see a happy crowd of people out in an automobile gnashing of teeth for the citizens do the c

The members of the anti-Reed council who had a recall attempted against he wrote, 'hardy enough to encounter them three years ago, are going about and undergo the most severe trials the town with a smile upon their coun- and I flatter myself, resolution to face tenaces these days. And the town what any man dares, as shall be prospers. Three houses are being proved when it comes to the test.' built in the new addition north of the leather and tempers when by a little old brick plant. Four hundred dollars event proved. Like his ancestor exertion on your part you can be the was raised to assist in building a wag-

> New Oak Grove Postmistress. WASHINGTON, Feb. 19.—Mrs. Maude Ellís has been appointed postmistress at Oak Grove, Clackamas

COUNTRY.

### SOLDIER QUALITIES ARE INHERITED

Experience of Great General Gained Through Military Misfortune -Inspiration Found In Despair.

The Rev. George N. Edwards, pastor of the Congregational church, has been congratulated by a large number of citizens upon the address he delivered on Washington at the meeting of Meade Post, Grand Army of the Republic and the Woman's Relief Corps, celebrating the anniversaries of the births of Washington and Lin-Mr. Edwards spoke after the little daughters of Mrs. Killicon and granddaughters of J. Doremus, recited. The recitations of the children delighted the large audience.

The Rev. Mr. Edwards said in part: "Amtricans can well take time to remember Washington not only for what he did to make the nation a possibility, but for what he was as a man. We are deeply concerned now adays to find a way to keep peace between the nations, yet I venture to sweet peas and asparagus ferns. An vided in Section — of this charter. "Section — In all cases where the evening had been spent in games and court finds that a lien has been perinheritance, yet few men ever longed much as he, and certainly no man ever did more to make a lasting peace possible for his country.

"It was no accident that Washington became the first soldier of the Re-In emulation of its larger sister city, public. Centuries of military ances-Oregon City, the city fathers of Esta- tors in England gave him fighting cada have had a falling out with the blood and the military experience of Mayor, J. W. Reed. It is not exactly his older brother Lawrence gave him known just what is the causes belli. an immediate example. The Indian In this case, however, the citizens ap- wars gave him a training school. The bellicose as to intimate that it might nineteen he was a major in the Virand prowess, a keen hunter and ready swordsman. 'I have a constitution,' "That this was no idle boast the

on-road across Eagle Creek to the of England there came a time when German Burn, or George country, in a he could say 'I know the worst, and fear not.

"Washington had both moral and physical courage. In battle he seemed incapable of fear and no fear of work or consequences ever deterred him

(Continued on page 3.)

# **NEW ARMORY IS** ALMOST ASSURED

COURT ARE ASKED TO GIVE AID.

The Seventh Company, Coast Artillery, formerly Compana G, Third Infantry, Oregon National Guard, Oretional Guard forces of the state seems feel that Clackamas county has always been backward in its appreciation of the economic value of a full equipped national guard armory, and that it has permitted far smaller, and more thinly settled counties to get way ahead. Marion county has long taken a practical interest in guard matters and only last week county opened at Dallas, one of the finest armories in the Northwest. Yet Oregon City, one of the oldest cities in the state neither has an armory, nor any building fit to be rented for armory purposes

At a recent meeting of the officers and men of the company R. V. D. Johnston, a member of the National Guard Association, Quartermastr Sergeant Spagle and Corporal McFarland were appointed a committee to ject same, as proposed, within thirty meet the Commercial Club, the Coundays thereafter, and if the council ty Court, and other local and county organizations, and present the cause of the company. It is planned to tion thereon then the city clerk, audierect a building which shall be worthy tor or recorder, as the case may be, of the city, and which shall be avail- shall submit the same to the voters able for public meetings, conventions, of the city or town at the next ensu-poultry shows, etc., and also contain ing election held therein not less than a well equipped gymnasium, and ninety days after the same was pre-swimming tank available to the young sented to the city council. The counmen of the city. The Commercial Club, through Sec-

the Armory Committee on Wednesday evening and discuss the matter. Ad- ner as other ordnances; if the council lutant General Finzer, in a letter to shall reject said ordinance or amend-Captain Heidy, dated February 17, ment or take no action thereon, it 1912, says: "I hope you will be able to secure the co-operation of the commercial bodies of Oregon City, and by the city clerk, auditor or recorder, that every effort will be made. As as the case may be, to the people of you perhaps know, the armory can said city or town, at the same elecbe used for other than military pur-tion at which said initiative proposal poses when not in use by the troops." is submitted. Such competing ordin-Some idea of the importance of the ance or amendment, if any shall be change which the transformation prepared by the council and ordained from Infantry to Coast Artillery has within thirty days allowed for its change made may be gleaned from the fact action on the measure proposed by that the War Department values at initiative petition. The mayor shall REV. G. N. EDWARDS DESCRIBES
WORK OF FATHER OF
\$2,000 the range-finding instruments and manning-table apparatus which are to be installed. In addition to The board at the meeting Monday this there is to be a full scale model night adopted the following submitof a six-inch disappearing gun. Under such circumstances the present "Section —. When

### SHOWER TENDERED FLORENCE SHOBE

settle some vexing social problems.

Batdorf, Lester Farmer Master Francis Hayes, Master Jole Shobe, Master Wane Andrews.

A. F. TURNER DEAD.

A. F. Turner a prominent farmer of Stafford died Saturday night after a short illness. Mr. Turner was forty widow and two children.

C. Schuebel will leave tomorrow evening for Riverside, al., on legal business, and before returning Mr. Schuebel will visit in Oakland and Los Angeles, and other cities. Mr. Schuebel and family made the trip lest were to Plysocial in their autolast year to Riverside in their auto-

COMMERCIAL CLUB AND COUNTY REVISED INSTRUMENT WILL LA-TER BE VOTED ON BY PEOPLE.

### MEETING PLANNED FOR WEDNESDAY BOARD IS NEAR END OF ITS LABORS

Building Would Be Suitable For Con- City To Become Owner of Property

The charter board Monday night virtually finished its draft of the revised charter to be submitted to the voters of the city for approval. A gon City's contribution to the Na- few sections are to be rearranged by Secretary Stipp and a final meeting to be within measurable distance of a will be held before the instrument is brand new armory. Local guardsmen presented to the city council at its next meeting. The revised charter provides for a councilman from each of the three wards and two from the city at large. The councilmen are to elet a mayor from one of their num-ber. They also will elect a business manager. Other important changes

have been made in the charter. The revised charter will be submitted to the city council under Section 12 of the rules of Oregon City, which in part follows: "If any ordinance, charter or amend-

ment to the charter of any city shall be proposed by initiative petition, said petition shall be filed with the city clerk, auditor, or recorder, as the case may be, and he shall transmit it to the next session of the city council. The council shall either ordain or reshall reject said proposed ordinance or amendment, or shall take no ac-It is planned to tion thereon then the city clerk, audisented to the city council. The council may ordain said ordinance or amendment and refer it to the pe retary Latourette, has offered to meet and in that case it shall be subject to referendum petition in like man-

"Section -. When an attempt may armory is not only inadequate but is be or may have been made at any in addition a possible service of ser- time by any officer of Oregon City or lous loss to the company commander, the council thereof, acting under any who is responsible for all equipment. provisions of the charter or of any It is hoped to interest the various ordinance of Oregon City, to levy an clubs and the churches of the city, in assessment or make a lien against the undertaking, not so much from any real property located in Oregon the purely military point of view, as City, and said property shall have from the fact that a building like the proposed armory, with its club rooms, no bid received therefor, upon regymnasium and swimming tank, will ceiving the return of such sale from the treasurer, the recorder of Oregon City shall report to the city council all property which has been so offer-ed for sale and for which no bids have been received. The city council, at its discretion, on motion entered in its minutes may order any of such llens or attempted liens foreclosed, and for that purpose may employ an attorney.

"Section —. Any lien so ordered foreclosed shall be foreclosed by a Miss Florence Shobe, daughter of Suit in equity in the circuit court for Mr. and Mrs. J. A. Shobe, of West Clackamas county, Oregon, in the Oregon City, was tendered a miscel- same manner as mortgages on real laneous shower Saturday evening at estate are now foreclosed, including her home. The decorations were beau- service of summons, by personal sertiful, red and white crepe paper being vice or by publication trial or default, festooned in the living room, Dan finings, decree and final judgment, ex-Cupids and hearts were used with ecution, levy by the sheriff, sale, cerartistic effort. The dining room was tificate of sale to purchaser, and condecorated with Oregon grape and firmation. Redemption from such ferns, the table decorations being in foreclosure sales may be made as pro-

our study. He was a man of war music. Many handsome articles were fected under the provisions of this from his boyhood, by temperment and presented to the bride elect, who is charter or any ordinance, the court to become the wife of Elmer King, of shall enter a decree and judgment for peace and domestic retirement as this city, the coming week. The gifts which shall include all amounts reconsisted of cutglass, silver and linen. quired by the charter to be paid, and Those attending the shower were all expenses for former liens, with Mr. and Mrs. J. R. Shobe, Mr. and costs and disbursements and reason-Mrs. Harvey Farmer, Mrs. Rebecca able attorney's fees in such fore-Turney, Mrs. J. O. Miller, Mrs. J. closure proceeding. If the original Kiser, Mrs. Walter Ford, Mrs. I. M. lien shall have been entered on the Batdorf, Mrs. T. B. Davenport, Mrs. docket of city liens prior to one year Sarah Lacey, Miss Janey Lacey, Mrs. before the commencement of said Mary Kellogg, Mr. and Mrs. Arthur suit, a deed shall be executed by the Buise, Mrs. Neta Hayes, Mr. and Sheriff to the holder of the certificate Mrs. J. L. Waite, Mrs. M. Green, of sale, upon demand at any time af-Mrs. James J. Talbot and daughter, ter sixty days after order of confirm-Edith, Mr. and Mrs. W. W. Bruce, ation by the court provided, that the Mrs. Ellen Ackerson, Mr. and Mrs. owner of said property, his heirs or assigns, may redeem from such sale within said sixty days. In all other cases the court may find the benefit Miss Lena Stearns, Miss Clara to the property and the expense to Stearns, Miss Florence Shobe, Elmer the city in carrying out the provisions Stearns, Miss Florence Shote, Delvin Montgomery, Miss Lucille which said lien was created, and shall Delvin Montgomery, Miss Lucille which said lien was created, and shall Ford, Miss Hilda Ford, Ida Shobe, give judgment in favor of Oregon City Myrll Bruce, Dora Jackson, Leland for such amount, with costs and reasonable attorney's fees, and after sale the person entitled to redeem shall have one year after confirmation thereof within which to redeem from such sale,

"Section closure it shall be sufficient for the complaint to state, generally, the improvement or other matter for which years of age and is survived by his the lien was made a correct description of the property affected thereby, the amount of the lien and that the

(Continued on page 3.)