

WEATHER INDICATIONS.  
Oregon City—Tuesday, fair;  
light variable winds.  
Oregon—Tuesday, fair; light  
variable winds.

# MORNING ENTERPRISE

WEEKLY ENTERPRISE ESTABLISHED 1866

The only daily newspaper be-  
tween Portland and Salem; circu-  
lation in every section of Clacka-  
mas County, with a population of  
30,000. Are you an advertiser?

VOL. III—No. 42.

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

PER WEEK, 10 CENTS

## OREGON SYSTEM UPHELD BY COURT

HIGHEST TRIBUNAL REFUSES TO  
TAKE ACTION IN BIG  
CONTEST.

### ISSUE IS CALLED POLITICAL ONE

Master of State Grange Spence Re-  
ceives Telegram of Congratu-  
lations From Attorney  
Ralston.

The following telegram regard-  
ing the decision of the Supreme  
Court was received Monday by  
C. E. Spence, Master of the State  
Grange, from J. H. Ralston,  
counsel for the Grange before  
the court.

"Telephone and Klernan cases  
dismissed for want of jurisdic-  
tion as presenting political ques-  
tion. Congratulations to the  
Grange."

WASHINGTON, Feb. 19.—Practical  
affirmation that the principle of  
the initiative and referendum, as enacted  
in Oregon, is constitutional, came here  
today when the United States Su-  
preme Court refused to take jurisdic-  
tion in test suits contesting the valid-  
ity of the laws.

The decision of the United States  
Supreme Court which was unanimous,  
affects many states where direct leg-  
islation agitation is before the people.  
Chief Justice White delivered the  
opinion. He said:

"The issue is political and govern-  
mental, 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  
Oregon laws in free and untrammelled  
operation unless some contrary action  
to override them should be taken by  
Congress.

The question of the constitutional-  
ity of the initiative and referendum  
law of Oregon was first raised in an  
action instituted by the state of Ore-  
gon 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 consti-  
tutionality 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 States, the purpose of which  
was to establish a republican form of  
government.

Later on the question was raised in  
the case of Frank Klernan against the  
city of Portland. Klernan, as a citi-  
zen 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 initia-  
tive amendment to the Oregon consti-  
tution was attacked on the same  
ground as in the earlier case but other  
amendments to the constitution refer-  
ring 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 municipali-  
ty, were included in the attack.  
Klernan contended that these amend-  
ments, in effect, set up a state within  
a state in contravention of the Fed-  
eral constitution.

## Tonight

The general admission will  
be 10 cents.

This is special for the benefit  
of the

OREGON CITY HIGH SCHOOL.

In addition to the pictures the  
school will give the following  
program:

1. BOYS' GLEE CLUB.
2. COME JOSEPHINE IN MY  
FLYING MACHINE.
3. OH! YOU BEAUTIFUL  
DOLL.

## The Grand

Admission during the after-  
noon will remain at 5c and 10c  
as usual.

## ATWOOD PLANS TO FLY ACROSS OCEAN

DARING AVIATOR SAYS HE WILL  
MAKE VOYAGE IN  
THIRTY HOURS.

### LINERS EXPECTED TO GIVE HIM AID

Birdman Will Use Big Machine And  
Will Be Accompanied By  
Navigator And  
Mechanic.

LYNN, Mass., Feb. 19.—"Believing  
that I can best prove that the aero-  
plane may come to stay by making a  
flight across the Atlantic, I shall at-  
tempt such a trip in the early part of  
May," said Harry N. Atwood today.  
"I believe I have a machine that will  
accomplish this feat in thirty hours,  
with but one stop, under favorable  
conditions."

Atwood confessed that the machine  
would probably be larger than any  
previously flown in this country. He  
said he would carry sufficient gaso-  
line to make a 900-mile continuous  
flight and when he found his fuel get-  
ting 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  
and it will be an easy matter to pick  
up one of them.

Two men will accompany him on  
the flight, one mechanic and the other  
man acquainted with the sea who will  
be able to show him how best to ride  
out a gale if one should be encount-  
ered.

Plans for an improved type of hy-  
dro-aeroplane which he will use have  
been completed and work of building  
is said to have begun.

Life-bots will be the only baggage,  
except for a small supply of food.

## JERSEY JUDGE NAMED FOR SUPREME COURT

WASHINGTON, Feb. 19.—The nomi-  
nation of Chancellor Mahlon Pitney,  
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 Harlan was sent  
to the Senate today by President Taft.  
In executive session the Senate,  
without discussion, referred Chan-  
cellor Pitney's nomination to the com-  
mittee 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 Dis-  
trict Court for Southern New York,  
and Ferdinand A. Geiger, of Cass-  
ville, Wis., to be District Judge, east-  
ern district of Wisconsin.

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

M. D. Latourette secretary of the  
Commercial Club received from Sena-  
tor Bourne Monday a copy of the  
report of Major J. F. McIndoe, Corps  
of Engineers, with maps, on the pre-  
liminary examination and survey of  
the Willamette River between Port-  
land and Oregon City. The report  
has been forwarded by H. L. Stimson,  
Secretary of War, to the lower  
branch of Congress and is now before  
the Rivers and Harbors Committee.  
The plan provides for a channel  
twelve feet deep at low water to Os-  
wego eight miles above Portland, and  
a minimum depth of three and one-  
half feet from that point to Oregon  
City. The Oregon City Commercial  
Club, however, virtually has been as-  
sured of a six foot depth to Port-  
land, and a promise of a twelve foot  
depth eventually.

## 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. Har-  
vey, of Milwaukie, is not known, it is  
assumed that no indictment will be  
returned. District Attorney Tongue  
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  
court in Hillsboro. There is every  
reason to believe that if the evidence  
against Harvey as presented to the  
grand jury, had appeared as conclu-  
sive to that body as it does to the  
Clackamas officers, that an indict-  
ment would have been returned forth-  
with.

## THE OUTLET

PERPETRATED BY WALT McDUGALL

