

Morning Oregonian

NO. 15,895.

PORTLAND, OREGON, SATURDAY, NOVEMBER 4, 1911.

PRICE FIVE CENTS.

COURT IS CRITICAL IN OREGON CASES

Justices Show Interest by Questions.

WHITE ASKS FOR CITATION

Lurton Discusses Power of People With Counsel.

ORAL ARGUMENTS HEARD

Opponents of Initiative Contend That System Is Not Republican—Question Is Political, Not Judicial, Is Reply.

WASHINGTON, Nov. 3.—The critical manner in which the Supreme Court of the United States today listened to the arguments that the initiative and referendum was unconstitutional brought encouragement to the friends of the system. Oral arguments on both sides were completed before the court adjourned for the day.

E. S. Pillsbury, of San Francisco, and R. B. Dunlap, of Portland, were heard in opposition to the method in two Oregon cases. When Mr. Pillsbury remarked that there could not be due regard for the Federal Constitution, he was two legislative powers in a state, namely, the Legislature and the people, Justice Lurton interrupted him.

"What is a state constitution but an organic act of legislation by the people?" inquired the Justice.

"That is exactly what I understand it to be," responded Mr. Pillsbury.

People's Rights Discussed. "Then there is legislative power in the people?"

"To make a constitution, yes," Mr. Pillsbury suggested that the people might put into their state constitution anything not in conflict with the restrictions of the Federal Constitution.

"What are the restrictions which you contend are violating in this particular case?" inquired Chief Justice White.

"The provision for a Legislature," the Chief Justice asked him to read it.

"I cannot read it; it is implied in a dozen places," said the attorney. "And, also, the Constitution has been construed by this court to imply that there must be a Legislature."

Case Not Closed. The Chief Justice asked for the cases in which the point had been in issue, but the attorney did not give them.

It was further argued that taxes imposed under the initiative method were not by "due process of law," and violated "the equal protection of the laws," so long as some persons were taxed under initiative laws and others under legislative laws.

Mr. Dunlap spoke briefly in behalf of Frank K. Ryan, devoting himself almost exclusively to questions involved directly in the Broadway-bridge case. He took a fling at the Oregon Supreme Court, however, accusing it of "hedging" in the Kierman case because it knew when it gave its opinion that an appeal would be taken to the United States Supreme Court.

"This is purely a political question, which has no business in this court," declared Attorney-General Crawford, in introducing his argument on behalf of the state. "Opposing counsel should have presented this matter in the halls of Congress and not in the Supreme Court."

Crawford Denies Jurisdiction. He then cited various decisions to sustain his contention that the Supreme Court is without jurisdiction to act in either the telegraph company or the Kierman case. The Constitution guarantees a republican form of government in each state, he said, but it is Congress and the President that determine whether its requirements are met.

President Roosevelt and one Congress, he said, had endorsed the republicanism of Oklahoma's constitution and President Taft and another Congress had accepted as republican in form the constitutions of New Mexico and Arizona, which constitutions embody many of the same principles now incorporated in the Oregon constitution.

"This court cannot overthrow a state government," said Crawford. "Oregon is a state exercising all functions of a state, and with all the powers of every other state, and perhaps exercising some powers that other states do not exercise, but that is matter of indifference to this court."

He urged the court to dismiss both pending cases for want of jurisdiction.

"Home Rule" Right Asserted. Frank K. Ryan and William C. Benson, of Portland, spoke in the interest of "home rule." George Fred Williams, of Boston, argued that only a party to the "guaranty," the states, could ask the United States to make good its promise that every state should have a republican form of government.

A corporation, he said, could not do so, because the guaranty was to the states.

"I have heard no state objecting to the Oregon form of government," said Mr. Williams.

Chief Justice White suggested that

STORIES OF SPOOK WITNESSES CLASH

WIFE TO PRESENT SLATE MESSAGE IN COURT.

Insurance Company Depends Upon Shade Who Says He Has Not Met Howland in Beyond.

SAN FRANCISCO, Nov. 3.—A San Francisco court will be called upon to pass upon the veracity of two opposing spirit witnesses, when the suit of Mrs. Eva Osbourn, who seeks to collect \$500 as the beneficiary of a life insurance policy, comes to trial. The policy was issued to Dr. Henry E. Howland by the Pacific Mutual Insurance Company. Dr. Howland was supposed to have been burned to death in a fire which destroyed the Chutes Amusement Park here last May and a coroner's jury declared the charred remains of a body found in the ruins to be those of the physician.

No objection was made by the company to the payment of the policy until one of its representatives was informed last week by R. E. Culbreth, editor of a San Francisco magazine, that he had received a spirit message that Howland was alive and had fled to Mexico to escape financial difficulties.

Upon receiving notification by the company that the suit would be contested, Mrs. Osbourn immediately sought communication with the shade of Howland and obtained it, she says, yesterday. Howland said he had "passed into eternity" after returning to his room to recover some jewelry. The message was received through a medium and the sworn testimony, which will be introduced in court, says the answers to the questions addressed to Howland were written by a spirit hand on the surface of a slate. The slate will be offered in evidence.

\$50,000,000 JURY CALLED

Chicago's Commercial Elite to Hear Insanity Cases.

CHICAGO, Nov. 3.—(Special.)—Not until the opening night of the grand opera will there be seen an aggregation of wealth approaching that which gathered on the West Side this morning as jurors in cases of alleged insanity at the County Detention Hospital.

All traffic on Wood street, which passes the Detention Hospital, was ordered stopped during the hours the \$50,000,000 jury was in session. More costly automobiles than ordinarily are seen today west of the river were drawn up in front of the curb.

The men who answered the roll at 8:30 o'clock when court convened were: Edwin F. Mandel, vice-president of Mandel Bros.; Edward J. Lehmann, vice-president of the State Bank; Harry Hunk, vice-president of the Schwarzschild & Sulzberger Company; J. P. Marsh, banker; Dr. H. L. Davis, former superintendent of the Detention Hospital; Arthur Meeker, general superintendent of Armour & Co.; Charles H. Swift, vice-president of Swift & Co.; Frederick L. Wills, vice-president of the Union Trust Company; Charles M. McFarlane, secretary of Morris & Co.; Rudolph C. Keller, cashier of the Colonial Trust & Savings Bank.

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BUSINESS POLICY ISSUE IN ELECTION

Railroad Chief Asks for Commercial Law.

SHERMAN ACT IS NOT ENOUGH

Yoakum Says Big Interests Should Be Harmonized.

OLD WAYS ARE OUTWORN

Laws to Be Successful Must Take Farmer Into Consideration—Socialism Opposed by Men Who Are Real Producers.

BY R. F. YOAKUM.
(Chairman of the Board of Directors of the St. Louis & San Francisco Railroad.)
(Published by arrangement with the Chicago Tribune.)

If I were writing a platform for my party—the Democratic—I should write a constructive one. A constructive policy means freedom from undue restriction. It means recognition of the natural law, and an effort, through a statute, to remove barriers in the way of the successful operation of that law.

I should not repeat or amend the Sherman anti-trust act (of which, after 20 years, we now for the first time understand the meaning), but should supplement it by a commercial law designed to protect properly the consuming public and at the same time permit expansion of business both in domestic and foreign trade.

I should have the new law declare in unmistakable terms what could be done and what could not and prescribe suitable penalties for violation. I should have it apply alike to all corporations coming under its provisions.

Each Suspects Other. There is no doubt as to the existence among politicians of a feeling that the large interests are endeavoring to become too strong a factor in the control of our commerce, manufactures, and raw materials. Neither is there any doubt that the large business and commercial interests believe that many politicians are creating prejudice in the minds of the public for political purposes, to the detriment of the progress and prosperity of the country.

It is to the interest of business, labor, and employment of every kind to find a solution for prevailing uncertainties. After all, the men elected to public office have the ear and confidence of the people. So long as the so-called business interests oppose the adoption of fair, regulative conditions or there is evidence of violation of laws, the people will continue to support radical reformers.

Careful Study Required. To bring about a solution in a manner that will satisfy the public and establish confidence between the class comprising the demagogic politicians and the class which believes in too free a hand in the conduct of interstate

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BESSIE DOLLAR ON ROCKS

Vessel Runs Aground of Jetty as She Leaves Everett.

EVERETT, Wash., Nov. 3.—(Special.)—The steamship Bessie Dollar, owned by the Robert Dollar Company, late tonight ran on the rocks composing a part of the harbor jetty in Everett and is hard and fast.

The Bessie Dollar had just completed the loading of a lumber cargo of 800,000 feet, loaded here and at California, and 1000 logs loaded here, all of it being consigned to Manila and Chinese ports. The rocks were recently placed by the Government and it is considered remarkable that the Bessie Dollar ran out of her course so as to land on them.

SUNDAY AT BEACH IS RODGERS' HOPE

Mid-Air Explosion Delays Aviator.

WONDERFUL DESCENT MADE

Mishap Delays Flier at Imperial Junction, California.

MECHANICS WORK BUSILY

Damage to Biplane by Bursting of Cylinder or Trouble Unforeseen Only Can Keep Birdman From Goal Now.

RODGERS MAY REACH GOAL TODAY.

LOS ANGELES, Nov. 3.—Louis Peters, one of Aviator C. P. Rodgers' agents, arrived in Los Angeles tonight from Imperial Junction. Mr. Peters declared that the repairs to the damage on Rodgers' motor were so far advanced that Rodgers would be able to start tomorrow and arrive in Pasadena late in the afternoon.

IMPERIAL JUNCTION, Cal., Nov. 3.—Unless some engine or other trouble unforeseen develops, Calbraith Perry Rodgers, transcontinental aviator, virtually will end his long flight from the Atlantic to the Pacific Sunday afternoon.

Rodgers' hour of departure from this place depends largely upon how soon his mechanics can adjust the magneto and motor. If all goes well, it is expected that he will resume his flight Sunday morning, making a bee line for the western coast, and land at one of the beach cities—which one is not yet known. This will be the termination of the greatest flight across country by aeroplane that the world has ever witnessed, and Rodgers, as the first to fly across the American continent, will win immortality among the pioneers of the pilots of the air.

One Cylinder Explodes. When Rodgers took the air at 7:30 o'clock this morning at the little desert water hole called Stoval Siding, Ariz., with but a trifle over 300 miles between him and the Pacific Coast, there was every reason to believe that he would make his goal, or at least very near to it by evening.

Going at 75 miles an hour, the No. 1 cylinder of his biplane exploded, tearing out the crank case, bending the shaft and ruining the magneto. Several pieces of flying metal passed perilously near Rodgers' head.

Beautiful Glide Made. Rodgers immediately "warped" his machine and with a circle two miles in diameter, started a spiral to earth. His landing was as graceful as it was easy. A few railroad men were the only ones who witnessed the descent and they, with Rodgers, placed the aeroplane on

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MRS. A. WOLFE DIES SUDDENLY AT HOME

MERCHANT'S WIFE STRICKEN WITH HEART FAILURE.

End Comes to Prominent Resident in Bed—Residence in Portland Began 30 Years Ago.

Mrs. Sadie Wolfe, wife of Adolphe Wolfe of the dry goods firm of Lipman, Wolfe & Company, died very suddenly at 12 o'clock last night at the family residence, 189 King street. Death was due to an attack of heart trouble.

Mrs. Wolfe spent the evening quietly at her home and was in the best of spirits. She had suffered attacks of heart trouble several times within the past months but did not complain of illness yesterday. She retired at the hour she was accustomed to but at midnight she was suddenly stricken and expired immediately.

Mrs. Wolfe was 49 years old. She came to Portland with her husband 30 years ago, shortly after they had been married at Piqua, O. In fact, they were on their honeymoon when they came here, and Mr. Wolfe embarked in business. She had been a prominent resident of the city ever since.

Mrs. Wolfe is survived by Mr. Wolfe, two daughters—Misses Florence and Stella Wolfe—and one son, George Wolfe. She also leaves two sisters—Mrs. Solomon Rosenfeld, of Portland, and Mrs. George Fox, of Cincinnati. Funeral arrangements have not yet been made.

COAT SAVES BLAZING MAN

Gateman Quick to Rescue Frantic Chauffeur Caught by Flame.

Quick thought on the part of a gateman for the Portland Railway, Light & Power Company, probably saved the life of H. E. Wolvin, a garage employee, when his clothes caught fire at East First street and Hawthorne avenue, yesterday. When the blazing man ran into the street, suffering intensely from burns, the gateman, hastily jerking off his overcoat, threw it around Wolvin, tripping him to the ground and soon had the fire out.

In the plant of the Portland Automobile Cleaning House, men were taking a deposit of asphalt from the bed of a motor truck, using a gas torch for the purpose. Fifteen feet away another employee was rubbing an automobile with gasoline. Suddenly the flames leaped the long gap and ignited the gasoline. Wolvin, who was working close by, was in the path of the flames and his clothing caught fire, burning his arm and side severely.

The garage caught fire and the fire department was called, but the flames were extinguished in a few minutes.

"I signed this statement as cashier. It was also signed by A. J. Williams, president, and S. T. Wyatt, director. The books of the institution at all times were kept by an assistant cashier and my only knowledge of the actual condition of the bank was that obtained from the books, the same information that was available to and possessed by the other officers."

Directors Withdrew Charge. "Between the date of the report and September 17, President Williams and Director Wyatt and their relatives became exceedingly active and withdrew the bulk of their deposits in checks of \$200 and \$500 each."

"I had tired of my association with the officers of the bank and at the time was negotiating with a Portland man for the sale of my interest. The action of Williams and Wyatt and their relatives in withdrawing their funds from the bank was for the purpose of securing my prospective purchaser away."

"But they overdid the thing and the bank became insolvent. Becoming aware of the bank's insolvency, I telegraphed the Superintendent of Banks at Salem and requested him to assume charge of the institution. The next step taken by my erstwhile business associates was to prefer criminal charges against me and have me thrown in jail after having my bail fixed at the exorbitant figure of \$10,000, which they were satisfied I would be unable to furnish."

Deposit Acceptance Denied. "The second charge against me is the acceptance of deposits when I knew the bank was not solvent. The specific charge is that I received a deposit of \$7000 from Albert Shriver on the day before the bank suspended. As a matter of fact I was in Albany for that entire day, and the deposit charged against me was received by the other officers of the bank in my absence. Only one bad loan was made by the bank, as its books will show, and that was the money advanced to the Philomath Creamery. But this loan was made with the full knowledge and official sanction of the officers of the bank, who are equally blameable for it."

"There unquestionably exists a conspiracy on the part of the other officers of the bank to shift all responsibility for the suspension of the bank on my shoulders. These officials have the depositors so thoroughly scared that we are unable to force the authorities to arrest any of the other bank officials. They are equally responsible for the condition of the bank, but they have succeeded in so arousing public opinion against me that I am unable to get any satisfaction from the officers of the law."

First Wife Blamed. Discussing his matrimonial entanglements, Evans said: "My first wife so harassed me in both Wisconsin and Minnesota that I left those states virtually bereft of money and came to the Pacific Coast. She was insufferably shrewlike. In 1906 I obtained a divorce from my wife, and

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EVARS SETS BLAME ON BANK OFFICERS

Conspiracy Charged by Philomath Cashier.

CHANGE OF NAME ADMITTED

First Wife Termed Shrew by Accused Banker.

DEPOSITORS ARE INCENSED

Loan of \$26,000 to \$8000 Company Not Explained—Withdrawals on Night Prior to Suspension of Business Are Told.

CORVALLIS, Or., Nov. 3.—(Special.)—Confronted with two criminal charges, making and publishing false reports as to the bank's condition, and accepting deposits when he knew the institution was insolvent, James Evans, cashier of the suspended First State Bank of Philomath, from his cell in the County Jail today declared that his arrest and impending prosecution are the result of a conspiracy on the part of the other officers of the bank and to which he ascribes the bank's failure.

He admitted that he had changed his name from that of Charles James Evans and said that it was owing to the ill temper of his former wife and her harassing methods after he had separated from her that led him to avoid her. He declared that the other bank directors were as much to blame as himself for the tottering condition of the institution, but he did not explain the large loans to the Philomath Creamery Company.

Books Free to Inspection. "One of the charges against me alleges making and publishing a false statement concerning the condition of the bank," said Mr. Evans, who is a man of probably 40 years, this afternoon. "That statement, issued on September 17, was in accordance with the bank's books with the exception that it did not include a few deposits which were received between the date of the report and the date the bank's doors were closed."

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(Continued on Page 7.)

FOUR ATTORNEYS PROMINENT IN HEARING BEFORE SUPREME COURT INVOLVING INITIATIVE AND REFERENDUM



GEORGE FRED WILLIAMS, OF MASSACHUSETTS—ABOVE, CITY ATTORNEY FRANK S. GRANT, OF PORTLAND—BELOW, LEFT, A. W. CRAWFORD, ATTORNEY-GENERAL FOR OREGON; RIGHT, RALPH R. DUNLAP.