

UNIVERSITY FOES ROUTED BY COURT

Judge Galloway Upholds Content of H. S. Friendly in Referendum Case.

INJUNCTION IS PERMANENT

Men Filing Fraudulent Petitions Scored as Being No Better Than Those Passing Counterfeit Coin. New Principle is Involved.

SALEM, Or., Dec. 21.—(Special).—Upholding the contentions of H. S. Friendly in the now famous referendum case, making permanent an injunction which assumes in the next round of the battle at least \$50,000 in appropriations for the University of Oregon, Judge William Galloway in Circuit Court today pronounced as "no less morally culpable than he who deals in counterfeit money" the men who knowingly file a fraudulent petition.

Not alone does the decision of Judge Galloway overthrow the efforts of enemies of the university to divert it of this appropriation. The case goes further. The new construction upon the method of obtaining signatures for referendum petitions as well as declaring the same to be fraudulent through the circulators will put upon their proof those who were at least lately a party to such fraud.

Proof of Fraud Found. Upon the principle of ad indicated election cases where the element of fraud perpetrated by or with the knowledge and connivance of the election officers, involved, and is shown to have existed, such fraud destroys the presumption of correctness of returns and makes it necessary that any person who claims any benefits from them shall prove them to be the opinion. The theory which supports such cases is entirely applicable to the case at hand.

The limitation of right may be put, however, upon a higher and broader principle, that of public necessity. It is the duty of the state to protect the structure of the law that the burden of challenging the validity of such petition is cast upon the individual citizen, and not only that the danger is laid down the gaze of battle with a state officer who may bring to his aid the vast power of the state to defend the petition and challenge the validity of the citizen in the unequal contest. If it were required in such a case that the plaintiff must make a distinct lease as to the validity of each name challenged for fraud of the circulator, the impossibility of overturning the petition for that reason would be made certain by enlarging the fraud, for the larger the fraud the more difficult it will be to challenge the legal sufficiency of the petition.

Form of Petitions Illegal. Judge Galloway sustained the contention of the plaintiff that the form of the petition in not having petitions attached to separate sheets invalidated the petition where such occurred. Under the opinion 3203 names are found to be invalid and void. Of these 3195 are invalidated by the incorrectness of the form of the petition, 80 are on a defective part of the petition and 2088 were admitted by the defendants as void, making a total of 3203 invalid names. There were 13,811 names on the petition or 5412 names, that for the intent of this case are assumed to be valid.

It is admitted by the pleadings, however, that 6135 names are necessary to effectuate a reference of the designated measure to a vote of the electorate. This conclusion is not early terminates the case in plaintiff's favor, even though no other fraud should be found in the case.

Public Needs Protection. The public interest, however, demands that the full extent of the fraud, shown by the plaintiff's case, be considered and exposed to public view. In the end, the danger to the public institutions may be appreciated and some corrective remedy applied by the legislative branch of the state government.

The right of petition, reserved by the Constitution to refer to a vote of the people any measure passed by the legislature, is a right intended to be used to settle or adjust private and local grievances; but the right contemplates the right to express the honest sentiment of the qualified voters upon public matters only. The evidence in this case disclosed that the petition originated in a case of local neighborhood contention and spite; that in carrying into effect this unworthy motive, means were employed to obtain signatures upon a money basis and to further a personal spleen and revenge by a committee of Cottage Grove citizens.

An order was first given to H. J. Parkison to procure names which he was to be paid for at the rate of 7 cents for each name so secured to each of the two petitions, referring the two acts in the manner in which the names for a price, procured agents for which he at one time vouched, to go out into the street and most questionable places in Portland to procure names.

Parkison Knew of Fraud. Some of these agents went under assumed names, and in this manner made the affidavit required to verify the petition. Long before this petition was filed, Mr. Parkison was advised that a large part of the names handed in to him by his agents were fictitious and fraudulent. He so notified his principal at Cottage Grove, and agreed to replace \$50 or \$60 names admitted to be fraudulent, among those delivered by him to the committee of that place.

A dispute arose among these gentlemen who originated the petition as to what should be done with it, and between some of the committee and Mr. Parkison as to the manner in which he should perform his contract. There is some testimony to the effect that he and Mr. Abrams filed the original 3203 names without taking out the 500 or 600 fraudulent names, but Mr. Parkison swore that he did not file them. It is certain, however, before the case did not eliminate all of the fraudulent names, for the defendant has been compelled to admit the existence of 3212 fraudulent names and others suspected by the petition as filed.

It is shown, however, that Mr. Parkison knew that Charles Falk had furnished him fraudulent names, and that names will be employed this untrustworthy person to procure more names, and he took no steps to ascertain the validity of these latter names but filed them with the others. These names form a part of those now admitted to be fraudulent.

Chain of Party Made. Now Mr. Parkison stands to be the case man who has stood back of the state officers and insisted upon a

FOUR GENERATIONS IN FAMILY AT GRANTS PASS.



GRANTS PASS, Or., Dec. 21.—(Special).—Seventy-nine years is the difference in the ages of the oldest and youngest members of the McLane family of Grants Pass, the male representatives of the family for four generations being alive. The members, as shown in the picture (from left to right) are C. E. McLane, age 53; Baby McLane, age 1; Weston McLane, age 10; O. E. McLane, age 38. The son, father, grandfather and great-grandfather are all well. C. E. McLane is Chief of Police at Grants Pass. O. E. McLane resides at Lebanon, and Weston McLane resides at Grants Pass.

strenuous and technical defense of the purity of his petition, and through the medium of the attorneys for the defense he has insisted that this court delve into the circumstances surrounding each signature on this petition to determine, if possible, its genuineness, all at the expense of the state and the citizens who have uncovered this fraud and are now contributing to the maintenance of this suit.

He declares that in certain of the petitions the names obtained by "sipping circulators," all residents of Portland in the employ and as agent of H. J. Parkison, are so permeated with fraud, forgery and conspiracy that a court of equity and good conscience will not hesitate to decree all as invalid and of no effect.

The court is of the opinion that he who knowingly files a fraudulent petition is no less morally culpable than he who traffics in counterfeit money. Hercules upon beholding the accumulated 6135 names, took drastic measures to cleanse the Augean stables. It is the opinion of this court that judged by legal consideration alone, the petition is void, and ought not to stand because of the evident lack of a sufficient number of genuine names of legal voters of the state to refer the measure, and judged by the conscience of the court of equity, those who seek to maintain it are not in court with clean hands, and ought not to be granted the unusual request to purge the petition of fraud for which they are more or less responsible. The injunction will be made permanent and it is so ordered.

Deputy Attorney-General Van Winkle gave notice of appeal following the reading of the opinion by Judge Galloway. Both sides express confidence as to the ultimate outcome in the Supreme Court.

FRANCHISE IS ALLOWED

PROPOSED LINE TO CONNECT VANCOUVER AND YAKIMA.

Lawrence Harmon Says Farmers Are Giving Support to Road That Will Tap Rich Territory.

VANCOUVER, Wash., Dec. 21.—(Special).—A franchise for the Washington Trunk Railway, which is designed to open up the territory northeast of Vancouver as far as North Yakima, was granted to Lawrence Harmon by the Vancouver City Council today.

Preliminary surveys for the locations will be made within a short time along two routes. Both will pass close to Mount Adams and Mount St. Helens, in the Cascades, and close to the Lewis River.

This country has long been handicapped from producing because of the poor condition of the roads, which keep the farmer mud-bound the greater part of the year. In Clark County alone this road will open up an outlet for over 1,000,000 feet of timber, according to Mr. Harmon, who recently made the journey along the proposed road by horse.

He also declares that the farmers along the line are heartily in favor of the road and are offering liberal aid. Most of the right of way can be procured free, and many living within a mile of the line are willing to contribute \$10 an acre for stock, with the privilege of paying in installments.

Meetings for discussion of the plan are to be held at Hobson, Manor, Pioneer, Cherry Grove, at the schoolhouse, township 4, on the Amboy road, at Farger and at Amboy and Chelatchie Prairie. Others along the other route will be decided in the near future.

"SINGLE TAX" CASE IS SET

Important Hearings to Be Heard by Supreme Court Soon.

SALEM, Or., Dec. 21.—(Special).—The case of Schubel versus Oleott, or the "single tax" case, of the case of Andrews versus the County Court of Jackson County, being the Jackson County road bond case, were set for hearing today before the Supreme Court by Clerk J. C. Moreland for Thursday, January 4, 1912.

BURST KILLS TWO

Sawmill Boiler Blows Up, 3 at Work Escape.

APIARY DISASTER SCENE

Pair Hurled Through Building Are Not Hurt—One Victim Decapitated and Other, W. Lowman, Son of Owner, Is Crushed.

RAINIER, Or., Dec. 21.—(Special).—Of five men at work in the Lowman sawmill at Apiary today two were killed, two were blown out of the building and one escaped injury when the boiler in the plant exploded.

The dead are Clarence Brown, 23 years old, who was decapitated, and Wilder Lowman, a son of the owner of the mill, whose every bone was broken by the concussion. He died soon after being dug from the debris. James Kelly and Ben Brown, a brother of one of the victims, were hurled clear through the frame structure and escaped with minor injuries. Willis Lowman, the son of the owner, who was engaged at a point remote from the boiler. He was not hurt, escaping fragments of the burst boiler and managing to extricate himself from the wrecked structure without suffering a scratch.

Big portions of the boiler that caused the disaster were found 300 yards from the mill. The plant is demolished. The detonation was felt in Rainier at 8 o'clock this morning and telephone calls summoned doctors at the Coroner and an undertaker to the scene, seven miles away. The Lowman mill was conducted as a family affair, employer and employees being blood relations or related by marriage. It is believed the explosion was caused by the pouring of cold water into the boiler when the steam was low. The men killed were working directly over the boiler.

An inquest will be held today to place responsibility for the disaster. W. B. Lowman, owner of the mill, was away at the time of the accident and the three workmen who escaped with their lives are unable to throw any light on the cause of the accident.

HEN IS VALUED AT \$250

Clark County Poultrymen Told of Opportunities in Northwest.

VANCOUVER, Wash., Dec. 21.—(Special).—One hen, a prize winner on exhibition at the Second Annual Clark County Poultry Show, is worth more than \$250 to her owner, he refusing that amount for her recently. There are a number of hens and roosters on exhibition valued from \$100 to \$200, at the bottom of the show was better attended than yesterday. Miller Purvis, who is making the awards and judging the 700 birds on exhibition, lectured tonight on "Poultrymen I Have Known," telling of many with whom he had been in contact for the past 30 years, those who began as a friend for Christmas. Sig Reichel & Co., 32 Third, Third at Washington and Sixth at Washington.

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A million cigars to choose from—surely enough to please the most fastidious. Imported Havanas and domestic. Come and select a box for a friend for Christmas. Sig Reichel & Co., 32 Third, Third at Washington and Sixth at Washington.

YOUR CHRISTMAS SHOPPING

must be done in the next two days (you will have to hurry). Your opportunity to save time and money was never better in the City of Portland. The prices made by the TRANSCONTINENTAL ADVERTISING CO. on the Silverfield Co. stock are the lowest to be found in Portland. Why? Because we must vacate. The prices below will tell the tale.

Half Price Sale for Friday and Saturday

Sterling Silver Toilet Articles Half Price

Your own choice of our entire assortment of Sterling Silver Toilet Articles, including Manicuring Sets, Military Sets and single pieces, such as Tooth Brushes, Shoe Horns, Seals, Nail Files, Nail Scissors, etc., all offered at the same reduction.

Table with 2 columns: Item and Price. Includes 75c articles (38c), \$1.00 articles (50c), \$1.50 articles (75c), \$2.00 articles (\$1.00), \$6.25 Sets (\$3.25), \$11.50 Sets (\$5.75), \$18.50 Sets (\$8.25).

Willow and French Plumes Half Price

Willow and French Plumes in all sizes; black, white and all wanted shades. Closing-out prices, ONE-HALF OFF.

Table with 2 columns: Item and Price. Includes \$2.00 Plumes (\$1.00), \$3.00 Plumes (\$1.50), \$5.00 Plumes (\$2.50), \$10.00 Plumes (\$5.00), \$20.00 Plumes (\$10.00), \$25.00 Plumes (\$12.50).

Full assortment of Sterling Silver Bags and Coin Purses at HALF PRICE

Entire stock of Jewelry, including a large assortment of Hatpins, Cuff Buttons, Beltpins, Belt Buckles, Brooches, Necklaces, Bracelets, etc.

Table with 2 columns: Item and Price. Includes 25c articles (13c), 50c articles (25c), 75c articles (38c), \$1.00 articles (50c), \$2.00 articles (\$1.00), \$5.00 articles (\$2.50).

Millinery Reduced

\$20.00 to \$35.00 Hats... \$9.75; \$35.00 to \$50.00 Hats... \$14.95; \$10.00 to \$20.00 Hats... \$4.95; \$ 5.00 to \$10.00 Hats... \$1.95 and \$2.95

All Leather Goods, including Card Cases, Military and Traveling Cases, etc., at HALF PRICE

All Suitcases and Traveling Bags now at HALF PRICE

Entire stock of Silk Hose, all colors and sizes, now HALF PRICE

All Fine Umbrellas that formerly sold at \$7 to \$10, now HALF PRICE

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Entire stock of Jewelry, including a large assortment of Hatpins, Cuff Buttons, Beltpins, Belt Buckles, Brooches, Necklaces, Bracelets, etc.

Infants' Bibs, Bonnets, Sacques, all go at HALF PRICE

All Infants' Hand-Made Dresses, both long and short, now HALF PRICE

Mesh and Sterling Silver Bags Half Price

Entire assortment of German Silver and Sterling Silver Bags, in small and medium sizes. Regular values \$4.00 to \$20.00. NOW ONE-HALF PRICE.

Table with 2 columns: Item and Price. Includes \$4.00 Bags (\$2.00), \$5.00 Bags (\$2.50), \$8.00 Bags (\$4.00), \$10.00 Bags (\$5.00), \$15.00 Bags (\$7.50), \$20.00 Bags (\$10.00).

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If there is a gift which is better than all other gifts—it is a piano. If there is a time when this "gift of gifts" should be given—it is Christmas. The piano is no longer a luxury. It is a necessity. No home that makes any pretension to culture or refinement can afford to be without music, and music gets its highest expression in the piano. Again—a Christmas piano is not hard to buy. It is easy—very easy. A small payment is all that is necessary to have a piano put in your home—then easy weekly or monthly payments, thereafter. You thus pay for the piano in a way that you will not miss the money. You not only get the pleasure and enjoyment out of the piano for the whole family, but you place the means in the hands of your children that their musical education will not be neglected. While they are taking their lessons—the whole family, will be enjoying the use of the instrument and you will be leisurely completing your payments—and as far as the actual pleasure and benefits of the piano are concerned, you will get just as much out of it as if you paid for it all in cash.

By all means, if you haven't a piano in your home, start to own one this very Christmas.

We have several styles of new pianos that we sell on terms of \$10 cash and \$1.50 a week. We have several styles of new pianos that we sell on terms of \$7 cash and \$7 a month. We have several styles of new pianos that we sell on terms of \$25 to \$50 cash and \$12.50 a month. We have several styles of new pianos that we sell on terms of \$8 cash and \$8 a month. We have several styles of new pianos that we sell on terms of \$10 cash and \$10 a month. We have several styles of new pianos that we sell on terms of \$20 to \$25 cash and \$10 a month.

Can't you call at our new store corner Seventh and Morrison streets, and personally inspect the special display of dependable pianos which we have ready to present to your notice? If you will, you will put one in your home between now and tomorrow night.

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ing poultry as a business, Mr. Purvis said. The Northwest is particularly adapted to poultry-raising; it has an empire in area and a population that will always call for the best in the way of food that the market can supply. The mills, mines and stockmen will be with us for an indefinite time, and Alaska is growing in population for many years. All these are calling and will continue to call for the product of the poultry yards in increasing quantities and increasing prices.

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