President Campbell, of University, Declares Work Will Be Pushed With Vigor.

VOTE OF PEOPLE NEXT

Initiative Potition is Talked and Some Hope for New Complaint by "Competent" Plaintiff Exfats-Campaign Continues.

ENIVERSITY OF OREGON, Eugene, Or4 April 23 .- (Special.) -- Fronted towith the notification that the Su-

day with the notification that the Supreme Court of Oregon had reversed the Galloway decision in the University referendum date, P. L. Campbell, president of the University of Oregon, made the following statement:

"Naturally we are deeply disappointed. The university is in dire need of the building and equipment funds denied us in effect by today's decision. But the university work will be pushed forward with as cheerful visor as possible and every effort will be expended to carry the appropriation measures in the November election. I feel confident that the people of the state desire the university to have the money and that they will indorse the almost unanimous vote made by their representaimous vote made by their representa-Campaign to Be Vigorous.

As knowledge of the decision was As knowledge of the decision was fashed across the campus a hushed chill was felt, but, although discouraged, the students and local alumni have by no means lost heart. They mean to carry on a vigorous campaign and, if called upon by the advisory forces, will stand ready to take the stump in support of their contention that the university deserves more liberal support.

When the referendum checkrein han-When the referendum checkrein han-dicapped the university following the legislative appropriation of 1997, the university's campaign was successfully managed by a committee of five alum-ni, Homer L. Keeney, Lewis R. Alder-man, Clifton N. McArthur, Allen H. Eaton and Homer D. Angell.

Just what the aggressive policy of the administration is to be will not be known until the board of regents meet in executive session. President Camp-bell said today that the board would endoubtedly meet soon, probably with-in two weeks, and that no official announcement of plans could be made until such time. The regular meeting scheduled for January 16 was postened awaiting the Supreme Court de-ision and it is practically certain that he adjourned meeting will be held efore the next regular session, June

For some time there has been agitaion in certain quarters over the state

tion in certain quarters over the state for a permanent statewide tax on a mileage basis, but it is not known whether the movement will crystalize into an initiative petition or not. Since the court decision merely declared the incompetency of the particular plaintiff, S. H. Friendly, some hoperemains that a new complaint may even now be filed in the Circuit Court by some plaintiff who would be held competent under the court interpretation. It is held by some that the limitation of time before the impending election time before the impending election the only obstacle to such procedure.

Fund of \$125,000 Available.

The annual maintenance fund of \$125,000 is still available to the uniersity, so that the faculty members will not have to suffer for lack of salwill not have to suffer for lack or sai-ary, as was the case during former troubles. This is the third referen-dum battle that President Campbell has faced since his ascendancy to the uni-versity's executive chair and he is fac-ing the coming struggle with the same fortitude and cheer that has in former difficulties won him the lasting supstudents and alumini.

DECISION SEEN AS BLESSING

Attorney in Case Says People Now Can Eliminate Politics.

CORVALLIS, Or., April 22.—(Special.)

—H. J. Parkison, the Portland attorney who was so prominently identified with the University of Oregon referendum movement, and who is here as one of the attorneys in the Humphrys trial, said tonight concerning the Supreme Court Academics. Court decision:

Court decision:

"I have not seen the opinion of the Supreme Court on the referendum case and know nothing about it other than that Judge Galloway's decision has been reversed. Knowing all the facts and the law in the case as presented by Attorney-General Crawford, C. E. S. Wood and W. S. U'Ren for the state, I felt certain that the decision of Judge Galloway would be reversed for want of jurisdiction or upon the merits of the case.

The decision is a blessing to the people of the state and to the higher educational institutions of Oregon. The voters can now consider the broad uestions which caused the referendum to be placed upon \$592,248 of the ap-propriations made by the last legis-intive assembly. These interested in caking the university and Agricultural College out of cheap log-roling politics in the Legislative Assembly and placing our schools on a higher and on a dignified basis will now propose a law and constitutional amendment which will propose the consolidation of the university and Agricultural Col-lege at Corvallis, and to support the combined institutions by a direct mili

combined institutions by a direct militax upon all the property of the state. "Consolidation of the two schools would mean a saving this year to the taxpayers of more than a third of a million dollars, plus annual cost of duplication of grounds, buildings and salaries. It also will add to the efficiency of the college and save the university from decay."

to the ballot title, and thus balk the shole people in the exercise of their any law passed by the Legislative As-

tled, that as against public officers, where their action tovolves purely plaintiff's suit when he shows no in-

the consideration of the other questions raised at the argument.

The opinion of Justice Burnett in full is as follows:

Cherks the ballost tills formulated by the Attorney-General to be printed on the ballot for the general election to be held in No. 210, passed at the twenty-skith regular session of the Legislative Assembly.

History of Case Outlined.

The plaintiff alleges: "That for more than 20 years last past the plaintiff has been and is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind is now a clizen of the United States of the States of Oregon and a wind in a state of the States of Oregon and a wind will be adjournment of that body on February 18, 1911. It is further substantially stated that within 30 days after the adjournment of that body on February 18, 1911. It is further substantially stated that within 30 days after the adjournment of the Legislative Assembly. H. at the defendant, as Secretary of State, a pretended polition constating of 117 excitons and purporting to contain signatures therifo of clizens and logal voters of 712. affecting to demand that House bill No. 210 he referred to the perturbance of the paperosal or rejection at the regular election to the kield in Secretary of State, accepted the polition constanting of the paperosal or rejection at the regular election to the kield in Acceptacy of State, accepted the polition was filled the defendant transmitted a control of the paperosal or rejection at the political proposal or rejection was filled the defendant transmitted a control of the paperosal or rejection to the political proposal or rejection to the political proposal or political control of the paperosal or political control of the political proposal or political control of the political proposal or political control of

Circuit Court Overruled. Circuit Court Overruled,
The defendant's demurrer, on the ground, first, that plaintiff has not legal capacity to bring the suit and that the complaint does not state facts sufficient to constitute a cause of suit against the defendant, was overruled by the Circuit Court.
The answer travered the ellegations of the complaint in material particulars, espectally in the portion charging the appending of forged and fraudulent names to the petition.

sending of forged and fraudulent names to he petition.

After a hearing, the Circuit Court made decree according to the prayer of the omplaint, and defendant appeals.

Burnett, J.—in section 3474. In O. L., he following language appears: "If the acceptant of State shall refuse to accept and lie any petition for the initiative or for referendum, any citizen may apply wither ten days after such refusal to the Circuit Court for a writ of mandamus to empel him to do so. If it shall be decided y the court that such petition is legally ufficient, the Secretary of State shall then the it, with a certified copy of the judgment attached thereto as of the date on which it was originally offered for filling a his office. On a showing that any petition is not legally sufficient, the court isy enjoin the Secretary of State and all ther officiers from certifying or printing in the officiers from certifying or printing in the officiers from certifying or printing in the ballet little and numbers of such measure."

Remedy Is by Injunction tition which the Secretary refuses to file.

But we have here a case where the officer had filed the petition and was continuing on the subsequent course of referring the measure to the people as provided by the act of February 20, 1507, of which section 3574 In. O. L. is a part. If anyone entitled to do so would oppose this action of the Secretary, the remedy is by injunction, which is cognizable only in equity. The statute plainly says that the Secretary's certification of the ballot title may be enjoined under certain specified conditions. The limit of ten days is not one of those canditions meminated in the statute. This is apparent from a consideration of all of its terms.

of its terms.

When a petitive is filed, the Secretary at once forwards a copy of the measure in question to the Attorney-General. Within ten days that officer prepares and returns to the Secretary a title for the measure to be printed on the election ballot. Within a succeeding period of ten days anyone dissatisfied with the action of the Attorney-General may appeal to the Circuit Court for a change in the ballot title. L. O. L. section 2175.

Decision of Court Necessary,

Not until the decision of the court on that same is had is the little ready for certification to the various County Clerks, nor until hen would the necessity arise for enjoining be Secretary from certifying it to those of-

For the reason that all these things can-mot be done in that time it is apparent that the limitation of ten days laid down for mandamus proceedings does not apply to the equitable remedy of injunction, which itself is prescribed for an entirely different pur-note.

is prescribed for an entirely different purpose.

The most important question arises under the general demurrar. Does the plaintiff by this bill state facts sufficient to support his prayer for relief? If this were the action in the name of the state on the relation of the plaintiff here for a writ of mandamus to compel the exercise of a ministerial function on the part of the Secretary of State, the case of State ex rel. v. Ware, 12 Or. 250, is a sustaining precedent.

That was a proceeding by mandamus to compel the County Clerk to include in the militude of election the office of Circuit Judge as one of those to be filled at the election designated.

The court held in substance that the question was one of public right, and the object of the mandamis being to procure the enforcement of a public duty, the state is the real party in interest as plaintiff, and hence the relation need not show that he has any special interest in the result it being sufficient that, as a citizen and voter of the county, he has a scheral interest in the execution of the law. The same doctrine is announced in State ex rel. v. Grace, 25 Or 154.

Injunction 1s Obstructive.

or damage, he the suitor ever so humble or the injury encountered ever so small; but in all cases of purely public concern af-fecting the welfare of the whole people of the state at large, the court's action can only be invoked by such executive officers of the state as are by law entrusted with the discharge of such duties."

Again, in State ex rel. vs. Motschan, 52 Ur. Tr., 384; 46 Pac. 791; 53 Pac. 1071, Justice Bean wrote:

Injunction Privileges Not Increased.

It is clear that as the statute conferred no new right on the individual as to mandamus, in like manner it has not increased his privilege as vegards injunction. In both Instances the law remains as it was before the statute was enacted in respect to who may be parties litigant.

Here the plaintiff would invoke equitable cognizance of a purely political question which, as pointed out in the similar case of State ex rel. vs. Dunbar, 48 Or. 109; 85 Pac. 137; is not within the acope of chancery jurisdiction.

"Clvil rights are such as beiong to every citizen of the state or country, or in a wider sense to all its inhabitants, and are not connected with the organization or administration of government.

They include the rights of property, marriage, protection by the laws, freedem of contracts, trial by jury, etc. Political rights or indirectly in the establishment or administration of government, such as the right of citizenship, that of suffrage, the right of citizenship, that of suffrage, the right to hold public office and the right to petition."

Black's Law Dictionary (2d Ed.) Bouvier thus defines and illustrates the

civil rights."—2 Houvier Law Dictionary, AGT.

True enough, the case of the State ex rel.

y. Dunhar was decided before the enactment of February 25. 1997, yet although that statute has provided that the Secretary may be enjoined. It has not said at whose suit he may be enjoined. The principles announced in State as rel. vs. Lord, and State ex rel. vs. Metschan, supra, are the same now as before the statute, as they affect the parties who may call into action the equity powers of the court.

The statute will not be construed to expand the original chancery jurisdiction of the courts beyond the express terms of the enactment, especially where it will involve the interference by the judiclary with a coordinate branch of the government.

Plaintiff Falls to Show Injury.

Plaintiff Palls to Show Injury.

County Clerks. Neither will his political right to vote on the measure at the election be infringed.

He can, then, as always, exercise his electoral franchise unaffected by anything shows in his bill. If he can enjoin the Secretary of State now he can sue out a writthe day before that efficed would certify the ballet title, and thus balk the whole people in the exercise of their constitutional reserve power to reject at the polis any law passed by the Legislative Assembly.

The principle is sound and well settled, that as against public officers, where their action involves purely public or political rights, the drastic remedy of injunction can be invoked only by the state acting through its proper law officer. In some instances a suit may be maintained in the name of the state on the relation of a citizen who can show some special injury to his civil, or property rights, but this case is not in that category. To sustain plaintiff's suit when he shows no injury to his private rights would be a pronounced example of government by injunction.

This conclusion renders unnecessary the consideration of the other questions raised at the argument. The general demurrer was not waived by answering over. Parrish vs. Parrish, 32 Or. 160, 96 Pac. 1066.

It should have been sustained, as it raised a vital issue at the very threshold of this liftigation. The decree of the Circuit Court is therefore reversed and one here entered dismissing the suit.

"ISSUE DODGED," SAYS SLATER

Attorney for University Plaintiff Declares Statute Was Avoided.

SALEM. Or., April 23.—(Special.)—
Judge Slater tonight in commenting
on the result in the University of Oregon referendum cases declared that
the Supreme Court dodged the issue
and failed to go into the merits of the
case. Judge Slater represented S. H.
Friendly for the university.

"In this adverse decision of the Supreme Court the court avoided the direct language of the statute, even after
the court had failed to go into the merits of the case." stated Judge Slater,
when asked for his opinion as to the
result.

a dismitted basis will now propose a law and constitutional amendment which will propose the consolidation of the university and Agricultural College at Corvaills, and to support the combined institutions by a direct militative properties of the college at Corvaills, and to support the combined institutions by a direct militative properties the constructive. The mandamus is promotive in its outpout the constructive of the same of the second of the college and save the university from decay."

REFERENDUM SUIT UPSET

(Continued Prom Frist Fast.)

REFERENDUM SUIT UPSET

(Continued Prom Frist Fast.)

(C result. "The statute regulates the use of the

Skokum Wal-li-hee Pleads to Prevent Sale of Indian Recreation Grounds.

TAFT PROMISES TO HELP

Famous Red Is Presented by "White With \$150 and Ring. He Is Struck by Automobile on Street in Washington.

GOLDENDALE, Wash., April 23. (Special.)—Skokum Wal-II-hee, hereditary chief of the remnants of the once

dian Chief, Who Has Just Re-turned to Goldendale After Visiting President Taft at Wash-

powerful Kilokitat Indian Tribe, re-turned today from Washington, where he has been to confer with President Taft about the disposition of the In-dian lands in the Cascade Mountains, now a part of the Yakima Indian reser-

Skokum is now a wealthy farmer and stockman in the Big Riickitat Canyon, stockman in the Big Riickitat Canyon, near Lyle, where he wans a large ranch and is one of the best-known indians in the Columbia River basin. When he learned of the proposed plan to sell the Indian lands, including the famous buckleberry patches and indian race track, in the Mount Adams country back of Trout Lake, he was much aroused and set off at once for Washington to make a personal protest to President Taft.

President Shows Interest.

Skokum says that he had several long talks with Mr. Taft about the matter and that the President agreed to do all in his power toward the conservation of the Indian recreation grounds that have been a favorite Summer retreat for all of the Indian tribes east of the Cascades in Washington and Oregon since the days of their forefathers. There the squaws pick huckleberries for Winter use and the bucks run horse races, engage in athletic contests and gambol on the greensward. The Indian youths supply the camps

contests and gambol on the greensward. The Indian youths supply the camps with fish and venison.

Skokum says that the trip cost him \$700, as he paid the expenses of two other Indians who accompanied him, his buckskin purse which was bulging with \$20 gold pieces when he left Lyle is now depleted, but he does not begrudge the expense and says that he had a fine time.

While in Washington Skokum wore

had a fine time.

While in Washington Skokum wore
the regalls of his chieftainship, consisting of a fancy beaded buckskin
suit and elaborate headgear made out of eagle feathers. In trying to get out of the road of one automobile on the streets of Washington he was struck by another and knocked down, but not seriously injured. The police arrested the chauffeur of the car that struck him and wanted Skokum to remain in him and wanted Skokum to remain in

Free your feet from the prison of high shoes at the first touch of Spring and let them revel in the cool comfort of our Oxfords.

Here are tans, calf, enamel, \$3.50 to \$5, and, of course, the necessary Spring socks.

SPECIALS

Men's \$4 and \$5 Shoes and Oxfords-sale price . \$2.65 Boys' \$3 and \$2.50 Shoes and Oxfords-sale price. \$1.85

These are left-overs from last season; if your size is here, you'll surely save money.

## Lion Clothing Co.

166-170 Third St. Always Reliable.

land the last time he told Skokum that if he would come back to Wash-ington and see him he would provide him with return transportation. In making good this promise Skokum says making good this promise Skokum says that the President gave him \$150 for return expenses and in addition made him a present of a fine ring.

Skokum is a taxpayer in this county and therefor a voter. He will be present at the Republican county convention held in this city May 4, and insists on being a delegate to the state convention in order to support President Taff, whom he considers a great friend to his people.

TURKEY THANKS POWERS

MEDIATION ACCEPTABLE ONLY IF ITALY LEAVES TRIPOLI.

Integral Sovereignty of Sultan in Disputed Territory Must Be Maintained, Says Porte.

CONSTANTINOPLE, April 23.—The Turkish Government has replied to the offer of mediation by the powers in the hostilities with Italy by thanking them and accepting their offer as in the best interests of both belligerents.

The acceptance, however, the Porte points out, must be conditional on the maintenance of the effective and integral sovereignty of Turkey, in Tripoli and the evacuation of that country by the Italians.

the Italians. ROME. April 23.—The squadron of Italian warships, which has been oper-ating recently in the Aegean Sea and

near the entrance to the Dardanelles, has seized the Turkish Island of Stam-palls and has established its base there. WATER FAMINE THREATENS

Hood River Lawns May Suffer Until Filters Arrive.

HOOD RIVER, Or., April 23 .- (Speclai - According to a report of the fire and water committee of the City Coun-cil, Hood River is facing a serious water shortage. Hugh Smith is quoted as saying that unless some additional source of supply is secured it will be impossible to sprinkle lawns until after June 1, at which date it is planned to have installed a filtering system of

150,000 gallons.

As a means of preventing a famine for sprinkling purposes it was sug-gested that the city government secure the use of a ten-acre tract, which has Washington and appear as a witness against him, but Skokum declined to do so.

When President Taft was in Port-

Good Service

-you get it in Crossett Shoes. Lasting leathers and model workmanship. Style in every line.

You don't need to "shop around"

if you wear Crossetts. Put your

foot on the foot-rest, and in a few

minutes you get a pair that fits.

Crossett Shoe

\$4 to \$6 everywhere

Lewis A. Crossett, Inc., Maker

# Eastmoreland \$100 Photo

Contest

NOTICE

TO ALL COMPETITORS

IN THE

Owing to the inclemency of the weather and the difficulty many have experienced in getting their films developed, the expiration of the Contest will be

# Extended to Friday 6 P. M.

If you are unable to get your films developed by that time, leave them and get a receipt. Enter the receipt with us instead of the prints and deliver the print as soon as possible thereafter.

### F. N. CLARK

819-823 Spalding Bldg.

city spring, thus securing a partially adequate supply.

UNIONS FIGHT OPEN SHOP

General Strike Is Predicted in

Spokane, SPOKANE, Wash., April 23.—(Special.)—Organized labor will stand by

building trades to the end, according to the decision of a meeting of the workers last night. A statement was adopted giving the attitude of the labor unions in the fight against the open shop. The defer was entrusted to the organization co

mittee, consisting of W. J. Coates, president of the Central Labor Council: Fred Maddux, A. Olson, Frank Deegan, A. J. Germain, Byron Vikrage and H. A. Jarvis.

This committee will work with representations of the building trades in resentatives of the building trades in carrying on the fight against the open shop. The statement passed by the unions condemns the contractors for the action, although admitting it was expected. Hot words and a general

expected. strike is predicted. Shakespeare's Anniversary Observed

At an entertainment held last night in the Unitarian chapel, Shakespeare's 348th anniversary was celebrated under the anspices of the Shakespeare class of the Women's Alliance. Some aspects of Shakespeare's genius were dwelt upon in an address by Edward O. Tahor, Clarence Young and Edward Cohen gave the quarrel scene from "Julius Caesar." Miss Gove gave a scene from "King John." Scenes from "Hamlet" and "Richard III" were given by John D. Stevens. Musical selections were contributed by Mrs. Clyde B. Altchison, Miss Mona LaMont and Miss Frances Sheehay and John Claire Monteith.

In the year 778 of our era nine-tenths of the population of Gaul, the France of our



If you like mandolin music

here is the instrument for you. Apeerless player-piano that will play perfectly selections especially arranged to give the full mandolin orchestra effect. Shut your eyes and such rolls as Wedding of the Winds" and "Hearts and Flowers" on the

Jackard

THE PLAYER-PIANO FOR THE HOME will carry you from the piano to the concert. And at the same time they will demonstrate to you the marvel ous combination of player mecha-nism and sweet, lasting tone that makes this instrument so distinctive. Come in. An informal concert ready for you at any time without charge or obligation.

WILEY B. ALLEN CO. Morrison at Seventh

# PORTLAND

\$37.90 LOS ANGELES \$37

- VIA THE -

Fares open to all stop-overs in each

direction.



Sale Dates April 30, May 2, 3, 4. Return limit 60 days from date of

On account of the Annual Pilgrimage of the Nobles of the Mystic

Shrine, to be held at Los Angeles from May 4 to 12, the above low round-trip fare has been made by the S. P., open to all. Call on C. W. Stinger, City Ticket Agent, for reservations, further

information, or write to JOHN M. SCOTT.

General Passenger Agent, Portland, Oregon-