REHEARING SOUGH IN UNIVERSITY SUIT

Attorneys for Friendly Ask Reopening of Referendum Cases.

OPINION HELD ERRONEOUS

Court Advised to Consider History of Times in Construing Laws. Authorities Cited by Lawyers for Friendly.

SALEM, Or., May 18.—(Special.)—De-claring that under any view of the law the plaintiff has a right to maintain the plaintiff has a right to maintain the suit and that the opinion of the Supreme Court is erroneous on both the premises on which the decision was based. Judge Slater today filed a petition for rehearing in the case of S. H. Friendly against Ben W. Olcott, Secretary of State, in the University of Oregon referendum cases.

In asking for a rehearing Judge Slater and Attorner Pines cited many ab-

ter and Attorney Pipes cited many au-thorities. They held that the statute under consideration is a remedial statute and ought not to receive a nar-row or technical construction. It is asserted that the statute construct in its entirety shows by express provisions that the legislative intent is to invest the individual non-petitioning voter upon his own initiative to protect himself against an alleged wrong or unlawful set of those who petition for a reference to a vote of the people measure passed by the Legisla-

Voter's Rights Increase,

The petition, in part, says:

'The whole act taken together manifests upon its face an express intest to confer upon the non-petitioning voter the right to act in his own behalf at all stages of this new process of terisheries.

half at all stages of this new process of legislation.

"The question before the court in construing this statute is not, as the court seems to think, whether the statute shows upon its face an intent in increase the remedial right of the individual citizen, for that right is contained in the general language of the statute; but whether there is an expressed intention in the statute to limit the exercise of the granted power only, in a suit maintained in the name of the state.

The opinion rendered in this case is

The opinion rendered in this case is

sased on two premises, which we be-leve to be erromeous: "First-It is held that the statute in question conferred no new rights of remedy upon the citizen to petitlou for a writ of mandamus against the Secre-tary of State to compel him to file a petition; and second, that the right of the state now to maintain a suit to en-join the Secretary of State is the same as if was before the enactment of this as it was before the enactment of this statute, and therefore in both in stances the law remains as it was before the statute was enacted in respect to who may be parties litigant.

No Debts Due Public. The Secretary of State owes no duty to the public generally imposed upon alm by law to accept and file this parti-cular petition, and the public general-

ly, not being petitioners, had no right to demand that it be filed.

"When, therefore, any citizen was authorized by this statute to apply for a writ to compel him to file a petition, the rights of the citizens generally were in fact increased, or rather they obtained a right that previously they

had not possessed.

"As to the second premise upon which the opinion in this case rests, it clearly appears that there is given to a court of equity in general terms, a power that it did not previously possess. In this case the right sought to be en-forced is a mere political right of which a court of equity did not have

Individual Becomes Legislator.

"In construing this statute the court should look to the history of the times the changes in the forms of government, the general prevailing principles or polity applicable to governmental affairs. The form of legislation dealt with in this act is based upon a general principle; the right of the individual to participate directly in govern; eral principle; the right of the indivi-dual to participate directly in govern; mental affairs, and not be required to depend upon a delegated representa-tive to propose for him or to defend his rights. Is it reasonable to sup-pose that there was any intent upon the part of the Legislature to leave 55 was cent of the people bound as a per cent of the people bound as a cial procedure and remedy in legisla-tive matters, and awaiting the destruc-live powers of fraud and forgery, com-pelled to await the official act of representative officers to protect their rights, when the other 5 per cent may at all stages act for and on behalf of

WITNESS WEAKENS IN CASE

(Centimued From First Page.) might have resulted differently. The defendant admitted having said some thing like that to Boland, but he denied that the language use in the letter in evidence, signed by lifm, ever came

It also developed on cross-examination that Judge Archbald paid Willjams' fare from Scrapton to Washington that Williams might respond to the subpens from the judiciary committee to appear before it.

The committee started today to learn of an alleged transaction between James R. Dainty, Judge Archbold and the Lehigh Valley Railroad. It involved the Eberhart cost property.

Real Negotiator Sought.

Williams was asked if he and Dainty did not regard Judge Archbald as the real negotiator for the lease of the Eb-"I thought Judge Archbald might be able to swing it," replied Williams. "I thought he could try it, anyhow."
"What part did the Judge have in

that transaction?" "Nothing except to ask the Lehigh Valley if they would pay the price asked for the lease."

"Is it not a fact that the Lehigh Valley road after Judge Archbald came into the matter was willing to pay more for the lease than they were be-

I don't know. I never heard any Was Judge Archbald to receive any

portion of the profits from the proba-ble sale of this coal land?" "I don't know." Letter on Official Stationery.

Williams testified that he knew Thomas Darling, a lawyer for the Le-

igh Valley. Chairman Clayton then read a photographic copy of a letter which in-troduced Williams to Darling. It said girls have establish that Mr. Williams was trying to get tion as fine cooks.

hold of culm property owned by the Lehigh Valley if the railroad felt in-clined to dispose of it. The letter was written on United States Commerce

Court stationery.
"Why did you get a letter from Judge
Archbald in that instance?" asked the hairman. "I thought it might help me get the Klamath Water Users Move to iump."
"Was the Judge to have an interest

"No."
"Did you know the Judge knew Darling"
"Oh yes. Darling tried many cases before Judge Archbald. He tried cases before him when Mr. Archbald was a County Judge."

Interest Intended for Judge.

The witness said he asked for the letter to Darling and declared that the urist had no other interest in the mat-er. Nothing came of the transaction. "Why did you not offer Judge Archbald an interest in this deal as you did in other cases" asked Representative Norris, of Nebraska.

"I did not know yet whether I could get the property."

"Well, when you bought the culm from the Eric Rallread, didn't you give the Judge a half interest before you got the option?"

"No not until after I got the option."

"No; not until after I got the option."
"Did you intend to give the Judge an interest in the Darling property if you

"That properly did not belong to any corporation, but I did intend to give the Judge an interest in it if I got it."

The chairman asked Williams why Captain May, of the Erie, had refused to give an option to him when he first approached him if the cuim was on the market. Williams said he had no idea. "Why was it researched get

"Why was it necessary for you to get a letter from Judge Archbald before Capiain May would give you the op-tion." asked the chairman. "Well, I thought it wouldn't hurt me to have a letter from the Judge Judge Archbald and Capiain May were well acquainted." acquainted."

Official Position Counted On. "You knew Judge Archbald was a Federal Judge at the time and handled railroad litigation in his court, didn't

"Did you know that Mr. May was a callroad man and a corporation man?"

"You, nir." "Then you thought these circum-stances would have an influence in gitting the option of the culm property from the Erie?" "Yes, I thought so," Williams re-

"Did you and Judge Archbald dis-uss why the deal had not been con-ummated?" Yes, we talked about it."

"Wasn't the deal halted on account of the investigation and didn't you and the Judge talk about that?" "I don't remember all that was said.
but remember the Judge said it would
be better to try to sell the culm. He
thought it would be well to let the
culm stand and it would be worth more
some other time."
"The decision not to sell it the

"The decision not to sell it, then, was after you learned the Department of Justice was investigating the trans-

"Yes, we decided that about three weeks ago,"
After Captain May had refused to complete the transaction, Williams said he told Juige Archbald about it, May previously had agreed to make out a deed to the property and declined to carry out the agreement after the Government had begun an inquiry into

SCHOOL ROW THREATENS

MILWAUKIE DIRECTORS PICK SITE: TAXPAYERS OBJECT.

Property Owner Says Injunction May Be Used to Nullify Action of Educational Body.

MILWAUKIE, Or., May 10,-(Special.)—The Directors of the Milwaukie school district underlook to settle the question of a site for the new school-house at the meeting held last night by selecting two acres in the Hinnaman tract, two blocks south of Wash ington street, for which they agreed to pay \$5000. However, instead of set-tling the wrangle, it seems that the row over the site has just started, and that an attempt will be made to force the Directors to rescind their action. The Directors also authorized the Issu of district warrants to pay for the site

the bids to be submitted at a Board meeting May 23. meeting May 23.

'There has been considerable wrangling over the site of the new building," said J. W. Grasle, chairman of the Board of Directors, "and there may be more, but we selected the site because we consider it central for the entire district. At the last taxpayers

tire district. At the last taxpayers' meeting the Directors were voted full power to act, and we have done so to the best of our ability.

"It may be that on the new site we shall plan to erect finally a 16 or 20-room building of brick or concrete, starting now with four or eight rooms. The site is high, everlooking Milwaukie, and Ideal for a central school-house."

"Undoubtedly steps will be taken to rescind the action of the Directors in the purchase of this site," said Herman Leoding, a property-owner. "The site is wholly unsuited for a school-house. It is in the southeast corner of the district, is not central, the price paid is exorbitant and the purchase was made against the expressed wishes of the property-owners. The Directors of the property-owners. The Directors refused to listen to the taxpayers and ignored their request for a meeting to pass on location. At the annual meeting of taxpayers in June an effort will be made to nullify the action of the Directors, and even an injunction may

SLAYER TO BE DEPORTED

Italian, Acquitted of Pasco Murder, Has Bad Record in Italy.

WALLA WALLA, Wash, May 10,-Rafael Sebastiano, an Italian, recently acquitted on a murder charge at Pasco Wash, will be sent back to San Celino Italy, to serve a 26-year sentence for shooting his father and other members

of his family.

According to Immigration Officer E.
L. Wells, of Walla Walla, it has been discovered that Sebastiano was a mem ber of a famous outlaw organization headed by his father. It is said that when the elder Sebastiano divided the pooty from an especially good haul years ago, he overlooked Rafael. Rafael hen shot the father and several uncles and cousins. He escaped to America, but was tried during his absence and sentenced to 20 years.

VANCOUVER, Wash., May 10 .- (Spe VANCOUVER, Wash, May 10.—(Special.)—The girls of the Vancouver High School, clad in white aprons and white caps, will cook and serve luncheon for the members of the Vancouver Commercial Club next Wednesday. The comestibles will be from dishes which the girls have learned to prepare in their domestic science classes. The girls have established a good reputation as fine cooks.

Remedy Conditions.

CHANGES SOUGHT OUTLINED

Extension of Time for Payment to Land Holders Financially Crippled and 20 Years to Pay Out in Are Wanted.

KLAMATH FALLS, Or., May 10 .-Special.)-Here are reclamation servce reforms asked by the Klamath

Water-Users' Association: Extension of time for payment to land holders who are temporarily embarrassed financially.

Elimination of fees sent to Lakeview. Twenty years, instead of ten, in which reclaimed land may be paid for. Development of power projects under Klamath reclamation project. Construction of Poe Valley reclamation unit.

Urging the organization of a National Water-Users' Association and out-lining a number of reforms desired in the conduct of the United States Rec-lamation Service, Albert E. Elder, sec-retary of the Klamath Water-Users' Association, in calling an annual meeting of the organization for May 31, made an extended report covering conditions among the water-users here. The meeting is to be held at Houston.

Regarding the extension of time in the making of payments Elder said: "Under the present law, neither the Water-Users' Associations nor the De-partment of the Interfor has authority to grant an extension of time to a to grant an extension of time to a water-user, no matter how meritorious the case may be. The board of diractors of the association has in several instances recommended that clemency be shown in individual cases and in the future such a policy will be pursued so far as is consistent with the laws and the agreement between the asso-ciation and the secretary.

New Law Desired. "We realize, however, that the law should afford the secretary more lati-tude and Representative in Congress Hawley is at present endeavoring to have such a law passed."
It is proposed that the Secretary of

the Interior receive recommendations for lenlency from the directors of the Water-Users' Association and at his

Water-Users' Association and at his own discretion allow an extension of time not to exceed one year.

Another change recommended is that the Reclamation Service here be allowed to deposit money collected direct instead of sending it to Lakeview Land Office. A charge of 25 cents is made for exchange on every \$100 sent to Lakeview. Officials of the Reclamation Service favor the change.

Officials of the Reclamation Service, however, do not approve of the plan to change the length of time in which land shall be paid for from ten to 20 years. The objection is based on the fact that money received for reclaimfact that money received for reclaim-ing land goes into a revolving fund and extension of the time to 20 years would result in delaying other projects which are to be developed with the money.

Co-Operation to Be Given. E. G. Hopson, supervising engineer of the reclamation project here, in a letter to the water-users promised co-operation in the movement to develop pumping projects. He wrote:

pumping projects. He wrote:

"The service will do its best to encourage the development of these by offering attractive rates, consistent with the interests of the water-users ith the interests and the United States."

Construction of the Poe Valley, of Project is urged. This Second Unit, project is urged. This project has been delayed by the ruling of the Government that work shall not begin on any project until title to all lands under the project is clear.

NEW HIGH SCHOOL STARTS WITH MUCH CEREMONY.

Officials Join in Parade to Site of Building-Completed Structure Will Cost \$80,000.

PENDLETON, Or., May 10.—(Special.)
—Preceded by a parade of several hundred school children through the business section of Pendleton, members of the School Board and other officials,

the School Board and other officials, marching to the music of a band, the ceremony of the laying of the cornerstone of the Pendleton High School was held today. The new building will stand on the south hill.

Rev. Milnes, of the Presbyterian Church, delivered the invocation, which was followed by music furnished by the High School Glee Club.

Mayor W. F. Matlock and Dr. C. J. Smith, president of the School Board and master of the ceremonies, helped approad the mortar, while Principal

Smith, president of the School Board and master of the ceremonies, helped spread the mortar, while Principal Hampton placed the records in the vault of the corner-stone. These records include historical documents, one being a list of the first public school pupils of Fendleton in 1859. City Superintendent Landers then made an address, in which he predicted a marvelous growth for the institution. State Superintendent Alderman fellowed with a short talk.

a short talk.

The new building will cost \$80,000 and will be the finest of its kind in Eastern Oregon.

GOVERNOR TO BE SPEAKER

West Will Address Graduates at

Albany College.

ALBANY, Or., May 10 .- (Special.)-

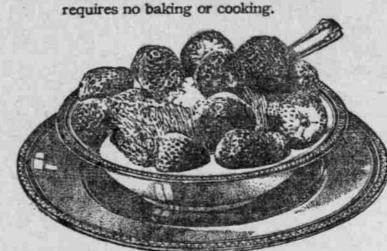
ALBANY, Or., May 10.—(Special.)—
Oswald West, Governor of Oregon, will deliver the address to the graduating class of Albany College this year. Commencement day at the college this year will be June 12.

The commencement exercises will begin Saturday, June 8, with the recital of the Conservatory of Music, and the intervening days will be filled with many commencement events. Sunday, June 8, will be Baccalaureate Sunday, June 8, will be Baccalaureate Sunday. In the forenoon of that day President Crooks will deliver the baccalaureate address and that night C. E. Sox, of the board of trustees of the college, will deliver the annual address to the Young Men's and Young Women's Christian Associations of the college. The president's annual reception will be a leading event June 10, and the annual meeting of the board of trustees will be June 11. The conservatory of music also will present an oratorio concert June 11.

SHREDDED WHEAT Strawberries

A delicious wholesome combination for the Summer days when the appetite craves relief from heavy meats and canned vegetables. Nothing so healthful and nourishing and nothing so easy to prepare.

Heat one or more biscuits in oven to restore crispness; then cover with berries and serve with milk or cream and sweeten to suit the taste. A refreshing, strengthening dish that



Bond is Furnished.

Their trouble was adjusted this time also. Two weeks ago Mrs. Younders again caused her husband's arrest and this time he was ordered to give a \$2000 bond to keep the peace, and, failing to furnish it, he was placed in the Linn County Jail, where he remained

Health and Strength in every shred!

Try It Today!

WOMAN GETS \$5000

Antone Yocubets Pays Amount to ex-Wife at Parting.

Spouse Whom Crabtree Farmer Met at Employment Agency in Portland Is Married to Him but Since June 29, 1911.

ALBANY, Or., May 10,-(Special.)-Alice Yecubets, third wife of Antone third wife of Antone Yocubets, of Crabtree, monial experiences have attracted con siderable attention from courts and officials of Linn County during the past four years, secured \$5000 as a cash settlement of her property rights when she secured a divorce from Yocubets in the State Circuit Court here. Wednesday

Yocubets in the here Wednesday. The property rights were settled out of court, but the fact that Mrs. Yocubets received \$5000 developed yes-mortgage for this terday when a mortgage for this amount in favor of Alice Yocubets and covering Yocubets' 160-acre farm near Crabtree was filed for record in the County Recorder's office.

Wife Is Met in Portland.

Yocubets met his third wife in a Portland employment agency. He went to Portland to secure a housekeeper and the agency furnished Alice Burns. She kept house for him and his two boys a few months and then was marked to him at Albary June 39 1911. ried to him at Albany June 29, 1911. She has thus secured \$5000 for living with Yocubets for about ten months. Less than two weeks after the marriage Mrs. Yocubets fled to the home of a neighbor, asserting her life was in danger, but she soon returned home

Bell and Wing

By FREDERICK FANNING AYER

baffling .- London Academy.

Power and originality.

A wealth of ideas.

Near the stars.

Astounding fertility.

A striking book of verse.

Price \$2.50

G. P. PUTNAM'S SONS,

Publishers, N. Y.

The Pure Product of

Nature's Springs. You will feel better and do better for using

Hunyadi

Janos

Water

HATURAL LAXATIVE

Glass on Arising for

CONSTIPATION

Absorbing, astounding, inspiring,

A great work-Boston Herald.

Genuine aspiration and power.

Marks of genius constantly,

-Cork Examiner.

-Troy Record.

-Boston Transcript.

-Occult Review, England.

-Portland Oregonian

-Brooklyn Times.

-Boston Post.

MORTGAGE PUT ON FARM A FEW DIAPEPSIN WILL REGULATE A BAD STOMACH IN FIVE MINUTES

wednesday.

Centralia High School Opens.

It Is So Needless to Suffer From Indigestion, Dyspepsia, Heartburn or a Sour, Gassy, Upset Stomach.



"Really does" put bad stomachs in order—"really does" overcome indigestion, dyspepsia, gas, heartburn and sourness in five minutes—that—just that—makes Pape's Diapepsin the largest selling stomach regulator in the world. If what you eat ferments into stubborn lumps, you belch gas and cructate sour, undigested food and acid; head is dizzy and aches; breath foul; tongue coated; your insides filled with bile and indigestible waste, remember the moment Diapepsin comes in contact with the stomach all such distress vanishes. It's truly astonishing—almost marvelous, and the joy is its harmiessness.

A large fifty-cent case of Pape's Diapepsin will give you a hundred dollars' worth of satisfaction or your druggist hands you your money back. It's worth its weight in gold to men and women who can't get their stemachs regulated. It belongs in your home—should always be kept handy in case of a sick, sour, upset stemach during the day or at night. It's the quickest, surest and most harmless stemach doctor in the world.

What Kind

of Meat Are

You Eating?

ment inspected meat.

You can eat Government inspected

Meats and Meat Products with

safety, knowing that they have

been inspected by Uncle Sam and

are absolutely pure and fresh.

When you buy meat look for Uncle

Sam's Inspection Stamp. It means

absolute security-means that your

family is enjoying the full value of

clean, healthy, wholesome Govern-

138

where everything was apparently servene until last November, when she caused the arrest of Yocubets and had him placed under bonds to keep the peace. Bond is Furnished. Their trouble was adjusted this time also. Two weeks ago Mrs. Yocubets and page for \$5000 bond to keep the page. Wednesday. Besides giving Mrs. Yocubets a mortification on his farm, Yocubets also gave a \$2000 mortgage on his farm to indemnify the bondsman against to indemnify the bondsman against to indemnify the bondsman against to indemnify the bonds on the \$2000 bond to keep the page, which was furnished for him Wednesday. FACTORY GIRL

Too Sick to Work - Doctor Advised Operation. Restored to Health by
Lydia E. Pinkham's Compound.

Poughkeepsie, N. Y .- "I run a sewing machine in a large factory and got all run down. I had to give up work for I could not stand the pains in my back. The doctor said I needed an operation for female trouble but Lydia E. Pinkham's Vegetable Compound helped me more than the doctors did. I hope that every one who is suffering will get the Compound. My pains, nervousness and

I owe my thanks to your medicine for it is the working girls friend, and all women who suffer should write to you for special advice."- Miss TILLIE PLENZIG, 3 Jay St., Poughkeepsie, N. Y.

backache are gone and I

have gained five pounds.

When a remedy has lived for over thirty years, steadily growing in popularity and influence, and thousands upon thousands of women declare they owe their very lives to it, is it not reasonable to believe that it is an article of great merit?

We challenge anyone to show any other one remedy for a special class of disease which has attained such an enormous demand and maintained it for so many years as has Lydia E. Pinkham's Vegetable Compound.

If you want special advice write to Lydia E. Pinkham Medicine Co. (conf. dential) Lynn, Mass. Your letter will be opened, read and answered by a woman and held in strict confidence.

TOOLS CITALLITO CUTLERY

Stiletto Tools are made for the mechanic who wants the best. They are manufactured from the hest Tool Steel, are properly made to fill his every requirement, and every one is warranted.

Sold by All Hardware Dealers

muscles and nerve power and At leading druggists. SAL-SANO CO., New York. Broadway. Write for Booklet.

UNION MEAT COMPANY PIONEER PACKERS OF THE PACIFIC Producers of the famous "Columbia Brand" Products

INSIST upon your dealer showing you this GOVERNMENT STAMP on all meats you buy. It's Uncle Sam's guarantee of clean, fresh wholesome