

## LISTER VETOES ARE UP TO LEGISLATURE

Interest on Measures Passed Two Years Ago Wanes and No Fight Is Expected.

## NOMINEES BEFORE SENATE

Recess Appointments Probably Will Be Confirmed—Veteran Senator Challenged Until He Takes Oath Before Notary.

OLYMPIA, Wash., Jan. 9.—(Special.)—Ten bills vetoed by Governor Lister after adjournment of the Legislature two years ago were reported back to the House today by the Secretary of State, and five more vetoes will be officially returned to the Senate tomorrow.

House bills vetoes were made a special order for Monday, without any visible prospect of their being overridden in a single instance. None of them attracted particular interest in the last session with the exception of one known as the McArdle bill, which was designed to abolish the State Tax Commission. McArdle is not a member of the present Legislature, and no further interest in the abolition is apparent.

Of the vetoed Senate bills, only one has aroused any considerable interest. A grudging lobby is understood to be making an effort to pass last session's attempt at legislation, but their practice over the Governor's head, but have met with little or no success.

## Double County Sent Dropped.

The bill to make both Aberdeen and Montezuma counties of Grays Harbor County is among the Senate list of vetoes, but Senator E. E. Borer, who was sponsor for the bill, says there will be no effort to revive that measure this year. Unless some unseen circumstance forces a hostile combination shortly the 15 vetoes will be sustained.

The vetoed Kleeb first-aid bill of two years ago is replaced this year by a new bill, over which little disagreement is expected. Similar feeling prevails in regard to the Governor's recess appointments, which were submitted to the Senate today for confirmation and made a special order for Tuesday. The list numbers 13 and includes the following officials:

Eldridge Wheeler, Montesano; O. A. Fechter, North Yakima; John A. Rea, Tacoma, regents of the State University.

## Nominees Before Senate.

W. H. Cochran, Spokane; G. Dove McQuesten, Tacoma, members of State Board of Control.

A. A. Lewis, Spokane; E. F. Blaine, Seattle, members of the Public Service Commission.

Thomas Smith, Mount Vernon, trustee of Bellingham Normal.

H. C. Lucas, North Yakima; Fred P. Wolff, Ellensburg, trustees of Ellensburg Normal.

Wilson Johnston, Spokane; State Board of Health.

H. B. King, Seattle, board of managers State Reformatory, with W. H. Cochran and G. Dove McQuesten, members of the State Board.

House proceedings were complicated today by a fight raised by William Coyle, of Seattle, for the position of reading clerk, which he has held for two sessions. Roy Horv, of Seattle, was slated for the place this year, but Coyle and his friends threatened to carry the fight out to the House floor. A compromise was effected tonight by giving Coyle another session.

## Ex-Moose Causes Fight.

A hot fight between Senate and House members over Thomas Murphree, ex-Progressive leader and later manager of Henry McBride's Republican campaign for Governor, was tentatively settled late tonight in Murphree's favor.

Murphree, who is not a member of either house this session, is a candidate for the position of legal assistant to the legislative committee on the Attorney-General. Ordinarily, the selection of this assistant is left to the Attorney-General, but the Republican primary fight over various candidates last fall cropped up in the House when it was understood that Attorney-General Tanner would appoint Murphree this session. When this objection was raised, Tanner declined to consider making any appointment unless free from dictation by the Legislature.

This left the choice of an assistant up to the two houses. The Senate readily accepted the Attorney-General's choice, but members of the House, protesting, led by Speaker Guy E. Kelly and J. H. Davis, former supporters of James McNeely for Governor and political enemies of Murphree in Progressive days.

Kelly and Davis finally agreed to let Tanner make the appointment, but King County members, who opposed McBride, held out till a late hour, when it is understood they yielded. The position pays \$500 for the 60 days' session.

**Veteran Senator Challenged.**  
R. H. Hutchinson, veteran Senator from Spokane, was challenged by Lieutenant-Governor Hart today when he arose to speak. Hutchinson refused to take the oath administered to him, and it is understood they yielded. The position pays \$500 for the 60 days' session.

**White Motion Denied.**  
EAST SIDE MILL COMPANY—WINS ANOTHER TEMPORARY VICTORY.  
Supreme Court Says Time for Appeal in "And and Or" Case Has Not Expired.

SALEM, Or., Jan. 9.—(Special.)—The East Side Mill, of Portland, won another temporary victory in the case of Lulu H. White, administratrix of the estate of the late James R. White, before the Supreme Court today when Justice Burnett overruled a motion to affirm the judgment of the Circuit Court of Multnomah County, Henry McGinn, judge. The case is sometimes

called the famous "and and or" case, which has been hanging fire between the two courts for some time.

The lower court in this case entered an order on December 18, 1916, in which it recites in part that "defendant be allowed an extension of time from day to day in this cause within which to file a transcript on appeal." It was contended before the Supreme Court by counsel for Mrs. White that the time for filing such transcript had elapsed and a motion to confirm the judgment of the Circuit Court was filed on that ground. It was argued that the statement of the lower court as shown in the order was of no effect because it was made before the commencement of the 30-day period allowed under the statute for filing such transcript.

"From day to day" means from one day to the succeeding day, declares Justice Burnett in his opinion. "It must be held, therefore, that the court's order operated to extend its time from day to day to the number three and then onward, and was limited only by the provision that the time shall not extend beyond the term of the court." The order was self-executing so as to carry the time on day by day with the restriction noted.

We also assume that the judge arbitrarily held out allurements to the defendant as to a Tantalus, that its right of appeal should be protected, yet at the same time intending to let the privilege lapse by limitation."

In overruling the motion to affirm judgment the Supreme Court also allowed the application to cure the diminution of the record.

Other opinions today were: N. K. Batt vs. Harriet Campbell, et al., appeal from Circuit Court, Judge Phillips, judge; suit to reform a written contract; affirmed in an opinion by Justice Burnett.

Alexander Christie as the Roman Catholic Archbishop of the Diocese of Oregon vs. City of Bandon, et al., appeal from Circuit Court, Judge Phillips, judge; suit to reform a written contract; affirmed in an opinion by Justice Burnett.

A. R. Hensley vs. George N. Davis, judge; appeal from Circuit Court, Judge Phillips, judge; suit to reform a written contract; affirmed in an opinion by Justice Burnett.

**J. M. NOLAN DIES AT 74**  
PROMINENT CORVALLIS MERCHANT SUCCEUMS TO PNEUMONIA.

Word Received by Son That Father Died at Rochester, Minn., Hospital After Operation.

CORVALLIS, Or., Jan. 9.—(Special.)—Word was received here by telegraph from Rochester, Minn., that J. M. Nolan, of this city, died there this afternoon. The telegram was from Mr. Nolan to her son, Tom Nolan. Mr. Nolan died of pneumonia.

Mr. Nolan was head of the J. M. Nolan & Son department store of this city, and until recently has been one of the most active men of the city. He first engaged in the mercantile business about 35 years ago in Albany, but after a short time came to Corvallis. He was a native of Ireland and was 74 years old.

Because of ill-health, which was attributed to stomach trouble, Mr. Nolan was confined to his home much of the past summer and fall. A few weeks ago Mr. Nolan and Mrs. Nolan for the East to consult specialists. On December 20 an operation was performed on Mr. Nolan at the Mayo Bros. hospital at Rochester. Until the reports were most favorable, and it was believed the merchant would recover.

Mr. Nolan was a member of the Catholic church, and he had been a member of the Catholic church for many years. He was a native of Ireland and was 74 years old.

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## IDAHO EXECUTIVE SEEKS MORE POWER

Ovation Given Democratic Governor by Democratic Legislature and Visitors.

## RECALL AMONG PROPOSALS

Military Pay Bill and Legislative Expense Appropriation First Measures—Memorial for Federal Prohibition Indorsed.

BOISE, Idaho, Jan. 9.—(Special.)—Governor Moore Alexander today delivered his biennial message to the Legislature in joint session in the House of Representatives, urging a short session, safeguarded with economy and greater power vested in the chief executive. The Governor personally read the message, and was frequently interrupted by applause. It was the first time a Democratic Governor in this state addressed a Democratic Legislature.

The military pay bill, appropriating \$723,550 for the Second Idaho Regiment for services rendered the state, passed by the House yesterday, was passed by the Senate today and sent to the Governor for his approval. The House also passed a \$50,000 appropriation bill to meet legislative expenses during this session.

Briefly summarized, Governor Alexander advocated: Strict economy and a short session; a flexible tax levy for the state expenses of \$750,000; additional power vested in the Governor to suspend County Sheriffs and Prosecutors for neglect in enforcing the liquor laws and authority to dismiss any appointive executive officers, excepting those of the judiciary; consolidation of Livestock and Horticultural Boards, Health and Pure Food Departments, Bank Commissioner and Insurance Commissioner; passage of strict corrupt practices act and prohibition of state educational institutions to have appropriations no larger than two years ago; stringent laws regulating Carey act irrigation projects to protect settlers; state loans under amortization plans, interest at 6 per cent, 1 per cent commission; reorganization of the Public Utilities Commission and blue sky law; creation of a commission of two to assist Supreme court to clear up its work; additional judges in each District, and create a new judicial district in Northern Idaho.

**RUNAWAY CHILD IS SOUGHT**  
Mother Asks Police Aid in Hunt for Josephine Stansell, Aged 12.

Mrs. Sue Stansell, 201 Eleventh street, reported to the police last night that her 12-year-old daughter, Josephine, had run away from home after quarreling with the mother. The child was described as of light complexion with gray eyes. She wore a blue dress and tan shoes.

The police were notified that Edward Hellenberg and Tommy Richardson, both aged 15 years, had run away from St. Helens.

**DR. BUSHNELL AT CLUB**  
Prohibition Declared to Be Result of Higher Education.

The first of a series of lectures at the University Club to be conducted during January, February and March, by professors from Reed College and from Pacific University, was given last night by President C. J. Bushnell, of Pacific University, who spoke on "Higher Education and World Progress."

Prohibition and social welfare legislation were declared to be the off-spring of a more advanced civilization and the natural outgrowth of higher education.

**TWO FOR DEFENSE PLAN**  
Anti-Militarists Grant Them Hearing With Reluctance.

Two lone voices were raised in behalf of the military programme of the United States as proposed in the pending legislation before Congress when the resolution of the anti-militarists was brought to a vote in their meeting last night.

Three set speeches were made against the military programme.

**VETERAN BRIDGETENDER**  
WHOSE FUNERAL WILL BE HELD TOMORROW.

The funeral of E. T. Caffee, 69 years of age, who died Monday at 554½ Williams avenue, will be held at 2:30 o'clock tomorrow from the Pinley undertaking parlors. Burial will be at Lone Elm cemetery.

Mr. Caffee was a bridgetender on the Steel bridge for 25 years and had been a resident of Oregon since 1852. He was born in Grant County, Wisconsin, in 1848 and in 1862 came to Yamhill County, Oregon, to see what he could do for a living.

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the military programme, and in each of the speeches Senator Chamberlain was arraigned in epithets which varied in bitterness from "coward" to "infamous traitor." Miss Grace Dray, principal of the Kenton school; Mrs. Millie R. Trumbull, secretary of the Child Labor Commission, and Dr. C. H. Chapman were the speakers. B. A. Greene presided over the meeting.

The resolution passed condemned "any action on the part of our representatives in Congress which tends to thrust militarism upon the people of the United States," provided for the forwarding of copies of the resolutions to the representatives in Congress, and particularly to Senator Chamberlain.

John McNulty and H. M. Landis were the speakers who favored the hostile atmosphere to say a few words in favor of adequate military preparedness. They got a hearing with difficulty.

## CITY OFFICIALS CLASH

HILLSBORO COUNCIL OPPOSED TO STREET COMMISSIONER, Mayor Stands Firm on Appointment of George Pate and Tells Police to Oust Man Now in Office.

HILLSBORO, Or., Jan. 9.—(Special.)—John M. Wall, Mayor, and the Hillsboro City Council apparently are hopelessly deadlocked over the appointment of a street commissioner, the Mayor insisting on the appointment of George Pate, made when he assumed office last week, and the six Councilmen being equally firm in declining to confirm the appointment.

When the new Council assumed office among other appointments Mayor Wall presented the name of Mr. Pate, chief of police for the past two years, to succeed John Hensley as street commissioner. The Council declined to confirm a vote of four to two. Thursday the Council met again and the Mayor again named Mr. Pate as street commissioner, but the Council stood firm in opposition.

Today Mayor Wall directed Grant Zumwalt, the new chief of police, to oust Mr. Hensley from his quarters in the City Hall and take charge of city property, but the Council, learning of the move, went to the scene in a body and arrested Mr. Hensley, who was taken to remain in charge.

Duties of the street commissioner make him the driver of the fire department wagon and bring mail to the quarters at the City Hall. Objections of the Council to the Mayor's appointment are that he is unfit for this duty.

All other appointments made by the Mayor were confirmed. They are: R. T. Ford, state educational officer; health officer; Benton Bowman, city attorney; Grant Zumwalt, chief of police; George Emrick, night watchman.

**CHURCH BOARD ELECTED**  
UNITARIANS REVIVE WORK OF 50 YEARS IN CITY.

Tribute Is Paid Rev. W. G. Elliot, Pastor, and Banquet Is Attended by 200 Members of Congregation.

Fifty years of work and activity were recalled last night when the meeting of the First Unitarian Society was held in the Church of Our Father. It was December 15, 1865, when the Unitarian Alliance was formed and from that organization there evolved the Unitarian Society, founded June 26, 1868. Then came the Sunday school, January, 1868, and in June of the same year, the Unitarian Church Rev. W. G. Elliot, Jr., pastor of the Sunday school, Woodward, who presided, and W. P. Olds, treasurer, referred to these events in their addresses, and each gave interesting sidelights on the growth and achievements of the church.

Of his work as pastor and of that of his father, Dr. T. L. Elliot, minister emeritus, Rev. W. G. Elliot said: "Both pastors have felt that anything they did in religious or civic service was this church functioning in the community."

Mr. Woodward gave special tribute to the pastor. He said: "If preaching about foolish and sensational topics makes the Unitarian popular, he is not popular, but behind all his sermons there is the soul of God. He is a good man and a great power of strength in the community."

The bequests made by many prominent Portlanders as memorials were mentioned, the Sunday report showed the church in good condition. Heads of all auxiliary organizations made reports.

The selection of W. P. Olds, William H. Burrage and Mrs. R. S. Greenleaf as trustees concluded the business session.

The meeting was preceded by a banquet, attended by about 200 members.

**JURISDICTION AT STAKE**  
CITY COURT DECLARED TO HAVE NO POWERS IN STATE CASES.

Habens Corpus Action Alleges County Has No Justices of the Peace and City Judge Is Not One.

Municipal Judge Langsuth has no jurisdiction over state crimes and can only pronounce sentence against those guilty of violating some city ordinance, contends Attorney Carl Mack, who began habens corpus proceedings in the Circuit Court yesterday to secure release from the County Jail of George Shaw, sentenced to six months' imprisonment on a state vagrancy charge by Judge Langsuth on November 1. The writ will come before Circuit Judge Gantenbein for hearing this morning at 9:30.

Shaw was arrested on a charge of immorality incorporated in a vagrancy complaint on October 30 and tried November 1 before Judge Langsuth. The charge was for a writ it is set forth that the Municipal Court was an incompetent tribunal to pronounce such sentence and that the state judges courts only had jurisdiction. It maintains that Judge Langsuth acted, without right, as ex-officio Justice of the Peace.

Attorney Mack asserts that Department No. 3 of the local District Court was created especially to hear and try cases coming under state charges, and that there are no legal justice courts in the city of Portland or county of Multnomah.

**Car Explodes Torpedoed; No Damage.**  
An explosion which shook windows and rattled doors around Sixth and Jefferson streets at 6:10 o'clock last night was caused, the police believe, by a torpedo which some youngster had placed on the car track near the University Club. Residents of nearby hotels heard the roar of the giant crack and ran into the street to see what had happened. Patrolman Station inquired.

**TOO LATE TO CLASSIFY.**  
LADY'S pocket book on Montavilla car, containing a check for \$100, was found in a 1170 E. Davis. Reward.



## "Light" Fingered

Here is a man who works in the dark. He is the only man in the world who will not be glad to learn about EDISON MAZDA Lamps—the lamps that give three times as much light as the old-style carbon lamps—with the same amount of electricity.

## EDISON MAZDA LAMPS

Electric light is the best burglar insurance you can have. Now that EDISON MAZDA Lamps have reduced the cost no home, office, store or factory should be without the safety and convenience of electric light. Let us demonstrate them for you.

10-40-Watt ..... 27¢  
50-Watt ..... 28¢  
75-Watt (nitrogen) . . . 65¢

Made in the U. S. and Backed by Mazda Service.

## STUBBS ELECTRIC CO

Sixth at Pine. Both Phones

vestigated and found that a car had set off the torpedo. No damage was reported.

**Wheeler Funeral Tomorrow.**  
The funeral of Isaac B. Wheeler, who died Monday at his residence at 500 East Eighteenth street North, will be held from Pinley's chapel tomorrow morning at 10 o'clock. The body is to be sent East for burial. Mr. Wheeler was 81 years old when he died. He was born in Kingston, Ont., and came to Portland about eight years ago. The members of his family live in Oregon, with the exception of four children, whose homes are in Portland, Mrs. C. P. Rorvik, Mrs. E. L. Rector, Miss Mary Wheeler and C. H. Wheeler.

**G. A. Hartman Returns.**  
G. A. Hartman, cashier of the First National Bank of Pendleton, who has been visiting with his mother, Mrs. Eva H. Hartman, East Seventeenth and Tillamook streets, has returned to his home.

**Fast, Luxurious Ocean Travel**  
Quickest Time Across the Pacific Only 10 Days to Japan Only 15 Days to China Only 17 Days to Manila Canadian-Pacific Ocean Lines Empress of Russia Empress of Asia

Luxurious accommodations, including suites with private bath. New overland tour between Yokohama and Shanghai through Korea.

**PEKING**  
\$60 gold extra above the round trip steamship fare of \$192.75 to Shanghai. \$60 to Hongkong and Manila. One way via Honolulu if desired. Our offices at each port assist travelers in planning for itineraries and reliable guides. Full information cheerfully given. Phone, call or write.

J. V. Murphy, General Agent, 51 Third Street, Portland, Ore.

**CANADIAN PACIFIC**  
OCEAN SERVICES

**CLASSIFIED AD. RATES**  
Daily and Sunday. Per Line. One time ..... 13c Two times ..... 26c Three times ..... 39c Same ad six or seven consecutive times ..... 52c The above rates apply to advertisements under "New Today" and all other classifications except the following: Situations Wanted—Male, Situations Wanted—Female, For Rent Rooms—Private Families, Board and Rooms—Private Families, Housekeeping Rooms—Private Families, Rate on the above classifications is 7 cents a line. Orders for one insertion only will be accepted for "Furniture for Sale," "Business Opportunities," "Moving," and "Wanted to Rent." Serious errors in advertisements will be rectified by republication without additional charge, but such republication will not be made where the error does not materially affect the value of the advertisement. Cancellation of orders over the telephone may be made only if confirmed the same day in writing. "Give News in Brief" advertisements must be presented for publication for the Sunday Oregon before 5 o'clock Saturday afternoon for other days publication before 9

AMUSEMENTS.  
**BAKER**  
THEATER Broadway and Morrison.  
"Always a Show of Quality"  
Bargain Mat. Today—All Seats 25c.  
THE MCAZAR PLAYERS  
All This Week—Mat. Wed., Sat.  
Edgar Selwyn's  
Thrilling Melodramatic Comedy  
**Rolling Stones**  
First Time Here. An Instantaneous Hit.  
Evenings 25c, 50c, 75c. Sat. Mat. 25c, 50c.  
Next Week—"Outcast."

**Opheum**  
VAUDEVILLE  
AT HEILIG THEATER  
EVERY SUN MON TUES WED  
Phyllis Neilson-Terry  
Burdella Patterson, John and Winnie Henderson, Fred and Henry Flying Henry, Travel Weekly, Orchestra.  
MIL COLLINS DONAHUE STEWART  
MATINEE DAILY 10-12-25-50-75c  
NIGHTS 10-12-25-50-75c

**PANTAGES**  
MATINEE DAILY, 2:30  
The Musical Triumph of 1917.  
THE MILITARY OUTRITER.  
Offering the World's Greatest Comedies.  
GUTHRIE BIG ACTS—6.  
Boxes 10c. Ladies 5c. Phone.  
Curtain 2:30, 7 and 9.

**TOO LATE TO CLASSIFY.**  
WM. FARNUM IN  
"THE PRICE OF SILENCE."  
TODAY.  
MAJESTIC THEATER.  
WASH. AT PARK. MAT. 10c; EVE. 15c.

**AUCTION SALES TODAY.**  
Ford Auction House, 121 2d St. Furniture carpets, etc. Sale at 2 P. M.  
At Wilson Auction House at 10 A. M. Furniture. 169-171 Second St.

**MEETING NOTICES.**  
EUREKA COUNCIL, NO. 204, K. AND L. O. P. Members are requested to attend the funeral of our late brother, Isaac B. Wheeler, at 500 North 23d St. today (Wednesday), 2 P. M.

**MINERVA LODGE, NO. 19, I. O. O. F.**  
will meet tomorrow (Thursday), January 11, at 7:30 o'clock. Broth- ers requested to attend. A special program will be given. Open house. Refreshments. Admission free. Minerva Lodge, 415 North 23d St., today (Wednesday), 2 P. M.

**PETER WIEDEMANN, Sec.**  
H. O. HEUSLMANN, N. G.  
SAMARITAN LODGE, NO. 2, K. AND L. O. P. Regular session in our hall, 224 Alder St. on Wednesday evening the doors will be thrown open to the families of our members. There will be a program and other interesting events. Visitation welcome. A. J. WALTHER, N. G. ROSS, Sec.

**WASHINGTON CHAPTER, NO. 8, R. A. M.**  
Special convocation this (Wednesday) evening, January 10, at 7:30 o'clock. Visitors welcome. Order by R. A. M. Secretary, W. P. ANDRUS, Sec.

**PORTLAND CHAPTER, NO. 8, R. A. M.**  
Special convocation this (Wednesday) evening, January 10, at 7:30 o'clock. Visitors welcome. Order by R. A. M. Secretary, W. P. ANDRUS, Sec.

**MOUNT TABOR LODGE, NO. 42, A. F. AND A. M.**  
Stated convocation this (Wednesday) evening, January 10, at 7:30 o'clock. Visitors welcome. Order by R. A. M. Secretary, W. P. ANDRUS, Sec.

**OREGON COMMANDERY**  
party this (Wednesday) evening at Masonic Temple, West Park and Yamhill streets. East Sixth and Alder streets. Visitors cordially invited. ROBERT C. CHIRMAN, N. G. W. W. Secretary.

**EMBLEM Jewelry, buttons, charms, pins.**  
New designs. Jagger Bros., 131-33 Sixth St.

**FRIEDLANDER'S Jewelers, for Emblems.**  
Class