SAYS PEABODY IS EXCEEDING LAW

Justice Steel of Colorado in Reviewing Moyer Case Declares Governor Is Violating Constitutional Rights of People.

Denver. Colo. July 2.—A dissenting opinion from the majority of the court at the hearing of the habeas corpus as suspended, every right guaranteed by order of Governor Peabody, was yesterday filed by Justice Robert W. Steele of the Colorado state supreme court.

The opinion is a voluminous document, cyntaining upwards of. 18,000 words, and covers every phase of the situation. Justice Steele cites many authorities to show that the legislature in the only power that can suspend the habeas corpus. He says in part.—Who has the slightest claim to respectability should kesitate to approve the action of the governor in enforcing the law, and I am willing to uphold him and to appland him so fine constitution, he hould be discharged.

The greatness of this country continued in the only power that can suspend the habeas corpus. He says in part.—Who has the slightest claim to respectability should kesitate to approve the action of the governor in enforcing the law, and I am willing to uphold him and to appland him so fine constitution, but I am not willing to record to the constitution, he hould be discharged.

The greatness of this country continued against the periode of its country continued in the continued in the continued in the constitution, and the scaled, the pure and the will and the scaled, the pure and the will are the proper of the constitution, and imperied the law, and it are will be applied to the constitution is violated—when one is deprived on the constitution is to affect the constitution is violated—when one is deprived on the constitution is violated—when one is deprived on the constitution is to affect the constitution is violated—when one is deprived on the constitution is violated—when one is deprived on the constitution is to affect the constitution is violated—when one is deprived on the constitution is violated—when one is deprived on the

"It follows, of course, that if the resent executive is the sole judge of the conditions which can call into

so, then any county in the state may be declared to be in a state of rebellion, whether a rebellion exists or not, and every citizen subjected to arbitrary arrest and detention at the will and pleasof the head of the executive de-ment. We may then, with each ending change in the executive ich of the government, have class yed against class, and interest

Privileges Are Inseparable.

"The constitutional privileges are not, in the flature of things, separable. It was intended by our fathers that all should be inviolable except one, and that to be suspended by the legislature only in case of great emergency. Martial law exists or it does not exist. When it exists there is no civil law. Martial law and civil law cannot exist together. If the civil law can enforce one guarantee it can enforce all. If the civil law is overthrown it is



ALE, TEN MILLION BOXES

shment of a precedent which will not ply to other classes or other conditions and Imperied the title to a properly.

Destroy Bights.

"Use mot willing to concede the will not a rebellion with the nour waunted priceless heritage is that the next governor may by it will create Trouble.

"If a strike which is not a rebellion will not will

made, but official confirmation was wanting.

In New York it was stated that the Harriman lines have recently expended between \$1,500,000 and \$2,000,000 in terminal property and water fronts in the two Washington cities, with the alleged purpose of developing north Pacific coast traffic for the Union Pacific. It was also stated that Harriman had gained control of the Tacoma Eastern railroad which will be placed under the jurisdiction of Oregon Short Line officials.

"I know absolutely nothing of the

cials.

"I know absolutely nothing of the reported acquisition of the Tacoma Eastern or the securing of terminal facilities in Tacoma and Seattle," said E. E. Calvin, general manager of the O. R. & N. and Southern Pacific lines in Oregon. "A newspaper in Spokane wired me a few days ago asking for information concerning the acquisitions, but I had none to give. I know nothing whatever about it."

Bang! Pop! Siz! Boom!

If you want to get away from similar sounds and spend a quiet Fourth why not take the trip up the Columbia on the Balley Gatzert to Cascade Locks and return? This trip will give you a beautiful ride and you'll escape the nerveracking bang of the firecrackers. Already the sound of explosives smites your ears, so take this trip Sunday, if you've laid other plans for the Fourth. The paintial Balley Gatzert leaves Alder street wharf at 8:80 a. m. on both Sunday and Monday excursions. Excellent meals served on board. Gatzert will on Sunday make connections with steamer Regulator for points above the locks. Round trip \$1.00.

ARE WORRIED BY

marks which our fathers have set, and or the head of the executive department. We may then, with each successful change in the executive department, and class in the executive class arrayed against class, and interest of the governor in calling to his aid the against interest, and we shall depend for our liberty, not upon the constitution, but upon the grace and favor of the governor and his military sub-ordinates.

"It is entirely probable that the act of the governor in calling to his aid the military arm of the government cannot be questioned, but when it comes to superseding the civil power and exertion but upon the grace and favor of the governor and his military sub-ordinates.

"In no other case presented to this court have principles so important and far-reaching been involved. It was claborately and ably argued, and the position of counsel was clearly defined, yet the court has evaded the fundamental questions presented, and has based its decision upon theories long ago determined by juries and statesment to be illegical and false.

"On the part of the petitioner it was argued that he was llegally restrained of his liberty, that a court of competent jurisdiction had ordered him released on habeas corpus, and that the leased on habeas corpus, and that the military authorities had refused to released to released on habeas corpus, and that the military authorities had refused to re-

When the court says that because the second of competent jurisdiction had ordered him released on habeas corpus, and that the military sutherities had refused to release him, and had refused to release upon them.

The Military View.

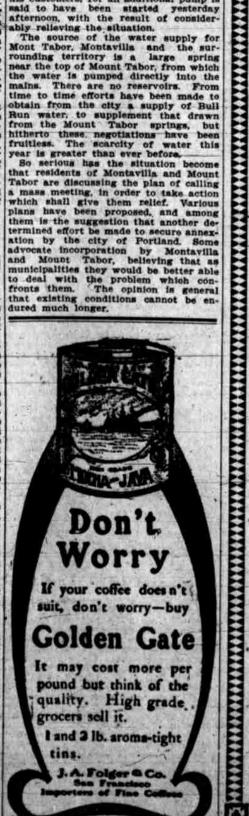
"On behalf of the military officers it was said they had been ordered by the governor not to release upon with of habeas corpus, and on behalf of the operance it was contended that he had to he in a state of insurrection and redelion, and that under such conditions he had authority to enforce martial law and to suspend the privilege of the writ of habeas corpus.

"As these questions strike at the very foundation of our government; as the court has evaded a consideration of the law.

"If is no repuminant to my notions of civil liberty, so antagonistic to any ideas of a republican form of government and so shocking to my sense of propriety and justice that I cannot properly characterize it.

"It is so clear that the power to suspend the privilege of the writ of habeas corpus is solely a legislin. If there is ann one question positively and finally settled, it is that the yower to suspend the privilege of the writ of habeas corpus is solely a legislin. If there is anno no one question positively and finally settled, it is that the power."

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