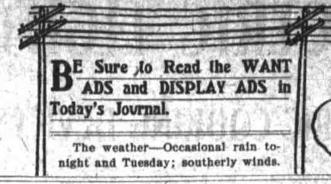
LITTLE LINERS-"WANTS," "FOR SALE," "FOR RENT," "LOST AND FOUND"-COST ONLY ONE CENT A WORD IN THE DAILY OR SUNDAY JOURNAL

DAILY



PORTLAND, OREGON, MONDAY EVENING, SEPTEMBER 16, 1907 .- FOURTEEN PAGES.

VOL. VI. NO. 166.

OREGON THREATENED WITH STATE OF LEGAL CHAOS PHONE SUIT ACTION TO DANGEROUS FORCE S. P.

Attorneys Incredulous as to Success of Corporation's Move, but Acknowledge Gravity of John L. Snyder Begins Suit to Compel Oregon & Calithe Situation.

Oregon is threatened with a state of legal chaos, if the effort of the Pacific States Telephone & Telegraph company to overthrow the initiative and referendum amendment is finally sustained by the United States supreme court. While attorneys are generally incredulous as to the success of the corporation's contention, they say that if the amendment should be declared wholly unconstitutional, the consequences would be fraught with the utmost gravity.

adopted by the people of Oregon, acting through the initiative. First in point of time, as well as in importance, are the local option law and the direct primary law, both enacted in June, 1904. Two years later the people enacted in the same manner a law imposing a tax of " per cent on the gross earnings of telephone and telegraph companies and l per cent on the gross earnings of express companies; also a law imposing 3 per cent tax on the gross earnings f sleeping car, r mpanies

These laws, especially med, have wrought enormous changes Under the local option law counties, citles, towns and preting liquors within their boundader the direct primary law the state



LAND SALE

fornia to Give Title to **Property Acquired Under** Constitutional Grant.

Bill of Complaint Said to Be Result of Much Study and Follows Upon Investigation at Washington of Status of Case.

The first suit ever brought to compel the Southern Pacific Railroad company to sell part of its land acquired under congressional grant to actual settlers at \$2.50 an acre was commenced this morning when A. W. Lafferty filed a bill of complaint in behalf of John L. Snyder against the Oregon and California Rallroad company, the Union Trust company, S. T. Gage, N. T Smith and W. E. Brown, holders of a trust mortgage on the lands, asking that the defendants be compelled to sell 160 acres of the famous land grant lying in Columbia county to Snyder. If successful, today's suit may develop

Into the largest land case ever known in the world, for the Southern Pacific is holder of more than 3,000,000 acres of land acquired by grant to the Ore California and railroads, and valued at more than \$30

result of months of study and prep



Journal Circulation

ON TRAINS AND NEWS STANDS, FIVE CENTS

Sunday Was 25

PRICE TWO CENTS.



condidates for office doing away and the old political machines boss attendant corruption and

Power of Beferendum.

"Hand in hand with the power of inf-tintive is the power of referendum, enbling the people to review and repeal he laws enacted by the state legislahe laws enacted by the state regime ure. The high estimation placed by he voters upon the referendum has een evinced by repeated resort to it vithin the past three years, notably in be case of the state university appro-vilation and the normal schools. Prominent attorneys, while declining be betterized for publication be-

Prominent attorneys, while declining o be interviewed for publication, be-leve that the question as to the con-titutionality of the initiative and ref-rendum will undoubtedly be carried to he supreme court of the United States. The option is freely expressed that he objections to the constitutionality of the amendment are fanciful and of little weight, yet the issue involved is of such vast importance that no pre-caution can be overlooked by the de-fenders of the measure.

fenders of the measure. "It is up to the friends of the ini-tiative and referendum—and that means the friends of the direct primary and the local option law too-to see that their side of the case is fully presented to the courts," said a well-known at-torney this morning. "It won't do to rely alone on the attorney-general for he will have arrayed against him some of the ablest corporation lawyers on he will have arrayed against him some of the ablest corporation lawyers on the coast. Everyone knows that all the big corporations, the railroads, the telegraph, telephone and express com-panies look upon the initiative and ref-erendum as the work of the devil, and they will do all in their power to assist in overthrowing the amendment."

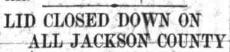
A Pavorable View.

A Favorable View. It is pointed out by friends of the initiative and referendum that the ob-jections urged by the telephone com-pany would at most invalidate only un-important features of the existing laws. They argue that a law enacted through the initiative and which proved to be, in some minor point, antagonistic to the federal constitution, would be inop-erative only in that particular provision and that the remainder of the law would stand. Other states have adopted the initiative and referendum and in none of them has any successful assault been made upon these powers of the people. made upon these powers of the people. Whether the arguments advanced in be-half of the Pacific States Telephone company will induce the courts to take a new view of the question is a matter s yet of conjecture. The corporation is depresented by one of the foremost legal rms of San Francisco,

DENIES STORY TOLD OF DE CHIMAY'S CHILD

(United Press Leased Wire.)

Chicago, Sept. 16 .- The sensational story told by Mrs. Mary Martin of Oakland, California, who has arrived here with a 16-year-old boy, and who she with a forget of Prince and Princess De Chimay, is denied by Thomas Lyons, executor of the estate of Millionaira-Ward of Detroit, who was the father of the princess. Mrs. Martin's story is that when the boy was born to the that when the boy was born to the princess a girl was substituted and the boy taken to California. Mrs. Martin tells the story in asking that the Ward estate support the boy. Lyons says only two children were born to the prin-cess.



(Special Dispatch to The Journal.) torney Reams and Sheriff Jackson this morning put the lid on Jackson county. Notice has been served to take out all slot machines, including those paying cigars, and all saloons are ordered to close on Sundays. Medford, Or., Sept. 16 .- District At-

Delegation of American Humorists Arrives at Los Angeles.

Los Angeles.

(United Press Leased Wire.)

Los Angeles, Cal., Sept. 16 .- Thirtyfive humorist writers, accompanied by their wives and families, arrived on the Salt Lake Limited train shortly before midnight last night to attend the fifth annual convention of the American Press Humorists, which began its session in Los Angeles today. Members of the special party were met at Bar-

stow by the committee from this city composed of Frank T. Searight, J. C. Stuart and Winfield Hogaboom. Im-mediately after the arrival of the hu-morists they were escorted to the Alex-andria hotel, where their headquarters will be during the week. The visitors teder made a trin to Monrovia and San today made a trip to Monrovia and San Gabriel, where a luncheon was served. In the evening they will be entertained at a banquet at the Alexandria hotel. number of humorists of the Pacific slope and the middle west are expected to arrive today.

Domestic Heir to Half Million.

(Special Dispatch to The Journal.) Spokane, Wash., Sept. 16 .- Mrs. A. G. Benjamin has fallen heir to nearly \$500,-

000 by the death of Isaac Wing of Bay-field, Wisconsin. Mrs. Benjamin's hus-band is dead and she is working for a living as a domestic.

POPE WARNS AGAINST

MENACE OF ATHEISM

the result of months of study and prep-aration on the part of Mr. Lafferty who made a trip to Washington to study records and confer with the department of justice. While in Washington, Mr. Lafferty held a conference with Sena-tor Jonathan Bourne and Attorney-Gen-eral Bonaparte, after which he submit-ted a report of his research to the at-torney-general which has since been published in phamphlet form. In the compfaint are quoted sections of the congressional act of May 4, 1870, under which the land was granted to the railroad company and upon which the

under which the land was granted to the railroad company and upon which the success or failure of the suit depends. Chief among these is the section pra-viding that the railway company shall sell to actual settlers all of its lands save those necessary for depots, sta-tions, side tracks, wood yards, stand-ing grounds and other needful purposes, in quantities not exceeding 160 acres at the rate of \$2.50 an acre. Many persons have endeavored to

30, this year, and has since resided upon it. He made a tender of \$400 to the company for the land which was re fused.

Patented 25 Years Later.

Patented to rears inter. One fact brought out by the com-plaint and one which comes as a sur-prise to many lawyers is in regard to the time the company patented the lands. This is considered important in reference to the statute of limitations which it has been argued the company will advance in support of its claim to the lands.

will advance in support of its claim to the lands. The section settled upon by Snyder was patented in 1895, 25 years after the grant was passed by congress. It is argued that Snyder was in his mi-nority at that time and the company could not have held the land against him adversely until he attained his ma-jority. Another point in regard to the statute of limitations is that the com-pany has not held the lands adversely pany has not held the lands adversely at all save in Snyder's case because the act of congress provides that the com-

act of congress provides that the com-pany is but a trustee of the lands and not an actual owner. If this is true it is claimed that the company held adversely against Snyder only since he actually settled on the land last Jnly, and therefore, the stat-ute of limitations does not apply. Has Violated Trust.

The complaint alleges that the rail-way company has in the past 10 years violated the trust reposed in it by con-gress by selling about one-half the land

(Continued on Page Two.)



Was Nothing Personal in Borah's Indictment.

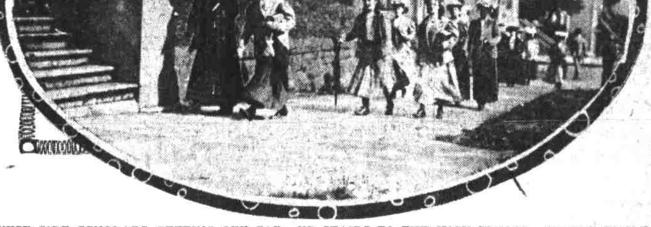
Portland friends of United States

District Attorney Ruick of Idaho attach little importance to the charge that he intimidated the grand jury and forced it to indict Senator Borah. John

E. Boys, who went from Portland to Moscow as a court reporter to report the land fraud trials there, in discuss-

against whom sensational charges are reported in the newspapers. These charges of personal spite against defendants and of intimidation of grand jurors made against Mr. Ruick are not news. They have been made against him at every trial of a land fraud de-fendant in the state of Idaho. "The truth of the matter is that there is not a prosecuting attorney of Mr. Ruick's force and legal attainments in Idaho who tries a case so fairly, and with such genuine courtesy as he does

(Special Dispatch to The Journal.) Night Watchman James Swearingen was shot in the hip early with robbers who cracked a safe weapons stolen from a hardware store here.



WEST SIDE SCHOLARS GETTING OFF CAR-UP STAIRS TO THE HIGH SCHOOL-ON THE WAY TO STUDY-"WAITING FOR TEACHER."

with due consideration for the rights of the defendant as well as of the gov-ernment he so well represents. The evidence in these land fraud cases is al gathered by a corps of special agents of the government, in the employ and under the control of the land depart-ment of the department of the interior. All a United States district attorney does is to submit that evidence to the grand incr

Court Reporter Boys Says Was Nothing Parsonal in

"The fact that he, being persona non grata to Senator Borah, requested to be relieved from trying the case against the indicted senator, is indicative of the district attorney's desire to remove any suspicion of a personal element from the pending case."

CANADIANS SHOUT FOR WHITE MAN'S CANADA

(United Press Leased Wire.)

ending September 15, was as follows:

Local, inches 6,987

Classified, real estate, ins. 2,481

Foreign, inches

last year, was 2,213 inches,

WEEK ENDING SEPTEMBER 15th

The volume of paid advertising carried by the three

Journal.

The increase in Journal advertising, for the week end-

ing September 15, 1907, over the corresponding week of

810

daily papers of Portland in regular issues, for the week

ADVERTISING RECORD FOR THE

Winipeg, Man., Sept. 16 .- The antiriental'trouble on the Pacific coast is he all-absorbing topic of the convention of the lumber congress, which opened its sessions this morning. "A white man's Canada for us" is the cry

of the 500 delegates.

Teachers and Pupils Busy as Bees Arranging Classes, Buying Books, Outlining Work

Between the dark and the daylight. ambitious little girl announced, "and then I can get m' name in the paper." "I didn't miss any last year," another said, "and I have never been tardy, but When the night is beginning to lower. Comes a pause in the day's occupation, Which is known as the children's hour."

Longfellow surely had not seen the opening day of school or he would have made the hour 9 in the morning, and stid, and 1 have never been tardy, bit didn't get my name in the paper." "Well, I wouldn't never have been tardy, neither," a stalwart chap assert-ed. "only sometimes they rang the bell

which had brought them so much fun; others were glad for the new experi-

ences that the new year of school might bring them.

Children Make Resolutions.

Oregonian.

7,033

2,989

10,278 10,768 7,789

746

5,793

1,525

471

"I am going to be on time and not miss a single day all this year," one

opening day of school or he would have made the hour 9 in the morning, and would have written a sequel to his fa-mous poem on the children's day as well as the children's hour. There was a variety of expressions and a variety of sayings as the children fróm all over town flocked to their vari-ous schools this morning. Some were the denarted vacation Wanted First Day Continuous.

"What class are you in?" was a com-on question, and those who answered ith the eir ith grade swelled visibly in with

with the eight of grade swelled visibly in replying. One forlorn little girl came holding a pretty bunch of asters in all colors, and was asked what she was going to do with them. Some one maliciously hint-ed that she was going to try for a "stand-in" with her new teacher, and said she was beginning to "soup" rather early. But the child protested indig-nantly, with tears in her eyes, that they were for Miss —, her last year's teacher, and that she was so sorry she had to "o into the next room and have a new teacher, for she had lowed Miss — Miss

Miss ______ Long before the call-bell rang the halls were filled with children ready for their new conquests, and many were around greeting their old teachers. The teachers wore spillence and teachers.

their new conquests, and many we around greeting their old teachers. I teachers wore smiles of patience is sential tolerance calculated to last i two days. The children presented fresh appearance, most of them we ing their new school dresses for the fu-time and feeling as grand in their m-ness as if they were dressed for Sunfi The girls, patted each other's shaft and straightened out the jumper ribbo on the shoulders, and the boys feit as other's pockets and counted to use w had the most. And ell around a feel and atmosphere of good will and excu-ment reigned, and as one little boy pressed it. T wish every day of ach was the first day, and then I would get to hate it so much." **Choose Courses.** When the bell sounded sharp of otlock this morning at the Portla-will take the course this year horr

(Continued on Page)

(United Press Learned Wire.) Rome, Sept. 16.—The pope, alarmed y the spread of liberalism among the ioman Catholic clergy, has issued an clergy." by the spread of liberalism among the Roman Catholic clergy, has issued an encyclical which says: "Modernism is a peril for the church. Its reforms in faith, philosophy, the-ology and history are driving those who NIGHT WATCHMAN THIRTY-TWO DEAD IN WEST CANAAN WRECK

SHOT BY BURGLAR

Grants Pass, Or., Sept. 16 .-- 🔶 this morning in a revolver duel

at Glendale last night, escaping with the contents. He is not seriously injured. One-robber was captured. He had on him .

ing the matter, said: "I am a personal friend of Mr. Ruick,