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## OREGON THREATENED WITH STATE OF LEGAL CHAOS

### PHONE SUIT DANGEROUS ACTION TO FORCE S. P. LAND SALE

#### Attorneys Incredulous as to Success of Corporation's Move, but Acknowledge Gravity of the 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.

Four important laws have been 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 2 per cent on the gross earnings of telephone and telegraph companies and 1 per cent on the gross earnings of express companies; also a law imposing 3 per cent tax on the gross earnings of sleeping car, refrigerator car and oil companies.



A. W. Lafferty.

These laws, especially the two first named, have wrought enormous changes in Oregon. Under the local option law counties, cities, towns and precincts have abolished the sale of intoxicating liquors within their boundaries. Under the direct primary law the people of the state have taken into their own hands the nomination of candidates for office, doing away with the old political machines and attendant corruption and boss rule.

Power of Referendum. Hand in hand with the power of initiative is the power of referendum, enabling the people to review and repeal laws enacted by the state legislature. The high estimation placed by the voters upon the referendum has been evinced by repeated resort to it in the past three years, notably in the case of the state university appropriation and the normal schools.

Prominent attorneys, while declining to be interviewed for publication, believe that the question as to the constitutionality of the initiative and referendum will undoubtedly be carried to the supreme court of the United States. The opinion is freely expressed that the objections to the constitutionality of the amendment are of trifling importance, yet the issue involved is of such vast importance that no precaution can be overlooked by the defenders of the measure.

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

A Favorable View. It is pointed out by friends of the initiative and referendum that the objections urged by the telephone companies would at most invalidate only unimportant features of the existing laws. The argument is made that the initiative and which proved to be, in some minor point, antagonistic to the federal constitution, would be inoperative 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. Whether the arguments advanced in behalf of the corporation are sound, the company will induce the courts to take a new view of the question is a matter of conjecture, as the corporation is represented by one of the foremost legal firms of San Francisco.

### LAND SALE

#### John L. Snyder Begins Suit to Compel Oregon & California 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 Railroad company, the Union Trust company, S. T. Gage, N. T. Smith and W. E. Brown, holders of a first 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 Oregon and California and Oregon Central railroads, and valued at more than \$30,000,000.

The bill of complaint is long and is the result of months of study and preparation 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 Senator Jonathan Bourne and Attorney-General Bonaparte after which he submitted a report of his research to the attorney-general which has since been published in pamphlet form.

In the complaint 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 success or failure of the suit depends. Chief among these is the section providing that the railway company shall sell to actual settlers all of its lands save those necessary for depots, stations, side tracks, wood yards, standing grounds and other useful purposes, in quantities not exceeding 160 acres at the rate of \$2.50 an acre.

Many persons have endeavored to buy the lands from the company but it is doubtful if any succeeded, some on the land, improved the grounds and become settlers. Snyder, who is a young man of 28 years, picked out a choice piece of land in Columbia county, July 30, this year, and has since resided upon it. He made a tender of \$400 to the company for the land which was refused.

### FIRST DAY OF SCHOOL BRINGS OUT AN ARMY OF PORTLAND SCHOLARS



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

### DENIES CHARGES AGAINST RUICK

#### Court Reporter Boys Says 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 discussing the matter, said: "I am a personal friend of Mr. Ruick, 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 defendant 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."

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

Between the dark and the daylight, 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 would have written a sequel to his famous 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 from all over town flocked to their various schools this morning. Some were full of regret at the departed vacation which had brought them so much fun; others were glad for the new experience that the new year of school might bring them.

### DENIES STORY TOLD OF DE CHIMAY'S CHILD

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 says is the son of Prince and Princess De Chimay, is denied by Thomas Lyons, executor of the estate of Millionaire Ward of Detroit, who was the father of the princess. Mrs. Martin's story is 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 princess.

### LID CLOSED DOWN ON ALL JACKSON COUNTY

(Special Dispatch to The Journal.) Medford, Or., Sept. 16.—District Attorney 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 Sunday.

### LAUGH PRODUCERS HOLD CONVENTION

#### Delegation of American Humorists Arrives at Los Angeles.

(United Press Leased Wire.) Los Angeles, Cal., Sept. 16.—Thirty-five 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 Barstow by the committee from this city composed of Frank T. Searight, J. C. Stuart and Winfield Hogaboom. Immediately after the arrival of the humorists they were escorted to the Alexandria hotel, where their headquarters will be during the week. The visitors 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. A 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 Bayfield, Wisconsin. Mrs. Benjamin's husband is dead and she is working for a living as a domestic.

### POPE WARNS AGAINST MENACE OF ATHEISM

(United Press Leased Wire.) Rome, Sept. 16.—The pope, alarmed 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, theology and history are driving those who believe in them to atheism. Curiously, pride of individualism and disregard of the true Catholic knowledge and discipline, spreads modernism among the clergy."

### THIRTY-TWO DEAD IN WEST CANAAN WRECK

(United Press Leased Wire.) Concord, N. H., Sept. 16.—Hundreds are today trying to identify 10 bodies taken from the West Canaan railroad wreck yesterday. The death list is now 32 and 60 are injured. An investigation has been started to determine whether the mistake that caused the catastrophe was made by the sending or receiving operator. The Boston & Maine railroad has issued a statement attributing the collision to an error in the sending or receiving of orders.

### CANADIANS SHOUT FOR WHITE MAN'S CANADA

(United Press Leased Wire.) Winnipeg, Man., Sept. 16.—The anti-oriental trouble on the Pacific coast is the 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.

### ADVERTISING RECORD FOR THE WEEK ENDING SEPTEMBER 15th

The volume of paid advertising carried by the three daily papers of Portland in regular issues, for the week ending September 15, was as follows:

	Journal	Oregonian	Telegram
Local, inches	6,987	7,033	5,793
Foreign, inches	810	746	471
Classified, real estate, ins.	2,481	2,989	1,525
	10,278	10,768	7,789

The increase in Journal advertising, for the week ending September 15, 1907, over the corresponding week of last year, was 2,213 inches.

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