THE PRICE OF ALL EDITIONS OF THE DAILY JOURNAL IS 2c A COPY ON THE STREETS AND AT THE OFFICE

MORE HELP WANTED?
BOARDERS WANTED?
Advertise in The Journal

The weather—Occasional rain or snow tonight or Wednesday.

Oregon Daily Journal

SHE FLIES WITH HER OWN WINGS

JOURNAL CIRCULATION YESTERDAY WAS 30,863

VOL. VII. NO. 227. PORTLAND, OREGON, TUESDAY EVENING, NOVEMBER 24, 1908.—TWENTY PAGES. PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

PORT OF PORTLAND BOND ISSUE DECLARED VALID

SUPREME COURT OF STATE UPHOLDS MUNICIPAL RIGHT

(Special Dispatch to The Journal.)

Salem, Or., Nov. 24.—Almost entirely upon the assertion of a broad application of the initiative and referendum enactment and the subsequent amendments to that act, the supreme court today, through an opinion written by Chief Justice Bean, held that the Port of Portland bonds, voted by the people of the district in June, 1907, are legal. A test suit had been brought against the Port of Portland district by Sylvester Farrell of Portland. The decision of Judge C. U. Gantenbein of the lower court was upheld.

City Can Engage in Business of Towing and Piloting.

Half Million Available for Establishment of Service to the Sea.

(Special Dispatch to The Journal.)

Salem, Nov. 24.—The decision favorable to the Port of Portland returned by the state supreme court today holds that:

"The initiative act and the amendments thereto should be read together," says Chief Justice Bean, "and be so interpreted, as far as they refer to the same subject matter, as to carry out the purpose of the people in adopting them regardless of the construction of some of the language used." He says further in another part of the opinion:

"The initiative and referendum law is in many respects indefinite and uncertain, due no doubt to the fact that it is the first of the kind to be found on the statute books of this country, and its framers were unable to anticipate all possible contingencies that might arise. The obvious intention of the legislature in its act of 1907 (extending and applying the law, has been to provide for the application of the initiative and referendum in all cases authorized by the constitution."

City Can Control River.

An act was adopted by the people of the district, under the initiative provision of the constitution, in June, to establish and maintain efficient towage and pilotage service between the corporate limits of the city of Portland and the sea, to promote the maritime, shipping and commercial interests of the Port of Portland. To that end power is conferred by the act to purchase, lease, contract and operate steam tugs and dispose of bonds not exceeding $500,000.

Sylvester Farrell brought suit in Judge Gantenbein's court in Multnomah county, which has jurisdiction in the Port of Portland, to enjoin and restrain the board of commissioners from carrying into effect the provisions of the act, on the ground that such a law was void.

Contentions of Act's Foes.

Three main contentions were put forward: That the people of the Port of Portland have no power, under the constitution, to propose and adopt at the polls an amendment to the act incorporating the Port of Portland; if they have such power, it cannot be exercised except in pursuance of some general law providing the manner and method of such exercise, and no such law has been enacted; that the law as adopted and now in question is not in fact an amendment, but is an attempt to confer power not germane to or connected with the original purpose of the incorporation.

The chief justice held, however, that the Port of Portland is a municipality and is not excluded by implication from the operations of the initiative amendment to the constitution, as contended; that it has every advantage of any other municipality, and is similar in this respect to any other town or city in Oregon.

Like Drydock Case.

As decided by Justice Wolverton in the previous case, Cook vs. Port of Portland, the district also has power to operate a drydock and collect tolls, therefore there is no reason why the district should not also have power to operate a tug service and collect tolls for its maintenance.

The Port of Portland commission will at once begin preparations to take over

(Continued on Page Three.)

ST. PAUL COMING HERE OVER HARRIMAN LINE

Officials of Two Great Transcontinental Roads Agree on Plan for Joint Use of Tacoma-Portland Tracks of Oregon and Washington

W. W. Cotton, chief counsel for the Harriman interests in the Pacific northwest, and J. D. Farrell of Seattle, head of the Oregon & Washington railroad, which Harriman is planning to build from Portland to Tacoma, and according to reliable information, have completed details of an arrangement whereby the Oregon & Washington line, the building of which has been delayed for so long, will be constructed at once and that portion of it between Tacoma and Portland will be used jointly by the Harriman lines and the Chicago, Milwaukee & St. Paul.

Both Mr. Farrell and Mr. Cotton are in the east and it has been understood in the general offices of the Harriman lines in this city that they went to Chicago and New York in order to confer with Mr. Harriman and representatives of the St. Paul road on the joint user scheme, but nothing definite is known about the proposition even by General Manager O'Brien.

The first meeting of the representatives of the two lines was held last week in Chicago and both Mr. Farrell of Seattle and Mr. Cotton of Portland were there. The question of division of territory and traffic which has come up since the completion of the St. Paul's coast extension to within a comparatively short distance of its goal was gone over and plans for the interuse of important sections of the two systems were discussed in detail. News was received here today that the negotiations were practically completed.

The most important stretch of track considered at the conference was the section between Tacoma and Portland. The St. Paul has at all times considered entering Portland as soon as its main line was completed. The Oregon & Washington, which is contemplated as an extension of the Southern Pacific from Portland to Seattle via Tacoma has been ready for actual construction work for some time.

Mr. Farrell, in general charge of the O. & W., stated in Portland last fall that he was ready to begin actual construction work, including the tunneling of the peninsula between the Willamette and Columbia rivers, as soon as Harriman gave the word. He thought that that word would be given before the first of the year. However, he did actually commence some work on the Tacoma terminal of the road, and has a crew of men tunneling at Tacoma now.

If the St. Paul will be able to enter Portland over the O. & W. tracks it will mean an immense saving of expense to them. They have not even surveyed a line nor acquired their right of way as yet, while the O. & W. would offer them a complete line between the two cities. In return it is possible that Harriman will use the tracks of the St. Paul between Tacoma and Seattle.

The building of the O. & W. would be of immense importance to Portland and would mean the beginning of even more work on the peninsula which for a year or more has been the center of railroad building in and around Portland. If the arrangement between the Harriman lines and the St. Paul goes through as expected work will begin at once on the new Tacoma-Portland line.

It is said that the St. Paul line will be completed at a saving of $25,000,000 over the original estimate. The line complete will cost in the neighborhood of $150,000,000. It is also said that the Pacific coast feeders to the St. Paul line will equal in mileage the main cross continental line.

NATIVES RISE IN TRANSVAAL

(United Press Leased Wire.)

Cape Town, Nov. 24.—Armed natives attacked a passenger train near Johannesburg early today, riddling the coaches with bullets and injuring several passengers. The attack is believed to have been the result of race troubles, which have been growing at an alarming rate lately, and it is probable the government will be asked to take action.

BALLOONISTS ARE FLYING EASTWARD

(United Press Leased Wire.)

Los Angeles, Cal., Nov. 24.—Sailing eastward through the clouds or plodding over the deserts of southern California are Captain Mueller and J. K. Hutchinson, staff correspondent of the United Press, who ascended here yesterday morning in the balloon "United States," and who have now vanished.

With but five sandwiches and one pail of coffee in their larder the aeronauts are unprepared for a voyage of any duration and fear is expressed that they will suffer from hunger.

When they made an ascent yesterday the aeronauts intended to take their gas bag to a height of 20,000 feet, study the air currents preparatory to an eastern flight in the near future and descend in the evening. On ascending they encountered the exact eastern current they were seeking and at a height of nearly three miles started eastward. It is believed here that, fired with the ambition to make a successful voyage while the weather conditions were right, they have set off toward the Atlantic seaboard, determined to make as long a flight as possible before their balloon, which is inflated with ordinary city gas, collapses and forces them to land.

The great height at which the "United States" was sailing yesterday made it very difficult to observe its progress and it was but a short time until it was lost to sight entirely.

Reports from El Casco, six miles east of Redlands, last night said a speck was seen high up in the sky which was

(Continued on Page Three.)

ERRING PASTOR GOES BACK

Sheriff Spurlock of Throckmorton County, Texas, Identifies Rev. George C. Clarke of Gardiner as Rev. George C. Summers of the Lone Star State.

(Special Dispatch to The Journal.)

Salem, Or., Nov. 24.—On presentation of requisition papers today by Sheriff J. G. Spurlock of Throckmorton county, Texas, Governor Chamberlain issued an order for the return to Texas of Rev. George C. Clarke of Gardiner, wanted in that state on a charge of swindling Mrs. Lena Cloud out of $100. Rev. Clarke was known in Texas as Rev. George C. Summers and was identified as Summers by Sheriff Spurlock before he arrived in Salem with the papers. Clarke is confined in the jail at Roseburg, but will accompany the sheriff to Texas tomorrow.

The crime for which Summers is wanted was committed in August, 1904. He represented to the husband of Mrs. Cloud that he needed $100 for the purpose of having an operation performed on himself, and offered a horse, which he said he owned, as security. Mrs. Cloud, who had money, was, upon such representation, persuaded to let Rev. Summers have $100.

Summers therupon departed and at the same time a pretty girl of Throckmorton county disappeared also. Her name was Elizabeth Massey. He was duly indicted by the grand jury but no trace could be found of him until this summer, when an old acquaintance of Summers happened into Gardiner where Summers, under the name of Clarke, was occupying the pulpit in the Methodist church and living with Elizabeth Massey.

No resistance to extradition was made by Clarke today. Clarke, with a number of Methodist ministers, however, visited the governor last week, asking him to investigate thoroughly the identity of Clarke before issuing the order for extradition. Summers has a wife and three children in Texas.

THEORIN IN COURT AT ALSEA

Captain Now Being Hunted for Murder of Watchman Rasmussen Once Assaulted Owner of Sloop Condor.

(Special Dispatch to The Journal.)

Waldport, Or., Nov. 24.—An inspection of the records of the justice court for Alsea precinct shows that Fred Theorin, suspected of the murder of Watchman M. C. Rasmussen of the steam schooner Washington, was under arrest on October 9 for an assault on George F. Wittmer, one of the owners of the gasolene sloop Condor, on which Theorin was employed as captain.

The Condor arrived in Alsea bay October 8. Shortly after her arrival she was boarded by George F. Wittmer who, being one of the owners, wished to inspect the ship's papers. Captain Theorin had gone ashore and Wittmer opened the drawer which usually contained these documents and finding them in a large envelope, took them to the office of the Waldport Lumber company, two blocks distant, in order that Mr. Wann, the bookkeeper for the company, might assist in making out the bills.

Upon opening the package it was discovered that Captain Theorin's license and his naturalization papers were also in the envelope. Nothing was thought of this at the time, but later in the evening Captain Theorin entered the office of the company, where Wittmer and Wann were still at work on the accounts, and demanded the return of the papers. An effort was made to sort out the captain's papers hurriedly, but before this could be done, he made a rush at Wittmer, delivering several blows which did considerable damage, and gave Wittmer a black eye. Wann immediately seized Theorin and he was ejected from the office. A consultation was held in which Justice E. Goin advised that the papers be sorted out and those belonging to Captain Theorin were then delivered to him.

The following morning it was learned that Captain Theorin had made threats against the life of Wittmer, whereupon the latter swore out a complaint and

(Continued on Page Three.)

VOICE FROM THE EASTERN PRESS

Keep the Promises.

From the Buffalo Express, Rep.

At the state election in Oregon last June each candidate for the legislature was asked to sign a pledge called "Statement No. 1," binding himself to vote for the candidate for United States senator who received a plurality of the popular vote. Candidates had the choice of signing or refusing, but a considerable majority of them signed. Accordingly, the parties nominated their candidates for senator, and a regular canvass was made to obtain popular indorsement. The Republican candidate was Judge Henry M. Cake and the Democrats named Governor George E. Chamberlain. When the votes were counted it was found that 51 men who had signed "Statement No. 1" had been elected to the legislature. On party lines, however, the Republicans controlled the joint ballot, but the Democratic nominee had received the majority for United States senator. The directions of the people, therefore, required the election of a Democratic senator by a Republican legislature.

The chagrin of the politicians was considerably increased when at the recent national election, Oregon gave a plurality of 25,000 for Taft. Consequently, plans to get around the pledges in Chamberlain's favor have come to a head. It is proposed to circulate petitions absolving the legislators from their pledges.

It would be better politics and better morals to observe the promises in good faith. The question of party is of comparatively little importance. A senator should represent the people of his state, not merely a party name or organization. It would have been gratifying to all Republicans if their party had presented the candidate who received the popular indorsement, but it would be much better for the party to lose a senator than to have the reputation of being unworthy to be trusted to keep its pledges and to carry out the popular will. The Taft vote should make no difference. Much of that vote may have meant that the voters preferred Taft as an individual, rather than his party. At any rate, the people voted for Chamberlain and their decision should be respected.

THE PATHETIC SIDE OF THE VAN VLISSENGEN FORGERY

Real Sufferers in the Van Vlissingen Forgery Case, Mrs. Peter Van Vlissingen and Her Little Son.

One of the most pathetic sides of the Peter Van Vlissengen forgery case, recently reported in dispatches from Chicago, is the sudden shock and change which has come to the wife and son. For years they have lived in luxury and been given every pleasure that they might desire. A beautiful home, automobiles, social standing, a loving father and husband.

All this is changed in the course of 24 hours. Today the husband and father is a self-acknowledged former to the amount of over a million and a quarter dollars. He has attained this money in such a way as to make him one of the worst class of criminals, for he operated among his friends, who had trusted him implicitly.

Instead of going to the state penitentiary, as expected, he is today laboring over the accounts of his office in an endeavor to show exactly who was swindled and who was not. He claims that no one but himself was involved in the case, but circumstantial evidence points otherwise and the prosecution has undertaken a careful examination to see if others are not equally involved with Mr. Van Vlissingen.

Mr. Van Vlissingen's property has already been attached and an endeavor will be made to secure all available assets in order to pay off, as far as possible, the embezzlement. This will leave the wife and son in practically a penniless condition, with the head of the household serving time in the penitentiary. No sympathy whatever is extended to the forger, but all hearts go out to the pathetic case of the innocent suffering for the guilty.

PLAN TO FIGHT FREIGHT RATES

Strong Organization Formed at San Francisco to Protect Shippers.

(United Press Leased Wire.)

San Francisco, Cal., Nov. 24.—Preparations are complete for a series of meetings and conferences, having for their object the organization of a strong opposition against the new freight rates which have been threatened by the transcontinental railroads and which, it is claimed, would work grave injury to the interests of the Pacific coast tanners, fruit canners, fruit driers, bean growers, ship chandlers and shoe finders.

The object of the meeting will be to enlist the assistance of the Merchants' Exchange and the Chamber of Commerce in presenting the claims of the growers, manufacturers and shippers to the interstate commerce commission.

A special meeting of the traffic bureau of the Merchants Exchange will be held tomorrow, when data supporting the contention of the business men will be presented. A special meeting of the Chamber of Commerce will probably be called later in the week and a convention of business men will be assembled at an early date under the auspices of the California Traffic association, all having as their object the same protest against the new tariff.

TRIED SHOOTING TRICK TOO OFTEN

Mme. Clementine, Crack Shot, Aims Too Low, Kills Man.

(United Press Leased Wire.)

London, Nov. 24.—While holding a target on his head in a local music hall to be shot at by Madame Clementine, Herbert Lee was struck by a bullet and died today. Lee and Madame Clementine had been giving the same act in vaudeville for 18 years and never before had an accident occurred. The woman has been placed under arrest.

FULTON COHORT VISITS UNION

"I Came Up to See the Boys" —Seneca C. Beach—An Anti-Statement Plot.

(Special Dispatch to The Journal.)

La Grande, Or., Nov. 24.—Seneca C. Beach of Portland spent yesterday in La Grande and Union, going from this city to the former county seat in an auto. Mr. Beach said:

"I came up to see the boys, and on land office business."

Those who know say nothing of the real object behind his visit, but Beach was in conference with men known to be strong anti-Statement partisans.

S. F. Richardson, Republican representative-elect, declares himself emphatically in favor of Statement No. 1. It is not known that Beach saw Richardson, but it is very certain that he came to eastern Oregon as a representative of Fulton to work up anti-Statement No. 1 sentiment.

Smashed Glass; Snatched Jewels.

(United Press Leased Wire.)

Bellingham, Wash., Nov. 24.—In approved metropolitan crook style, bold thieves last night smashed a plate glass window in Ludvig & Collins' jewelry store and escaped with booty worth about $100. The window was shattered with a block of wood.

BRITONS FACE PERIL IN INDIA

Government Responds to Appeal for More Troops to Deal With Menacing Situation—High Class Hindus Leaders of Revolt.

(United Press Leased Wire.)

London Nov. 24.—The seriousness of the Indian uprising has caused the government to take vigorous action both here and in the affected districts. The war office today ordered a substantial military enforcement to proceed immediately from Aldershot to the scene of the impending revolt, it being represented to the authorities that the local officials in India were unable to cope with the situation and were sorely in need of troops.

Word reached the foreign office today that Lord Minto, viceroy of India, had called a conference of the council of India at Bikanir to consider plans for the suppression of sedition and to discuss the proposed law to replace the present one, which is lame in dealing summary punishment to mutineers and anarchists.

Reports of extended police investigations among the Hindu "reds" discloses the existence of a far reaching organization numbering hundreds of thousands of natives, sent on overthrowing British control, murdering Lord Minto and Lord Kitchener and seizing the machinery of government to place it in the hands of the revolutionary society.

Government assurances that the higher class natives are out of sympathy with the movement are known to be baseless. The best educated and highest caste Hindus are known to be the real organizers of the anti-English conspiracy, and several of the richest and most powerful native princes are among those most strongly suspected.

King Edward's liberal birthday address to India a few weeks ago has evidently been passed over by the conspirators, as too vague in its promises, as untrustworthy or as pledging less than the minimum which the natives are willing to accept. It has, in any event, been wholly without effect in allaying discontent.

English officials and business men are less fearful of Great Britain's inability to hold the colony than of the ruinous expense of a prolonged struggle with the Hindus.

WANT WARSHIPS KEPT IN PACIFIC

San Franciscans Send Request to Roosevelt to Defend Coast.

(United Press Leased Wire.)

San Francisco, Nov. 24.—A request addressed to President Roosevelt that the Atlantic battleship fleet be kept in Pacific waters, signed by Mayor Edward R. Taylor at the request of the board of supervisors, is on its way to Washington. A resolution requesting the retention of the fleet in the Pacific was passed unanimously by the supervisors late yesterday. A portion of the resolution reads:

"Its departure will leave exposed our possessions in the Pacific and our Pacific coast cities and, in view of all the circumstances, it is extremely desirable that the fleet should remain in these waters."

Mrs. Bachus Acquitted.

(United Press Leased Wire.)

Lewiston, Idaho, Nov. 24.—Mrs. Nancy Bachus, the young widow of J. M. Bachus of Gifford, was freed of the charge of murdering her husband by a jury in the district court late yesterday, which returned a verdict of not guilty after 26 minutes' deliberation.

Brakeman Killed

(United Press Leased Wire.)

Los Angeles, Cal., Nov. 24.—Samuel Hayes, a brakeman, is dead as the result of a freight wreck at Hugo Siding, 20 miles south of here on the main line of the Southern Pacific. Several oil cars were derailed and traffic was delayed eight hours.

More Employment for Skilled Labor

"'Home industry' means much more for those who patronize it than the average person imagines," said R. W. Orewiler, proprietor of the East Side Boiler works. "As long as people think that the money they spend with home manufacturers is only for the benefit of our manufacturers, our industries will not develop as rapidly as they should. When the consumers understand the benefit the expansion of home industries will be to them, they will give the preference to Oregon concerns. The more money paid out in wages in a city, the more prosperous the city becomes. Many small factories cannot afford to carry a heavy stock of manufactured goods, and on account of not being given sufficient time to manufacture to order, large orders find their way to outside markets. Consideration for home industry would give our firms a good margin of time to fill orders, and would mean hiring many more skilled men, who would naturally spend their money here and assist in building up the state."