

THE OREGON DAILY JOURNAL, PORTLAND, THURSDAY EVENING, OCTOBER 21, 1909. EVIL BOOTH ON SUFFRAGETTES

They Make a Spectacle of Funeral Will Probably Be Postmasters Prepare to Put Court House May Be Built Women Should Vote, as Want a Mississippi-to-Gulf Him Before a Portola Held Next Monday a Stop to Clandestine of Brick, Stone or Their Right, but "Milli- Canal Dug Across Louis- Crowd. From Home. Correspondence. Terra Cotta. tants" Are Foolish. iana and Texas.

WHITFIELD LAW

Senator Chamberlain, When Governor, Gave Logical Reasons to Legislature Why Supreme Court Justices Should Be Increased.

Pointing out that there is now four times as much litigation as when the first supreme court was created, and arguing that the state constitution does not limit the number of justices to seven, Governor Chamberlain, now senator, urged in his biennial message to the legislature the increase in the number of supreme justices to five.

In his argument the governor lays down the principle that no rule is more clearly established than that a constitution is a limitation and not a grant of power, and that therefore the legislature may enact any law not expressly or impliedly prohibited by the constitution.

He points out that in arriving at a safe conclusion it is fundamental, "that the constitution as a whole must be construed, and on that basis the governor had no hesitancy in urging that for avoidance of any delays and prompt disposition of the state's litigation the number of justices should be increased.

The Governor's Message.

The message in part is as follows: "No rule is more clearly established than that a constitution of a state is a limitation and not a grant of power, from which it follows that a legislature may enact any law not expressly or impliedly prohibited by the constitution.

"This question has been looked into by many of the prominent lawyers throughout the state and thus far practically all who have investigated the subject agree that it is within the power of the legislature to increase the number of justices, so long as the number does not exceed seven. But very recently a full consideration has been given to the question of increasing the number of justices, and their views appear to be based upon the construction to be given section 10 of article VII of our constitution, which provides for the election of supreme and circuit court judges in distinct classes, and manifestly overlooking section 2 of the same article, to confine the investigation to section 2.

Quotes the Constitution.

"Section 2 of article VII is as follows: 'The supreme court shall consist of four justices to be chosen in districts by the voters of the state, and who shall have resided in the state at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices or districts may be increased, but shall not exceed five until the whole population of the state shall amount to 100,000, and shall never exceed seven; and the number of districts may be changed, but no change of districts shall have the effect to remove a judge from office, or require him to change his residence within his term.'

Quotes the Constitution.

"Section 10 of article VII is as follows: 'When the white population of the state shall amount to 200,000, the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of three justices of the supreme court who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit court judges from which they shall take the same oath as the supreme judges.'

Limit Put at Seven.

"It seems to me that construing the words 'shall never exceed seven' to mean that the minimum number of justices shall be three, and that the most favorable construction possible to any limitation is that the number shall never exceed seven. To limit the number to three would be to restrict the words 'shall never exceed seven.' It would be as logical to say the words 'three' should be modified by the words 'not less than three,' and have it read that the number of justices shall never be less than three, as to hold that it was intended to be qualified by the words 'and no more,' making it read 'shall consist of three justices and no more.'

"It will be observed from the first section quoted, with other sections of the constitution, that four justices were provided for, and that the number of justices from which they were to be selected until the population reached 100,000, were limited to five, and that after the population exceeded 100,000, should never exceed seven. It is in this section that the legislative assembly of justices of the supreme court and provides what the limit should be after the state grew to exceed the population there specified.

Provides District Class.

"Further provision is made by section 2 of article VII for the justices performing circuit duty. The words 'shall never exceed seven' could not have been intended to limit the number of circuit judges, for under that section they were to be termed 'circuit judges,' but were to be just as the process of creating and section 10 provides for a distinct class for give the legislature the power to provide, and the time when circuit judges shall appear and be recognized as such, and that they shall consist of such number as may be necessary. There was no occasion in that section for placing a limit upon the number of justices to constitute the supreme court, for that was done by section 2, where that office

WIDOW OF BISHOP WOULD CHANGE MATERIAL IN NEW DELIVERED BY PLAIN

Mrs. Hannah Rodney Morris, widow of Bishop B. Wistar Morris, died this morning at 9 o'clock as a result of the paralytic stroke she suffered Sunday night. The funeral will be held at 10 o'clock after Sunday awaiting the arrival of her son B. Wistar Morris, of New York, who will arrive Sunday morning. The funeral will probably be Monday morning from the house.

Mrs. Morris had been 55 years old December 30. She was a woman of a good deal of vigor and great self-control, a truly religious temperament with much beauty of character. Throughout the bishop's service in the church she was a true helpmeet and after his death she continued her interest in the church. Bishop Morris died three years ago in the spring.

The Morris were identified with St. Stephen's cathedral, but a few had always been reserved at Trinity church for the late bishop's family and she was active in the parish work of both communities. She was deeply interested in charity work of all kinds and her unusual vigor for so aged a woman made it possible for her to engage in philanthropies actively. One of a family of superior mental attainments and great refinement, her spiritual life pictured itself in her face and she was often likened to a saint by those who met her.

The death of her youngest sister, Miss Clementine Rodney last week was a hardship to her and though she went through with the death and burial ceremonies last Friday with remarkable self-control she showed physical exhaustion afterward and Monday night received the paralytic stroke which caused her death.

The Rodney came out from Lewes, Del., with Bishop Morris many years ago and settled in St. Helena's church. Miss Mary B. Rodney, the other sister, who was active in the founding of the school, died some years since, and the remaining ones of the family are Miss Lydia Rodney and Henry F. Rodney.

Mrs. Morris is survived by four children, William Morris, and Miss Louisa Morris, who lived with her, Mrs. Samuel Dickinson Adair of Irvington, and B. Wistar Morris of New York, a prominent architect, who resides in the Wells Fargo building here. The eldest son, Rodney Morris, died many years ago at the age of 18, sacrificing his life in a vain effort to save two laboring men who were overpowered by the gases in a cesspool they were digging.

NO LONGER WILL UNCLE SAM, THROUGH THE MEDIUM OF ITS POSTOFFICE DEPARTMENT, BE AN ACCESSORY TO CLANDESTINE CORRESPONDENCE IF THE EFFORTS OF THE POSTMASTERS OF SEVERAL OF THE LARGE CITIES OF THE COUNTRY ARE SUCCESSFUL IN CLOSING THE GENERAL DELIVERY WINDOWS TO SUCH CLASS OF MAIL.

The postmasters at Washington, Pittsburg, Philadelphia and Chicago have already taken steps to reduce to a minimum the abuses made of the general delivery department, and Postmaster Young of Portland is at present in communication with the department authorities in regard to the same matter.

That the general delivery is commonly resorted to by lovers and sweethearts to avoid detection and by promoters of questionable schemes has long been known to the postal authorities, but little positive action has been taken to check such practices until the present time. The intricacies of dual lives have been assisted by this medium of correspondence; faithless husbands and wives have found it convenient to receive mail from certain sources through the general delivery window rather than at their respective addresses.

"It is a known fact in the Portland postoffice," stated Postmaster Young today, "that there are men and women in the city who require the service of the general delivery windows for the past 20 years during which time they have maintained residences in the several parts of the city to which their mail could well be delivered."

The general scheme by which the several postmasters who have taken up this matter would reduce the impostations upon the general delivery department is by requiring each applicant to identify himself and furnish an address within 30 days, at which mail can be delivered to him.

LAYS HEAD ON RAIL AND IS KILLED

until 7:22, when a Portland-bound Casadero train came by. As the first car bore down upon her she threw herself on the track, so close to the car that the motorman did not have any opportunity of stopping the train.

The woman, who was hurled her far off the right of way, breaking her arm and cutting her face and neck. Her death was instantaneous. The body was put aboard the car and freighted north, where it was removed to the morgue.

Quarrel Over Body.

R. R. Carlson, undertaker of Gresham, went to the Helney home and took the baby's body to his place. This caused a quarrel between him and the coroner's assistant, who contended that the Gresham man had no right under the law to move the body. Carlson contends that he telephoned to Dr. Ben Norden and was instructed to take charge of the body.

The neighbors, who had been told that Mrs. Helney had been insane for a long time. It is said that she has often threatened to kill herself and that one time about three months ago she secured her husband's razor and said she intended to cut her throat with it. Her husband and she did not carry out her threat.

Note in Pocket.

The woman was well dressed, wearing a light grey suit with heavy soled tan oxfords. In the pocket of her coat was found a piece of wrapping paper upon which was written in ink the name, "Anna Helney, one mile south of Pleasant View avenue." It is the opinion of the coroner that the woman intended this for identification purposes. No other articles were found in the clothing.

Act Carefully Planned.

That the woman had carefully planned and suicide contemplated is shown by the way the woman grasped the rails and held herself to the track. One arm was thrown in front of her face, and the other hand she reached over her head and clasped the rail and held with a deathlike grip.

The car had been moving at a rapid pace, and with such a short distance it was impossible for Motorman Young to stop before striking her. The fender of the car was low, and struck her on the head, pushing the woman off the track. The arm that was over the rail in front of the woman's face was partially cut off by the wheel near her feet.

The skull was fractured by the fender striking the head, and several minor bruises were sustained about the face and neck. E. Heath, conductor, ran over to the woman, but death had been instantaneous. The body was brought to Portland on the train, and taken in charge by the coroner. An inquest will be held.

Well Known as Musician.

Mrs. Helney is the daughter of A. B. Gibbs, who resides near Gresham, and is one of the old-time residents of the district having taken up a donation and claim there in the early days. She was educated in Gresham and is well known as a musician and artist.

Several sisters and two brothers survive her, as follows: Mrs. Dickinson, of California; Mrs. Swable, of Tacoma; Mrs. Robinson, of Gresham; Mrs. White, who lives with her father near Gresham; Mrs. Ada Franklin, of Portland, and Roy W. and Frank Gibbs, of Gresham.

Record Price for Land.

Wood River, Oct. 21.—The highest price ever paid for orchard land in Hood River valley was paid yesterday when Clyde E. Mason of Chicago purchased 12 acres of 5-year-old trees from Mr. Radford for \$12,500.

EVIL BOOTH ON SUFFRAGETTES

Los Angeles, Oct. 21.—Women should have the privilege of the polls, but many of them, particularly the militant suffragettes of England, are conducting their campaign for the ballot upon ridiculous lines, according to Commander Eva Booth of the Salvation Army, who is in Los Angeles.

Miss Booth reached this city late last night from Denver, accompanied by several members of her staff. She is making a tour of inspection of the west, and plans to visit all the larger coast cities. "Most assuredly I think women should vote," was Miss Booth's reply to a direct question, "but I grieve to see them doing things that might be termed unwomanly. Women in England have been doing outlandish things to secure suffrage; they have done things that appeared to be hysterical and silly, and such radical measures have gained them little sympathy."

"I believe men were intended to bear the heaviest burdens of life—to breast do nothing to subtract from the gentleness with which she has been endowed. But it must be remembered she pays taxes on the property she holds, and should for that reason have some voice in the government of her country."

Miss Booth will spend several days visiting the southern California cities in which the army has posts.

Lowered Freight Tariff on O. R. & N. Lines in Valley Is Welcomed.

Walla Walla, Wash., Oct. 21.—The reduction of the freight tariff on the O. R. & N. between Walla Walla valley points and the coast, of practically 2 cents per 100 pounds, was announced here yesterday. The rate becomes effective November 1.

This reduction means the saving of thousands of dollars to the farmers and shippers of the Walla Walla valley, and adds more than 1 cent a bushel to the value of grain. For years there has been an effort to secure the reduction. The rates, new and old, follow:

Table with 3 columns: Old rate, New rate, and Location. Locations include Walla Walla, Duxton, Wainburg, Pendleton, Wallula, and Prosser.

A reduction from Walla Walla valley points to Spokane is also announced, making the rate 17 instead of 19 1/2.

HOOKWORM HITS STEFFEN MURDER CASE IS CALLED

Athens, Ga., Oct. 21.—The baneful hookworm, to which scientists attribute the laziness and lack of energy among southerners, has made its appearance among the University of Georgia football squad, and the college physicians are of the opinion that the team this season.

Dr. J. C. Bloomfield, president of the local board of health, has examined the students of the university at the request of the faculty, and he reported that at least 30 per cent of the team were suffering from the peculiar parasite. Many of these students are from the wealthiest families of the state, discrediting the belief that the worm was prevalent only among the poorer classes of whites.

RECEIVER MAY DAUGHTER BEATS SE DIRECTORS MOTHER-IN-LAW

An order permitting Receiver T. C. Devlin to sue the directors of the Oregon Trust & Savings bank for sums alleged to have been lost through mismanagement will in all probability be signed by Circuit Judge Gantenbein late this afternoon or tomorrow. This will clear the way for the complaint filed a few days ago by A. E. Clark as attorney for the receiver.

Judge Gantenbein explained that he is withholding his signature from the order because of one small point which he desires made plain before he attaches his name. In the order permitting the suit to be brought it will be stipulated that this will not in any way affect the settlement by the German-American bank of the accounts of depositors of the defunct bank and will not result in delay. Claims of all the depositors must be paid not later than January 12 next under the agreement heretofore made when the German-American took over the assets and assumed the liabilities of the Oregon Trust.

HOUSES IN SUBURBS NOW HAVE NUMBERS

Residents of Rose City Park, Rosemead and all other suburban districts north of East Stark street and east of East Forty-second street may find out what the numbers of their residences should be by applying either in person or by mail to the city engineer's office.

TRADE SCHOOL WILL KEEP OPEN HOUSE

The trade school at the Atkinson school, Twelfth and Davis streets, will hold open houses tomorrow from 9 o'clock in the morning until 3:30 in the afternoon. The school is now running and the friends of the institution are invited by Principal Hamilton to visit the schoolrooms and see for themselves what is being done there.

SEATTLE MAN FOR MINISTER TO CHINA?

Washington, Oct. 21.—An unexpected report is in circulation here that Judge Thomas Burke of Seattle, Wash., has been offered the post of minister to China to succeed Charles R. Crane of Chicago, who was recalled to Washington on the eve of his departure from France for his post and whose resignation subsequently followed.

FEW PROTESTS; MADE INCREASES

Property Owners Ask to Have Assessments Raised.

Only 15 new protests were filed with the county board of equalization in session at the courthouse this morning. The total to date is 170, a decided falling off from the corresponding time last year. None of the public service corporations have yet appeared in the role of objectors.

The King's Heights Realty syndicate, following the lead of B. Gilman and his associates, came in yesterday afternoon with an application for increase in the valuation of their property from \$62,000 to \$154,000. The King's Heights people are putting in extensive street improvements and desire to bond the district for them, but can only bond the amount of the assessed valuation. The increases asked will no doubt be granted, and this will far overbalance the protesting companies now in sight, even though all applications for decrease should be granted.

The Marine Iron Works, which owns eight lots on the St. Johns waterfront, has asked that a reduction be made from \$24,000 to \$18,000. The water figures are those of last year, but the year before, and the company says they are abundantly high, there having been no large increase in property values there.

The Columbia River Packers' association, written from Astoria, is asking that the machinery in the cannery plant at Rooster Rock be not assessed for more than \$2500. Admitting that the company would not sell for that sum, it is argued that for any other purpose, placed on the market, it would not be worth any more than that.

E. C. Atkins & Co. ask for a cut from \$14,000 to \$10,000 on money, notes and accounts, while the Portland Furniture and Upholstery company wants to be reduced from \$12,000 to \$8,000 on merchandise. The Northwest School Furniture company asks that its \$20,000 assessment be pared down to \$17,751.

H. Manchester makes complaint that the tax on his property is too high, but to sell his place. He says he is 75 years old and has little income. He will soon have to pay \$125 for a sidewalk, and last year he paid \$35 taxes, \$20 higher than ever before.

Mrs. Mae Riley of 512 Marshall street says the assessor made a woeful mistake in assessing her household goods at \$1900. The true figures are \$150, she declares.

George Trueman says the figures on lot 5 in block 522 should be reduced from \$17,000 to \$15,000. The Wiley B. Allen company says a \$200 valuation should be placed on its \$5000 notes and accounts, instead of \$5000.

The Louis F. Vial estate reports that its notes were disposed of before the date of assessment and that \$3500 fixed on money, notes and accounts should be removed. For that reason they have gone out of business. E. H. Brainard & Co. want a \$2500 item cancelled. Ernest Miller says his personal tax should be \$1175 instead of \$4700.

Louis Arstoll Found Guilty

(Salem News of the Journal.) Salem, Oct. 21.—Louis Arstoll was found guilty by a jury in Judge Burnett's department of the circuit court today of assault with a dangerous weapon and attempt to murder. Arstoll had been released from the penitentiary but a few days last summer when he attempted to hold up J. J. McDonald, proprietor of the Liberty store on the road between Liberty and Salem. Arstoll is to be sentenced Saturday.

PERSONAL

Fred Lockley, manager of the Pacific Monthly, who has been seriously ill with typhoid fever at the Samaritan hospital for the past three weeks and reported to be resting easier today, although he is not yet out of danger, will

WOMEN SHOULD VOTE, AS WANT A MISSISSIPPI-TO-GULF CANAL DUG ACROSS LOUISIANA AND TEXAS.

Corpus Christi, Texas, Oct. 21.—With several hundred delegates in attendance, coming from numerous cities and towns of Louisiana and Texas, the fifth annual convention of the Interstate Inland Waterway League was opened here today. The aim of the gathering is to promote the construction, as a national enterprise, of a channel nine feet deep and 100 feet in width across an important section of Louisiana and Texas to connect the Mississippi river with the Gulf of Mexico. The business sessions of the convention are to continue two days, and addresses will be delivered covering every phase of the subject by men familiar with the problems of the undertaking. President Taft has accepted an invitation to come to Corpus Christi from his brother's ranch and deliver an address to the delegates tomorrow morning.

Today's coroner meeting was given over largely to welcoming the guests and organization. Roy Miller, secretary of the Corpus Christi Commercial club, welcomed the delegates, for whom response was made by Henri L. Guaydan, president of the organization. The exchange of greetings was followed by the address of the president, C. B. Holland of Victoria, Texas.

This afternoon, following reports from the standing committees, the convention listened to an address by Secretary of War Dickinson. The addresses were delivered as follows: "Need of Coast Waterway Improvements," Congressman John N. Garner; "Transportation and Freight Charges," Congressman Nelson Lanning N. Beach, United States Corps of Engineers; "Influences of Water Routes of Transportation," Congressman James L. Slayden; "Appropriations Alone Will Not Establish a System of Water Transportation," Congressman Rufus Hardy.

Governor Campbell of Texas, ex-Governor Blanchard of Louisiana, and Edgar C. Ellis of Kansas City are scheduled as speakers at tonight's session of the convention.

CHIEF OF POLICE WANTS CLEAN CITY

In his efforts to clean up and improve the moral condition of Portland, Chief of Police Cox has issued stringent orders to his men, and announces that they must be obeyed. The action of the chief is in cooperation with the Municipal association to put down the social evil, and further efforts to make the city one among the cleanest in the country. The chief's orders issued today are as follows:

Captains of Police—Instruct all officers to give close attention to the moral condition of the city and keep a sharp lookout for gambling games, women soliciting on the street, maqueranes, etc., and wherever evidence can be obtained against people of this class, report it to the chief. The chief officer would insure conviction in court, they must be arrested and brought in. The officers must be vigilant in this matter, and give it their closest attention and endeavor to rid the city of these undesirable.

JOHN CONSIDINE GETS FRISCO HOME

(United Press Leased Wire.) San Francisco, Oct. 21.—It was learned today that John Considerine of the vaudeville circuit, who had been in American theatre in this city from Abe Cohn and Ed Hamen, owners of the Market street playhouse. The negotiations for his return to Frisco have not yet been completed, however.

Considerine is not giving Considerine control of the theatre, but is to have a permanent house for his attractions in San Francisco. The purchase will directly affect Gramman's vaudeville theatre, "the National," which is the property of the Sullivan & Considerine circuit.

Cohn and Hamen both affected surprise when asked about the deal. Hamen admitted there was "something doing" but that he had been sworn to secrecy.

Considerine is now at Los Angeles, having left for the southern city yesterday.

MAIL FROM EAST MAKES FINE TIME

For the first time in its history Portland has been experiencing for the last 10 days a mail service from the east faster than all previous services by 24 hours for all practical purposes. With the innovation October 16 of a fast through mail train on the Greatman lines out of Chicago, mail leaving there at 10 o'clock in the evening reaches Portland at 7:50 o'clock on the morning of the third day, instead of in the evening of the third day, as heretofore.

By its early arrival the mail is delivered during business hours of the same day, which brings Portland in closer touch with the eastern business world by practically 24 hours. That the local business interests are much pleased with this new arrangement is accepted by the officials of the Portland postoffice, whom experience has taught to expect comment only in the event of poor service.

RABBITS DEVASTATE RICH VALLEY LANDS

(Special Dispatch to The Journal.) Walla Walla, Wash., Oct. 21.—When the cold weather of last winter came on, freezing the Columbia river, thousands of rabbits crossed the river to the mainland to Blalock's island, and a hunt is being organized for November 20, at which time an attempt will be made to exterminate the pests. Since the increase in the summer through breeding this summer the animals threaten to destroy everything on the island. Fruit trees are being ruined and vegetable crops devoured, and the hunt will be one for extermination more than for the pleasure of hunting.

CONSTABLE TAKES AUTO TO GARAGE

Deputy Constable William Kiernan of the justice court took possession of an automobile belonging to Charles P. Fisher, a broker in the Hamilton building, and drove it to a garage where it will remain until the owner puts up \$100 in satisfaction of a judgment in favor of Bradstreet & Co. Mr. Fisher is in the Chamber of Commerce building on some business and while he was inside, Deputy Constable Kiernan came along and levied on the machine.

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