

OREGON REFORM LAWS UPHELD BY JUSTICE W. R. KING

in Decision Denying Rehearing to Bridge Obstructionists Takes Firm Stand for Initiative and Referendum.

Along with the rout of the Broadway bridge obstructionists by the denial of their petition for a rehearing...

The decision is the judicial valedictory of Justice W. R. King, who wrote the opinion...

Before its statehood was recognized Oklahoma had adopted, as a part of its constitution...

"We have an illustration of the principles announced in Luther vs. Borden. In the admission of Oklahoma as a state...

"After giving a definition of 'republican form of government,' as adopted by the courts Justice King says: 'Measured in the light of the above, it is difficult to conceive of any system of law making coming nearer to the great body of the people of the entire state...

"It was to escape the oppression resulting from governments controlled by the select few, so often ruling under the assumption that 'might makes right,' that gave birth to republics...

"From this it follows that each republic may differ in its political system, of the machinery by which it moves, but so long as the ultimate control of its officials and affairs of state remains in the people...

"Of this we have many examples in Central and South America. It becomes a matter of degree, and the fear manifested by the briefs filed in this case would seem to indicate, not that we are drifting from the secure moorings of a republic, but that our state, by the direct system of legislation complained of, is becoming too democratic, advancing too rapidly toward a republic pure in form...

"But, viewed from any standpoint, such is the logical sequence of the contention made by appealing in his brief, and the supplementary observations accompanying it, where it is, in effect, asserted that because the people have reserved unto themselves by constitutional amendment the exclusive right to enact special legislation concerning municipalities...

"In other words, it is contended that the right of the city of Portland to legislate upon matters of municipal concern, to provide for the exercise of its right of eminent domain, to build bridges, etc., would be in harmony with the above provision of the federal constitution, if delegated by the people through their representatives, but not so if done directly by them through the initiative...

"In brief, the effect of this argument is that the people may legally do indirectly, by the mere enactment of the law, what they cannot do directly by constitutional amendment. The statement of this contention should be sufficient for its answer."

Sustains City's Position. Distinct affirmance of the position of the city in the Broadway bridge case is given in the following excerpts from the court also taking notice of objections cited by Frederick V. Holman in criticism...

BANKING OUTLOOK ENCOURAGING SAY MONEY HANDLERS

New York Bankers Express Optimistic Sentiments in Money Matters for Coming Year of 1911.

(United Press Leased Wire.) New York, Dec. 31.—Optimism in the banking outlook for 1911 is expressed by representative bankers of the country...

"We look for some more trade reaction, leading to an easier money condition and thereafter a gradual recovery, of course, confidence and enterprise. This country has not gone to the dogs..."

"The best feature of the present outlook is somewhat better demand for lumber. We do not look for a great revival in business conditions during 1911."

Want Better Currency Bill. C. H. Huttig, president of the Third National Bank of St. Louis...

"One of the most encouraging features is the probability that congress will at its spring session pass a satisfactory currency bill. The money market prospect is for an abundance of loanable funds."

A. C. Jones, vice president of the First National Bank of Kansas City. "I do not look for any material revival of business during 1911, but an of the opinion that conditions will run along very much as they are now until after another crop shall have been harvested."

E. O. Watts, president of the First National Bank of Nashville. "Big crops of every kind, the slowing down in manufacture that is present, and the slight degree of personal and general economy that trails such a period as 1910 will more than likely make easier money markets during 1911."

Extravagance Checked. W. H. Bucholz, vice president of the Omaha National Bank. "A decided check in extravagance and a conclusion to curtail speculation are encouraging features of the outlook."

H. B. Wilcox, president of the First National Bank of Baltimore. "One of the most helpful features is the fact that our bankers have been preaching a doctrine of 'go slow' for some time past, which, we think, is having its effect."

Francis R. Reeves, president of the Girard National Bank of Philadelphia. "I consider the most helpful feature of the outlook is God's generous reward to honest labor in the large returns to be expected from our crops and grains."

cism of the initiative and referendum. "All the prerogatives attempted to be exercised by Portland in the construction of the Broadway bridge could formerly have been granted by the legislature, and the power to provide therefor, having been delegated to the city by amendment to our organic laws, is valid, and the right to exercise such powers will continue until such time as changed by general enactments of the law-making department of our state, provision for which may be made by the legislature by general laws, applying alike to all municipalities of that class, or by the people through the initiative, or by the enactment of either general or special laws on the subject (setting authorities)."

Can Repeal All Laws. "In the public address prepared by Honorable Frederick V. Holman, attached to and filed as a supplement to petitioner's brief, it is argued that our previous holding in Hall vs. Dunn, 52 Or. 475, and Straub vs. Harris, 54 Or. 424, to the effect that we have but one law-making department, composed of two separate and distinct law-making bodies: (1)—The people, acting directly through the initiative; and (2)—The people acting indirectly through the legislature, either of which, in a manner provided by law, may undo the work of the other, and necessarily must lead to disastrous results, etc. In that an act passed by the first may, immediately on the convening of the legislature, be repealed, and one enacted by the legislature assembly may also be repealed through either the initiative or the referendum. "But that objection applies only to the question of expediency, and not to which the lawmakers, and not the courts, are concerned. It might not be inappropriate, however, to observe that the same objection may, with equal force, apply to all legislative bodies. Our legislature to convene next week can, if it so chooses, repeal all the laws (not included in constitutional amendments) enacted at the November election, and thus undo the work of the last legislative assembly. "Again, two years later, or earlier, a special session of the legislature might be called and enact many laws, and the day following its adjournment the newly elected legislature might convene and repeal all the laws that went into effect the preceding day. The same may also be said of congress, but it is seldom, if ever, urged as an argument against a representative system, or alluded to as indicating that our government is becoming unrepresentative in form."

Fallacy of Suggestion. "It is also suggested that under our system, as created by this court, we have four legislative bodies in place of two: First, the legislature; second, the people of the whole state; third, the people of a municipality; fourth, the common council or commissioners. This suggestion, however, overlooks the fact that in the above cited cases no amendment was made only to legal departments of the state, and not to municipal or other minor and quasi-legislative bodies. The fallacy of this suggestion (like many others which we are called upon to notice, and which will not be specifically discussed) is obvious. "The contention made in the appendix to counsel's brief, that under the interpretation given by this court to the charter amendments cities may invade the domain of state legislation to the extent, if desired, of condemning state property (such as capitol buildings, etc.), has no justification either in a language of the amendment or anything thereof."

People's Forum.—The People's Forum this evening will consider the matter of "How the Oregon Farmer Regards the Single Tax." This will be presented by H. D. Wagon, followed by other speakers. Medical building, Park and Alder.

SPECIAL SERVICES IN ZION CHURCH

Congregation to Commemorate Emancipation Proclamation Tonight.



Dr. James A. Merriman

In commemoration of the Emancipation proclamation, First African M. E. Zion church will this evening hold special services at the temple of the denomination, corner Thirtieth and Main streets. Rev. W. W. Mathews, pastor of the church, will conduct the services, which will consist of addresses by prominent churchmen and women.

Reuben Crawford, an octogenarian, will tell of some reminiscences of slavery days. Mr. Crawford was born in Virginia in 1828. He came out to the Pacific coast immediately after the war and has been a pioneer of Oregon for 43 years. During the war Mr. Crawford enlisted in the Confederate navy and helped to build the Merrimac.

James A. Merriman, M. D., will deliver the emancipation address. Dr. Merriman is a graduate of Talladega college and of Rush Medical college, Chicago. He was the first licensed negro practitioner in the northwest, having passed the examination given by the Oregon State Board of Medical Examiners in 1903.

Joda D. Lewis, a negro politician of Mississippi and Oklahoma, will act as chairman of the evening.

Following is the program to be given: Remarks, chairman of the meeting, Joda D. Lewis; invocation, Rev. D. S. Drew; America, audience, led by Mrs. W. E. Peck, soprano; remarks, mistress of ceremonies, Miss Claudia Vaughn; selections from Bohemian Girl, violin and piano, Misses Louise and Grace Logan; reading of the Emancipation proclamation, Mrs. Laura Jones; trombone solo, Lewis Mills; duet, selected, Mrs. V. E. Keene and Mrs. H. M. Gray, Lincoln's address at Gettysburg; Miss Marcenia Hankins; vocal solo, Mrs. D. Parrish; reminiscences of slavery days, Reuben Crawford; Battle Hymn of the Republic, audience, led by Colonel W. H. Carter; address, Dr. James A. Merriman; Star Spangled Banner, audience, led by Mrs. V. E. Keene, soprano; announcement and benediction by Rev. W. W. Mathews, Miss Pearl Miller will be the accompanist.

LAST WORDS IN PRAISE OF SON

(Special Dispatch to The Journal.) Natchez, Miss., Dec. 31.—Mrs. Parthenia T. Chamberlain, mother of United States Senator Chamberlain of Oregon, died here yesterday. Senator Chamberlain arrived today to attend the funeral. "I would like to see George my son before I die. He has always been good to me. I die happy because I know justice was done him in the matter of his election to the United States senate. They said he would not be elected, but I never had any doubt." Such was Mrs. Chamberlain's last statement. Mrs. Chamberlain was ill at the time her son's election was in doubt in Oregon, and while she expressed confidence in the result she was much relieved when she heard the returns. Mrs. Chamberlain, although 90 years of age, was hale until a few days ago. She helped prepare the Christmas dinner for her family, which was one of the best known in the south. Her descendants are prominent in social, business and political circles.

OREGON MAN WEDS GIRL HE MET ON MOUNTAIN

(Special Dispatch to The Journal.) Boston, Mass., Dec. 31.—After a most romantic meeting in the top of one of the highest mountain peaks in California, where they met as members of different mountain climbing parties, the engagement is announced of Dorothy Binney of Strafford, Conn., and George Palmer Putnam of Bend, Or., son of J. Bishop Putnam. The bride to be was a student here when she met her fiance on the mountain. She was noted here as an athlete, excelling in basketball and water sports. He studied at Harvard and the University of California. Miss Binney's father is Edward Binney, member of the firm of Binney & Smith of New York and London.

George Palmer Putnam has been engaged in newspaper work in the Deschutes country for the past year, and is a writer of considerable ability. He has been one of Bend's best boosters, and his newspaper and magazine articles have been sent all over the world.

Pensions for Steel Employees. New York, Dec. 31.—With the beginning of the new year the United States Steel corporation will put into effect a pension system for the benefit of its employees. Two plans have been adopted. One provides for the pensioning of men of 40 years of age who have been in the corporation service 20 years, if the employee desires to retire. The other provides for compulsory retirement at the age of 71, with a pension if the employee has been 20 years in the service.

WATER RIGHTS ARE ADJUDICATED

Water Rights of Nine Stream Systems Determined Within Two Years.

(Salem Bureau of The Journal.) Salem, Or., Dec. 31.—An order was entered today by the board of control, adjudicating the relative rights to the waters of Squaw creek and Tumalo creek in Crook county. This makes nine stream systems for which all water rights initiated prior to the adoption of the new water code have been determined in less than two years. They are all in the eastern division of which F. M. Saxton of Baker is superintendent.

The fees collected by Mr. Saxton this year in these cases more than equaled the entire appropriation for the maintenance of the board. The average cost to each claimant was about \$16. For this he will receive a water right certificate from the state as soon as the decrees of the board are confirmed by the circuit court. With these two cases disposed of, the work in eastern Oregon is in good shape to turn over to George T. Cochran of La Grande, who succeeds Mr. Saxton as superintendent of that division.

On January 1, James T. Chinneck will succeed H. L. Holgate as superintendent of the western division. State Engineer Lewis, who is ex-officio chairman of the board of control has been elected to succeed himself. No time will be lost by virtue of this change in the membership of the board, and steps will be taken immediately upon organization to proceed with the determination of rights on the Umatilla river, Crooked river, Rogue river, Altoona and Sucker creeks, Little Butte creek, Willow creek in Malheur county, and North Powder river in Baker county. Work is well under way on all of these streams. Seventy-five ditch rights were involved in the Squaw creek determination for which an order was entered today. These ditches serve to irrigate at present over 6000 acres, and rights are claimed to irrigate many additional acres.

The Tumalo creek adjudication was the most complicated that has so far come before the board for determination. It involved the right of the Columbia Southern Irrigating company to divert sufficient water for 27,000 acres which is being reclaimed by the state under the Carey act. Many of the settlers file separate claims. The company had in addition sold water to lands not included within the segregation. The greatest practical difficulty was the inadequacy of water supply. Sixty-one contests were filed in connection with this determination. The decree protects the settlers in their water rights, as well as those who purchased water for outside lands. The company is protected in an equal right to water with the settlers for the patented lands. The balance of the segregation was decreed a right to water subsequent, however, to the right of two lower ditches for approximately 500 acres.

WANDSBEK ARRIVES

Old Trader Crosses Bar and Will Load Lumber Here.

On the tall end of a northwester the German bark Wandsbek, an old trader here, arrived in over the bar at 1 o'clock yesterday afternoon from Santa Rosalia and reached Astoria at 3 o'clock. She is in ballast and will load lumber for South Africa for the Oregon Pine Export company.

On her first voyage here in 1900 the Wandsbek was the British bark Anycra, and she loaded wheat out. She has been here several times since being bought by the Germans, and on her last voyage to this port in 1909 she took out a cargo of wheat in the month of December. She has a vessel of 2115 tons net register, and is in command of Captain Kohnke, who is also well known here.

Editor "Ed" Howe Retires. (By the International News Service.) Atchison, Kan., Dec. 31.—Ed Howe, for years editor of the Atchison Globe, today retired from the editorship of the paper. His quaint philosophy and humor made the paper famous throughout the world.

THOMPSON LOOMS FOR SPEAKERSHIP

Bowerman in Senate and an Assembly Program Included in Plan.

Jay Bowerman for president of the senate, W. Lair Thompson for speaker of the house and an assembly legislative program for both branches of the legislature.

These are the big stakes for which the old crowd of manipulators are playing. They are using the old tricks, practiced so successfully in the days when progressives were few. They are beginning to pull hidden cards from their sleeves and these cards reveal the plan behind. If they can put Bowerman and Thompson in the saddle and organize the two houses at their leisure, they figure they can end up considerable

bothersome reactionary legislation to the new governor, whom they want to "put in a hole." Thompson has begun to loom up in the speakership fight within the last week, and is beginning to be regarded as one of the leaders in the fight. He has few votes pledged, but the undercurrent of standpatners is setting in toward him. To elect their man they must manipulate and concentrate. They have apparently become convinced Eaton cannot win, and Thompson seems to be the pick. Thompson lined up with Bowerman early in the assembly campaign. He came to Multnomah county about two weeks before the assembly and helped to make things solid. He comes from Lake county and is an eastern Oregon man, which at first would seem to be against his chances if Bowerman wins for president of the senate, as the combine idea is to pay no attention to geographical lines, boost Thompson along as the heir to votes of other assembly aspirants, and depend on Thompson's organizing abilities to do the rest. Eaton is losing ground, and the Thompson ground swell promises to sweep him out of it. Rusk's following is unbroken, composed as it is mostly of progressives. McKinney also asserts he is holding his own. It is an interesting fight, complicated still further by the uncertainty as to whether Bowerman or Ben Selling will hold the gavel in the senate.

PASTOR PERMITTED TO CARRY WEAPON

(United Press Leased Wire.) Bellingham, Dec. 31.—Fearing physical violence, the Rev. John Roberts MacArney, pastor of the High Street Presbyterian church of this city, obtained from the mayor and police chief a permit to carry a gun. The application was made after several threats had been made by writers anonymous letters. MacArney was one of the leaders in the dry fight waged lately, and received some hot shot from his opponents. Other dry leaders have also been threatened.

INTENSE COLD, DEEP SNOW, IN NEW YORK

(Publishers' Press Leased Wire.) Saratoga Lake, N. Y., Dec. 31.—A placid reported 28 degrees below zero early today. Thermometers here indicated 24 below and at Lake Clear below. The snow is 30 inches deep in the woods, the heaviest December fall in 32 years.

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