

HIGH COURT KILLS POLICE PENSION LAW

Held Today That Legislative Measure Is Unconstitutional and Can Not Be Enforced.

(Salem Bureau of The Journal.)
Salem, Or., June 16.—The law enacted by the last legislature providing for the pension and relief of policemen in cities of 50,000 inhabitants and over, was declared unconstitutional today by the supreme court, because it interferes with the right of cities to govern themselves. The opinion was written by Justice Ramsey, and Chief Justice McBride and Justice Burnett dissent.

Justice Ramsey incidentally takes a fling at the legislature for presuming to enact such a law to apply to cities, when the rest of the state is not concerned in such legislation.

He held that the law was in conflict with the amendment to section 2 of article XI of the constitution, which says the "legislative assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town."

"The act of 1913, referred to in the alternative writ, is an attempt to amend, by indirectness, the charter of the city of Portland, and to compel said city to give its policemen, under stated conditions, pensions equal to one half the salaries now paid them," says the opinion.

"This act, in its entirety, is purely municipal. Every provision of it relates to municipal and not to state matters. It provides for pensions and relief for city officers, and provides for payment of the pension and relief from city revenue. No person outside the city has any interest in it, unless he has property subject to contribute to this fund. Only city property and city business are required to contribute to the fund for the payment of pensions and relief."

"We are not much concerned as to the policy that prompted the passage of this act. The granting of said pensions and relief affected only persons in the city, and why the legislature, a large majority of whose members resided in other parts of the state, forced this act upon Portland, it is difficult to comprehend. It would seem that persons not residing in Portland would see the propriety of permitting Portland to legislate for herself as to her own affairs."

"A city with about a quarter of a million of inhabitants is surely capable of self government."

The act which was declared unconstitutional today provides that all cities having a population of more than 50,000 inhabitants shall make provision for a pension fund. It further provides that all members of a department who have served for more than 20 years and who have reached the age of 60 years, shall be pensioned yearly, the amount to be equal to one half the salary attached to the position held. Provision is made for relief during illness or disability.

The act was passed by the last legislature at the instance of members of the Portland police department. L. G. Carpenter, a former member of the department and a member of the legislature, was the author of the measure. Considerable money was spent by the police to secure its passage.

The city has paid no money from this fund since its passage. Mr. Roche always holding that the law was unconstitutional. Mr. La Roche and Deputy Harry Tomlinson handled the case for the city, and the city attorney, C. C. and Roger Sinnott for the police.

Municipal Band at Brooklyn Tonight

Director Charles L. Brown Wins Enthusiastic Applause in Rendering Popular Program.

The Municipal Park band will give a concert this evening. Brooklyn park, Milvick and Powell streets. Director Charles L. Brown has prepared an interesting program. The concert will begin at 8 o'clock.

Last night the band played for a crowd of several thousand people at the South Parkway, Jefferson and Park streets, and received most enthusiastic applause. The program was splendidly rendered. It contained several numbers of the latest popular music.

Tomorrow evening the band will play at Holiday park.

Petition for Administrator.

Klamath Falls, Or., June 16.—The taxpayers of the local school district yesterday voted to furnish free text books to the pupils in the grammar grades. This does not as yet apply to the high school, which is maintained by the county. P. L. Fountain, a member of the school board for 10 years, was again reelected.

Free Books at Klamath.

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FISHER, THORSEN & CO.

Manufacturers and Jobbers of Everything in Paints, Varnishes, Stains, Enamels, Etc.

The Big Paint Store

Front and Morison Streets

MISSING AERONAUTS MAY HAVE MET DISASTER



Roy Donaldson.

Wilber Henderson.

IMPORTANT ALLIANCE IS EFFECTED BETWEEN LARGE REALTY FIRMS

San Francisco and New York Company Will Exchange Business With Local Men.

An important announcement relating to Portland real estate was made today by the Fred A. Jacobs company. This firm has just consummated an arrangement with A. J. Rich & Co., when well known operators and auctioneers of San Francisco and New York, by which these two firms will interchange their business, bringing A. J. Rich & Co. into the Portland field as operating in downtown inside city real estate, and the Fred A. Jacobs company into the San Francisco suburban field.

The first result of this deal will be a public auction of Portland city improved and unimproved properties, to be held by A. J. Rich & Co. in conjunction with the Jacobs company in the next 60 or 90 days. A. J. Rich & Co. conducted last month the largest auction sale of real estate ever held on the coast in the ballroom of the Palace hotel in San Francisco, when they placed before the public over 50 pieces of property, aggregating in value about \$4,000,000, which was perhaps, without parallel in this country, as a real estate auction. The attendance represented more wealth than was present at the meeting at which the Panama exposition was launched.

The announcement of this firm would conduct the same kind of a sale in Portland, after they had carefully made an examination of the conditions here, it believed to be a sign of the growing activity in Portland real estate and the prosperity of the city. A. J. Rich made the assertion today that this will be the largest real estate event of its kind in the history of the northwest real estate operations.

It is significant that a firm of the character of A. J. Rich & Co., looking over the Portland field, should consider the market in sufficiently healthy state to warrant the transfer of the large business from San Francisco for the time of this auction.

A. J. Rich, who has been here in person for the last week, making a careful study of the market, is more than sanguine as to the success of this great undertaking.

SEARCH PARTY DRAGNETS FOR LOST BALLOON

(Continued From Page One)

farther into Bull Run and will work in toward Larch mountain. Sheriff Tom Wood left last night with Deputies Beckman and Lumsden and Rater Trenkman, special officer of the Portland Automobile club, for Clear lake country back of Mount Hood. A report received from them about before noon was to the effect that the auto had become stalled and that Wood and Trenkman were returning this afternoon. Beckman and Lumsden will stay, however, and will work the west range from Clear lake to Clackamas lake. They are traveling light and have six days' provisions.

Experienced Men Needed.

C. C. Colt, president of the Portland Rose Festival association, made plans to leave in an automobile last night but before midnight decided to change his plans. According to L. S. Kaiser, superintendent of the Bull Run waterworks, it is useless to attempt to scout the country in automobiles. Woodmen, and men experienced in covering the wild forests of the vicinity, are needed to make any adequate search, he says. Volunteers of this stamp are wanted.

An idea of the denseness of the district may be gained from the assertion of Adolph A. Sorenst that has covered territory in the district which has

cruised 57,000,000 feet of timber to 3250 acres.

The country is wild and desolate, particularly so because it has been set aside as both forest reserve and watershed. Not only are the chances of becoming lost exceedingly large, but the food supply taken by the two men was only sufficient for about two weeks. They had a .32 caliber revolver and Donaldson had lines and hooks of the variety used back in Illinois for catching carp and suckers. Game would probably be fairly plentiful, however, but it doubtful that they can bag much of it with such a small revolver.

Food Carried by Balloonists.

The provisions taken along in the Springfield was as follows:
3 cans beans.
4 loaves bread.
6 cans tomato soup.
6 bottles grape juice.
1 dozen oranges.
1/2 dozen lemons.
5 packages chocolate.
1 package raisins.
3 men had no matches, but were provided with a pack of time for cooking aloft in the balloon. Intense heat is generated by simply pouring water on the matches.

The woods should contain wild berries at this time and of course the supply of water is inexhaustible. The bread taken was made of unbolted rye commonly called pumpnickel and is very nourishing. Unsweetened chocolate is known to be capable of nourishing the body in the absence of other kinds of food for long periods, and if the aeronauts conserved their supply they should have enough to sustain life for some time.

Donaldson Youngest Pilot.

Roy Donaldson is the youngest of the quartet of air pilots who started in Thursday's national balloon race. He makes his home in Springfield, Ill., where he is in the fire business. Donaldson has made two or more trips to his credit, but lacks the experience of his older rivals.

Joseph M. Rieg, manager of aeronautics and aerial association, is of the opinion that the missing balloon went off in a southerly direction and will be found in the same county where the Watts landed. It is probable that he will lead a searching party.

Forest rangers for miles around the place are on the qui vive for signs of the missing men and with the search now in progress it seems reasonable to assume that some trace will be found of them shortly.

Mr. Rieg received a telegram from W. B. Donaldson, brother of the missing pilot, this morning asking if he could be of any assistance by coming to Portland. Rieg replied: "Doing everything to find your brother."

The last word from the missing balloon was received by carrier P. H. Thursday night. The message was dated Thursday, 8:10 p. m., and stated that the aeronaut was moving in a southeasterly direction. The position was given as 10 miles southeast of Oregon City.

Large Timber Tract Included in Deal

Lovegren Lumber Company's Plans Will Probably Be Carried Out Soon Along Original Lines.

It is understood that a deal is about to be consummated whereby the extensive holdings of the Lovegren Lumber company at Cherry Grove, in Washington county, will be developed along the lines originally intended by L. A. Lovegren.

R. V. Jones, of the Western Oregon Trust company, is reported as having purchased a large interest in the property, which includes about 7000 acres of timber, a sawmill and a five mile branch of railroad from Patton on the Southern Pacific to Cherry Grove.

The branch railroad was built and the same log pond was put in while at the same time the town of Cherry Grove was established. The townsite is not included in the deal.

It is stated that Mr. Lovegren, who is a practical lumber man, retains interest in the deal. The timber is cruised at approximately 370,000,000 feet.

D. A. R. Extends Its Thanks.

Responsive to the assistance it received in its efforts to secure the largest and best display of roses ever gotten together in the county was assembled. Scappoose, St. Helens, Rainier, Marshland, Mist, Quincy and Mayser sent beautiful specimens of roses and sweet peas, as well as large delegations of representatives, to the show. Rainier took the first and second prizes for the best out-of-town display. The second prize for local display was won by Mrs. Neil Larson of Rainier. Mrs. Neil Larson also won first prize for the best local display of sweet peas. Mrs. William Barr winning second prize for the best local display of roses.

An entertainment was given in the evening. The event was given under the auspices of the Ladies' Aid of the Presbyterian church of Clatskanie. Pastoral and other services were given as first prizes, and gardeners as second prizes.

COUNCIL AGAIN TALKS ABOUT SALARY RAISES BUT TAKES NO ACTION

Brewster Surprises by Entering Objections to Number of Increases.

NEW ACT TO BE PROPOSED

Ordinance Will Be Introduced Tomorrow Providing for Changes by Individual Commissioners.

After a discussion of more than two hours, the city council this morning took no action on the recommendations for salary increases for city employees, which should they be adopted, will increase the city's payroll more than \$18,700 a year. The council was surprised by those present, Commissioner Brewster opposed a number of the raises. He contended that ordinary promotions should be made by a commission in charge of a department on approval of the civil service board.

Will H. Daly, commissioner of public utilities, and C. A. Bigelow, commissioner of finance, who had already voiced opposition to some of the raises, opposed them this morning. As a result of the dissent of opinion it was decided to postpone action until tomorrow. At that time Commissioner Brewster will introduce an ordinance providing for changes in salaries made by the individual commissioners instead of by the entire council.

Daily Enters Objection.

First opposition was heard this morning when Commissioner Daly, in explaining his proposed reclassification, stated that many employees of Commissioner Dieck's department had been given the highest ranking, while his has been given the lowest. He proposed to place his men on a more equal basis with those in other departments.

Commissioner Brewster opposed Commissioner Dieck's recommendations to promote employees from one rank to another in violation of the standardization code. He charged that Commissioner Dieck was not following the code as he should and that the employees of that department should be required to pass an examination. He further stated that many of the raises proposed by Commissioner Dieck would result in the payment of more money than was paid on the outside for the same work. He pointed out a number of instances where he thought salaries were excessive.

Following are the recommendations made and what they will total for the year ending June 30, 1915:

Major Albee's Department.
103 employees of police bureau \$5180.00
102 employees of fire bureau 6430.00
2 employees of civil service bureau 120.00
2 employees of women's protective division 120.00
3 employees of health bureau 180.00
14 employees of health bureau 900.00
1 stenographer in mayor's office 60.00
Total \$14,040.00

Commissioner Dieck's Department.
24 employees in public works \$2220.00
Commissioner Daly's Department.
26 employees of water bureau \$2520.00
Grand total \$18,760.00

License Is Denied.

Applications for grill liquor licenses made by Martin Denny at 131 First street and the Northwest Importing company at the old Leven's grill, Third and Ash streets, were denied by the council this morning.

Archie H. Ross et al., appellants, vs. city of Bandon; suit to enjoin collection by the city of a street assessment, reversed.

Pensions Are Granted.

(Washington Bureau of The Journal.)
Washington, June 16.—Emily Hendrick, Medford; Margaret E. Meyers, Portland, and Lydia A. Thompson, Junction City, were granted a pension of \$15 per month each.

Fire Department Is Thanked.

In letters sent to Fire Chief Dowell today, E. A. Robinson, a druggist at Twenty-second and Washington streets, and Chester Murphy thank the members of the fire department for their efficient work in extinguishing the blaze which damaged the Murlark hall last week.

Will Half Mast Flag.

Out of respect for William Fildner, who died Sunday, the flag on the city hall will be lowered to half mast. Mr. Fildner was councilman at one time. Later he was fire commissioner under ex-Mayor Rowe.

Fined for Fishing With a "Jack Light"

Oregon City, Or., June 16.—Four fishermen from Silverton were arrested Saturday night for fishing on the Mokelumne river. They were fined within a few yards from Deputy State Game Warden Irvin's camp. H. L. Thompson was held for operating the light and the other three were let off with a warning. They are A. L. Thompson, I. T. Davis and John Drake. Thompson was brought to Oregon City Monday morning. He pleaded guilty and was fined \$25 and costs.

Rose Show at Clatskanie.

Clatskanie, Or., June 16.—The eighth annual rose show for Columbia county was held in Clatskanie Saturday. The largest and best display of roses ever gotten together in the county was assembled. Scappoose, St. Helens, Rainier, Marshland, Mist, Quincy and Mayser sent beautiful specimens of roses and sweet peas, as well as large delegations of representatives, to the show. Rainier took the first and second prizes for the best out-of-town display. The second prize for local display was won by Mrs. Neil Larson of Rainier. Mrs. Neil Larson also won first prize for the best local display of sweet peas. Mrs. William Barr winning second prize for the best local display of roses.

Vancouver Marriage Licenses.

Vancouver, Wash., June 16.—Marriage licenses were issued yesterday by the county auditor to the following persons: William Ingram and Lillie Collins, both of Portland; Charles W. Dury and Florence Lyell, both of Portland; Leonard J. Secor and Roy Herbert, both of Portland; and Augustus Meyer of Portland; Guy Vaness of Silver Lake, and Lena Preuschof of Clatskanie; Leonard J. Secor and Roy Herbert, both of Portland; and Augustus Meyer of Portland; Guy Vaness of Silver Lake, and Lena Preuschof of Clatskanie.

How Is Your Appetite Today?

Be it ever so uncertain it will gain stimulus in the Imperial Hotel Grill

where lunches and dinners are most appetizing and served the way you like.

Lunch 12 to 2 Music evenings Dinner 5:30 to 9.75c

Peninsula Churches Plan Celebration

Portsmouth and University Park Districts Propose Joint Picnic on July Fourth at Columbia Park.

Sunday schools of the Methodist, Baptist, Lutheran and Congregational churches in the Portsmouth and University park districts will celebrate the Fourth of July with a big joint picnic at Columbia Park, according to plans outlined at an executive meeting last night.

A parade will form at 10 a. m. at Portsmouth and Lombard streets in which will be floats and pedestrians, but no horses, automobiles or carriages. The strong feature of this parade is expected to be the children's section, which will be modeled after a "rosebud parade" of Rose Festival week.

It is probable that a number of fraternal organizations of the two districts will join the festivities also.

At the park Rev. Luther P. Dyott and A. K. Perry will be the chief speakers and there will be ball games and other amusements.

A prize of two ice cream cones hung up for the fleetest parson.

GILMAN 'OUT-CHUGS' MANAGER SKINNER IN RACE TO MAKE TRAIN

Success of President's Effort Explains Why He Arrives Home Today.

Somewhere in the wilds of central Oregon, far from a railroad, a lone automobile plodded yesterday. Shooting forward with the speed of the wind, another automobile hurtled, leaving the first car far behind.

With the stage setting thus depicted, the curtain rises on L. C. Gilman, president of the North Bank railroad system, and W. D. Scott, general manager. They were the occupants of the fast chugging touring car. Because they overcame the hills and the canyons, they managed to get to the Oregon trunk station at Bend just in time to catch the evening train for Portland.

On the other car tumbled W. D. Skinner, traffic manager of the system, and J. T. Hardy, traveling freight and passenger agent. They were trying to get in ahead of the train.

That is why the heads of the executive and operating departments got home shortly before noon today. The heads of the North Bank system had been inspecting central Oregon for several days. They had never been south of the railroad terminus before and wished to see for themselves what resources are drawn from the region in Harney and Lake counties.

All started together from Lakeview early yesterday and expected to connect with the regular train for home. The occupants of the larger car put on all speed, believing the other car could negotiate the distance in equally good order and until they felt the train pull out, they supposed their companions were close behind.

Supreme Court Decisions.

Salem, Or., June 16.—The supreme court today handed down the following opinions:

Klamath Lumber company, appellant, vs. State of Oregon et al.; appeal from Klamath; motion to dismiss appeal, overruled.

David S. Rouse vs. Riverton Coal & Development company, appellant; appeal from Clatskanie; motion to dismiss appeal, reversed.

Archie H. Ross et al., appellants, vs. city of Bandon; suit to enjoin collection by the city of a street assessment, reversed.

County Will Aid Wife.

W. E. Holcomb was yesterday sentenced to serve a six months' rockpile term for the drug habit, but Deputy District Attorney Dempsey opposed the move because his wife is destitute. She will draw \$1 a day from the county for her support.

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PHYSICIANS FAIL TO AGREE ON CAUSE OF MRS. POTTS' DEATH

Prosecution Experts Say She Was Probably Choked to Death; Defense Says No.

CASE TO JURY TONIGHT

Witness Takes Stand in His Own Behalf and Tells Story.

(Special to The Journal.)
Canyon City, Or., June 16.—The case of Charles E. Potts, being tried here for the murder of his wife last July, will reach the jury tonight. Today will be given to argument.

The closing hours of the trial developed into contradictory expert medical testimony. The seven physician witnesses failed to agree. Drs. Belnap and Chilton, of Grant county, testified that the criminal cartilage was fractured sufficiently to cause death. It is charged that Potts choked his wife. The four doctors for the defense testified in answer to a long hypothetical question that Mrs. Potts came to her death from angina pectoris. They testified that the gruesome criminal cartilage in evidence was not fractured, but that the fracture, the apparent break being a calcareous deposit.

Potts went on the stand yesterday. He made a good witness for himself. He was calm and collected and testified how he had traveled with his wife in quest of her health; how he maintained a beautiful home, dressed her well and provided everything that a devoted husband with his means could do. Other witnesses from Los Angeles testified that Mrs. Potts was a frail, sickly woman and suffering from heart trouble. Frankie, the 11-year-old son of Potts, took the stand. He said his mamma taught him to tell the truth always. He said his father was always very kind to his mother and that "when his mamma lay dead, he with his papa knelt at her side and prayed to God."

WIDOW SUES BROTHER

Mrs. Alice Maher, a widow 66 years old, yesterday filed suit against her brother, M. S. Pike, and his wife, Iris Pike, asking that a deed to property in Portland valued at \$2800 be declared void. She alleged that while ill she visited the Pikes on their farm near Cheney, Wash. She said that on account of her condition they secured from her the deed on promises to keep her for the rest of her life and that after the deed was given they began to mistreat her. She said they demanded that she turn \$800 in the bank over to them.

HOUSEWIVES OF TODAY

are demanding three essentials in baking powder. Purity. Reliability and Economy. They get them in

FOSSIL MAN TAKES BRIDE

Leland L. Steiwer, assistant cashier of the Steiwer & Carpenter bank of Fossil, Or., and manager of the Butte Creek Land & Livestock company of Wheeler county, and Miss Mabelle La Verne Armprie, a Medford girl, were married last night by Rev. Henry Marcotte of the Westminster Presbyterian church, at the home of Mr. Steiwer's parents, Mr. and Mrs. W. W. Steiwer, 693 Halkey street. Only members of the families were present. This morning Mr. and Mrs. Steiwer left for Medford, which will be their future home.

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