

SEEK ANOTHER TITLE FOR MEASURE TO BE VOTED ON THIS FALL

Suit Against Secretary of State Ben Olcott Is First of Its Kind.

BURCHARD DISSATISFIED

Proposed Amendment Initiated by State Federation of Labor and Others.

(Salem Bureau of The Journal.)
Salem, Or., July 14.—Declaring that the ballot title prepared by Attorney General Crawford for the proposed amendment to article II of the constitution, providing for proportional representation in the legislature, is not true impartial, T. H. Burchard of Portland, filed suit in the circuit court here today to require Secretary of State Ben W. Olcott to substitute another title for the amendment. This is the first suit of this nature ever brought.

The proposed amendment was initiated by the Oregon State Federation of Labor, Farmers' Union, Farmers' Society of Equity, Portland Grange, Representation Bureau, People's Power League and the Oregon State Grange. The complaint states that the ballot title prepared by the attorney general is not true impartial, it is a mere attempt to prohibit a voter voting for more than one representative, and providing that the 40 persons receiving the highest number of votes shall be declared elected to the legislative assembly, and because it does not include the names of the organizations and their officers initiating the amendment.

After including these names, the plaintiff proposes the following ballot title: "To amend article II of the constitution of Oregon for the purpose of enabling every political party, and also every industrial and commercial organization, to always elect such a share of the 40 representatives in the legislative assembly as shall be fairly proportional to the number of voters throughout the state who vote for candidates nominated by such political party or other organization, and insure election of any candidate for representative who is voted for by any one sixteenth of all the voters in the state who vote for representatives in the legislative assembly."

HOOD RIVER IN FAVOR OF ROAD BONDS

(Continued From Page One.)

favorable action. "The bonds will be carried by a two to one vote at least," the resolution adopted by the highway commission is as follows: "Whereas, the State Highway Commission has adopted the policy of aiding the construction of permanent roads in those counties that are constructing a system of improved highways under the supervision of the State Highway Commission, and whereas, the commission is aiding in the construction of improved roads in Columbia, Clatsop and Jackson Counties."

"Therefore, be it resolved, that it is the intention of the State Highway Commission to aid Hood River County to the extent of improving the road around Mitchell's Point, as surveyed by the State Highway Engineer, out of the money available for 1915,—this to be done if the citizens of Hood River County build in the meantime the present gaps in Columbia Highway in Hood River County, according to the survey of the State Highway Engineer, cost of said gaps being estimated at \$75,000; provided the present laws are not changed so as to prevent such expenditure."

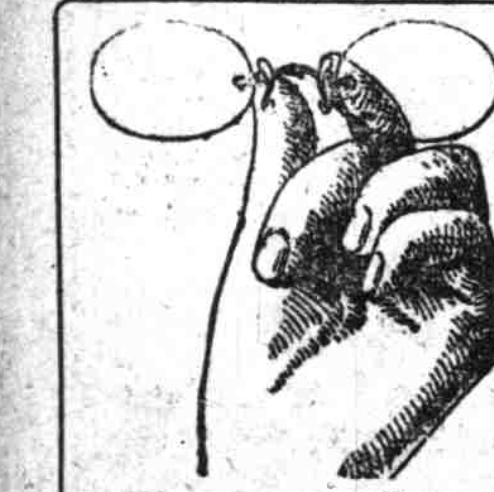
Women voters are becoming particularly anxious to have a large vote polled and are working vigorously to that end.

Twenty Year Bonds.
As in the case of the other counties which have issued road bonds, the proposed issue of \$75,000 by Hood River County is for a period of 20 years. The bonds are to bear 5 per cent interest, payable semi-annually. After the expiration of the 10th year they are to be retired, 10 per cent each year.

By a ruling of the state highway commission, county bonding themselves for the construction of main trunk roads up to the standard set by the commission and under its supervision will be refunded the cost of surveying.

In the event Hood River County votes favorably on the bond issue it is expected to have the Columbia highway open for travel from Hood River to the sea by next year, a distance of nearly 200 miles.

Eugene Woman to Be Matron.
Washington, July 14.—Anna Heersma of Eugene has been appointed matron of the Kluksa Indian agency in Oklahoma.



—We cannot afford to make cheap glasses.

—You cannot afford to wear them.

THOMPSON OPTICAL INSTITUTE
209-10-11 Corbett Bldg.
Fifth and Morrison

Fair Visitors May Live Aboard Yacht

Oregon Guests at San Francisco Would Soot for Native State if Plan Is Carried Out.

Merry Oregon folk, living on board a steam yacht in San Francisco bay right at the door of the big exposition next year, will make the state famous with stunts and banners, if the Salem Commercial club succeeds in finishing a campaign it has just launched.

The club's board of governors authorized Secretary Ralph D. Moore to take up the question of an Oregon steamer excursion with the other clubs of the state, and the Portland chamber of Commerce and Commercial club are the first ones appealed to.

The plan is to have the Rosarians, Salem Chamber of Commerce, and others, together with organizations from other cities of Oregon, take the trip, live on the boat and make their floating home an Oregon headquarters of adjunct to the Oregon building on the fair grounds. It has been suggested that electric signs and banners, specimens of Oregon's products and, above all, the Oregon spirit, be maintained on board for the benefit of anyone who wishes to call.

Both Portland organizations will take up the question of the excursion at early meetings, so that plans may be pushed forward.

Time Not Ripe for Reduction of Fare

City Council of Hillsboro Reconsiders Its Action of June 6 Affecting Oregon Electric and P. E. & N.

Reconsidering its action of June 6, the city council of Hillsboro last night decided that the time is not propitious to ask the Oregon Electric and P. E. & N. railroads for fare reductions. The council, which is composed of the following members: Mayor W. D. Skinner, of the North Bank lines, who received the information today, declared the lowering of passenger fares into Portland to 2 cents, and the lowering of freight passenger rates throughout the country, small as the reduction of itself might be.

On June 6, the council instructed its city attorney to prepare a complaint to be presented before the Oregon Railroad commission to have fares fixed on the 3 cent basis. The two electric railroads, however, protested against the number of Hillsboro merchants joined in the protest.

The present rates are a trifle less than 3 cents per mile.

INTERSTATE BRIDGE BONDS DECLARED TO BE WITHIN LAW

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such debts shall have been created to repel invasion, suppress insurrection or defend the state in war."

This provision of the fundamental law evidently relates to a class of debts in contracting which the state originally takes no part. As the obligation was not previously created by the state, but by the act of the legislature, it is not within the purview of the general laws of Oregon of 1913 does not in any manner trench upon section 8 of article II of the constitution of Oregon.

"It is maintained that the attempt to issue the bonds in question and to impose upon the state the obligation annually to pay the interest accruing thereon, to become the owner of a bridge when built and to assume the management and maintenance thereof, is an endeavor to transfer a part of the burden from the taxpayers of Multnomah county to those of the other counties in Oregon, thereby rendering the act under consideration inoperative and void in this respect."

The authority of the state to receive a proportionate share of the tolls to be obtained from the use of the bridge affords a sufficient consideration for a transfer of the title to the structure when completed, and creates an equitable and moral obligation for a transfer of a part of the debt."

Dismissing the contention that the act authorizing the issue of county bonds is unconstitutional in that it attempts to delegate to the county taking advantage thereof, power to impose a burden of taxation on real estate property in the state, when the legislature or voters in other counties have no voice in determining the amount of the bond issue, Justice Moore drives home the responsibility placed upon the voters of the state by the referendum.

The qualified electors of Oregon were not deprived of their right to challenge the policy evidenced by chapter 439, he says, "for they have the opportunity to vote on the issue of the bridge affords a sufficient consideration for a transfer of the title to the structure when completed, and creates an equitable and moral obligation for a transfer of a part of the debt."

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Vancouver Will Celebrate.
Vancouver, Wash., July 14.—Vancouver will celebrate tonight, news of the favorable decision of the Oregon supreme court on the Multnomah county bridge bond question was received with great enthusiasm and demonstration. Whistles blew and bells rang some time and all over the city the populace turned out.

Members of the Commercial club are making arrangements for a big public demonstration tonight. Plans are to have an automobile parade, followed by speeches by those who worked earnestly for the passage of Clarke county bonds, a band concert and dancing in the streets.

Numerous offers have already been received for Clarke county's bonds and the sale will be made as soon as possible.

Lumber for Canal.
The Portland Chamber of Commerce today received notice from Lieutenant W. H. H. of the army quartermaster's department at San Francisco that the government intends to purchase a quantity of lumber for the Panama canal, Portland manufacturers are asked to submit bids on 1700 piles, untreated, 75 feet long, and 100 pieces of 8 by 16 timber, 35 feet long.

CALIFORNIA MILL MEN FEAR OREGON LUMBER WILL INURE MARKET

They Oppose S. F. Chamber of Commerce Petition for Low Distributive Rates.

OREGON FIR BUILDS FAIR

C. D. Danaher Tells Railroad Commission He Is Selling Fir at a Loss in California.

(United Press Licensed Wire.)
San Francisco, Cal., July 14.—The consumer is getting fir lumber for less than it costs to produce it was the statement today of M. A. Leach, sales and factory manager of the C. D. Danaher Pine company of Camano, Cal., before the state railroad commission here.

Leach was on the stand all morning for lumbermen, who are opposing the reduction in freight rates asked by the San Francisco chamber of commerce on shipments from San Francisco to interior points.

Asked by the attorneys for the chamber of commerce to get a reduction per ton per mile on lumber from San Francisco to interior points for the benefit of the producers of Oregon and Washington fir, Leach testified that he would not work for the benefit of the California lumber producers.

Leach said it cost his company \$13 or \$14 a thousand feet to produce fir lumber which they had to sell for \$10 to \$12, but that the fir lumber was mixed with the pine, and it was cheaper in the end to cut it along with pine and sell it at a loss rather than to cut only the pine and let the fir stand. Asked if he did not know that the plaintiffs were advocating the same route of rates between points that they asked from San Francisco, Leach said he did not think a change in the present rates would benefit anyone but the Oregon and Washington lumbermen.

The hearing was resumed this afternoon. It probably will continue the entire week.

Seventy-five per cent of California's lumber business, it is said, is controlled by Oregon and Washington. All the Panama-Pacific exposition grounds, being constructed of northwest lumber, the California state building included.

Lumber from the northwest can be purchased in San Francisco at \$11 a thousand ft. o. b., but the production of this state costs \$14, although of the same grade.

The California mill men were represented by Attorney A. J. Pillsbury.

O. & C. ATTORNEY DENIES MINARD WAS COUNSEL

(Continued From Page One.)

the railroad. It considers that it had the right to sell these lands at any price it desired for them or under any conditions."

"From the time the suit was first started and at all times thereafter, what has been the attitude of the company towards the settlers and locators?" Reames asked.

"It has been our view that these people are trespassers," Judge Fenton replied, "having no right on the land whatever. We consider that they have absolutely no right."

"What has been the attitude of the Oregon California railroad towards the plaintiff, the United States of America, in this suit, as to collusion or any agreement between the two parties?" Reames queried.

Right Is Without Quarter.
"We have been scrapping since 1908, as is usual when large interests are involved. We expect no quarter and we shall give no quarter. We claim the land and the government claims the land," Fenton declared.

Fenton then proceeded to give a history of the land grant sold to the clear back to the time of the grant in 1867. The first large timber sale was made, he said, to the Booth-Kelly company of Eugene.

"We sold the land as the market demanded. We fixed our price and kept in touch with the market. That continued until E. H. Harriman assumed control of the Southern Pacific in 1901. An auditor was then placed in charge of the O. & C. lands, and the timber and mineral lands were withdrawn from sale. Each trouble immediately occurred. The timber speculators wanted to buy and the prospectors wanted to locate on the mines."

Big Fire Destroyed Records.
"Then came the 1906 fire at San Francisco, and all our land records were wiped out. I advised about that time that the lands be restored to sale. It took us a year to get our records in shape again. The Oregon legislature passed the memorial in 1907 that caused the suit."

The Union Trust company of New York, Judge Fenton said, holds a mortgage for \$17,748,000 on the Oregon & California land and railroad holdings. Congressman A. W. Lafferty's interest in the suit was also related by Judge Fenton. The congressman represents 68 actual settlers of the whole 2,300,000 acres involved. Most of these are either in Columbia county or the northern part of the grant, Judge Fenton asserted.

On cross examination by Attorney Claude Strahan for Minard, Fenton went into great detail on the early history. He told of the earliest exploitation of the grant, when the European & Oregon Land Co., a holding corporation for the railroad company, took over the lands, and printing prospectuses in every civilized language, made a failure at selling the lands.

"Our company at no time substantially regarded the grant proviso, that the lands be sold at \$2.50 an acre to actual settlers, as binding," Judge Fenton testified. In fact, the general rule was to totally disregard that proviso. Twenty years ago, \$2.50 an acre was all that any land outside the cities was worth."

Order Was Verbal One.
Of E. H. Harriman's order, closing the O. & C. lands to sale, Judge Fenton said that order went "by word of mouth" from Harriman to Judge Cornish, vice president of the Southern Pacific, then to Mr. Eberline and to Mr. Moore, who had charge of the sale.

"There was no written instruction stopping the sale of the lands," Judge Fenton asserted. "Some of it, I believe, Mr. Harriman had reserved for the use of the railroad in constructing bridges, railroad ties and so on."

Mrs. Carman First Witness at Hearing

Grand Jury Begins Investigation Into Killing of Mrs. Bailey; Suspected Woman Is Called to Stand.

Minneapolis, L. I., July 14.—To everyone's surprise, Mrs. Florence Carman, accused of responsibility for the killing of Mrs. Louise Bailey while the latter was professionally consulting Mrs. Carman's husband, Dr. Edward Carman, by a shot fired through his office window at Freeport on the night of June 30, was the first person called before the grand jury at the opening of its investigation into her case here this afternoon.

In summoning her at the very outset, as he did, Prosecutor Smith made it clear that he had changed his plans, though just what the alteration in the program meant nobody but himself knew. Mrs. Carman was not even asked to sign a waiver of immunity.

Other witnesses it was expected would be heard were Dr. Carman, William Bailey, the murdered woman's husband, their daughter Madeline and Mrs. Bailey's mother, Mrs. Jennie Dur-yea.

Physician Accused Of Beating His Wife

The climax of a runaway marriage came this morning when Mrs. Hazel Paulsen appeared with a discolored eye and swore to a complaint charging Dr. N. P. Paulsen with assault and battery. The charge will be heard before District Judge Bell this afternoon. Mrs. Paulsen told Deputy District Attorney Pierce that her husband attacked her last night in their flat at 911 Belmont street, and that she was forced to flee to people upstairs to save herself from further violence.

Dr. Paulsen was arrested, but was released on promise of Attorney George Tazewell to bring him to court. Mrs. Paulsen told Pierce that they were married August 3, after eloping from Los Angeles, where her parents had taken her because of their objection to Dr. Paulsen's attentions to her. She is 20 years old and he but a little older.

Baby Heirless Drowns.
Philadelphia, July 14.—Nancy Carpenter, aged 2, Senator Dupont's niece, heirless to millions, was drowned in a pond on the estate of her uncle, P. S. Dupont.

Hoffman, detailing one instance, said he needed lumber for a shack on his homestead, and not having the money, took lumber as a fee for acting as a sub-agent for Minard in securing an application.

For each 1,000,000 feet of timber on the location, \$15 was to be the "location" price, according to testimony of C. S. Vandervelde, Tenino, Wash., another of Minard's sub-agents who took the stand.

Fee Deducted by Agent.
The agent would deduct his fee, after securing an application, said Minard the money and the latter would then offer the Southern Pacific \$400 for the quarter-section. This was testified. This was after the big forfeiture suit had been filed and the railroad company would refuse the application. The Minard would record the "application" in the official records of the county in which the "location" selection had been made.

The "application" record would be returned to Minard, who would forward it to the would-be purchaser.

On cross-examination by Attorney J. C. Dennis, representing Logan, Vandervelde said that at no time had he any intentions of settling on the land on which he had located. His quarter section was in Jackson county, but he did not know in what part of the state Jackson county was.

The old question of "dummy" entries—that was so large a factor in the Oregon land fraud trials of 10 years ago, came up in Vandervelde's examination. He was told, he said, that the railroad company wanted to comply with the terms of the original grant by selling the land to settlers at \$2.50 an acre, and afterwards to buy it back at \$15 per 1,000,000 feet of timber, thus getting a clear title for itself. He was to be a "dummy," he understood, but thought the proceeding entirely "legitimate."

Stenographer Gives Testimony.
Miss Clara Gaucher, Logan's stenographer at Tacoma in 1911, told about the bell code system through which new prospects had their interest stimulated or suspicious and dissatisfied applicants who had not paid up had the symptoms ameliorated.

People would come in to talk to Logan, Miss Gaucher said, and J. B. Miller, his partner, would be in the room. Logan would be in the room, and Miller would rush in, posing as a man who had just bought land or had just come from Oregon, where he saw it. Miller would congratulate Logan, before the applicant, on his excellent proposition, or express himself as entirely satisfied, just as circumstances demanded.

A week ago Sunday, Hoffman said, he saw Minard at his home near Milwaukie, after he had received his subpoena from the government to appear as a witness in this case. Then Minard told him for the first time that he was not attorney for the Oregon & California railroad. He had so persistently represented.

A letter was introduced, written last fall by Minard, in which Hoffman was advised to let up on securing applications as there was a new United States attorney in office, and there was considerable talk of the applications being fraudulent. Another letter introduced said Mr. Minard as attorney for the railroad company, was "appealing the case," carrying the impression, it is believed, that he was appealing the big O. & C. suit.

Virginia to Vote On Prohibition

Petition Presented Governor Stuart Expected to Resubmit in Calling of Special Election for September.

Richmond, Va., July 14.—A petition signed by 49,396 out of 140,000 registered voters will be presented to Governor Stuart today asking him to call a special election to allow a vote on statewide prohibition. It is expected the governor will call an election for September 22.

Must Support Family.
Albert E. Wing, a teamster, who was arrested two weeks ago at Lone on a charge of non-support, came up for hearing yesterday afternoon before District Judge Jones. Wing, who had been in jail for 11 days, was sent home with his family after Judge Jones had ordered him to pay at least \$5 a week to his wife and had continued sentence. If possible he is to secure work here and if not he will return to the harvest fields.

Klug Starts for the State Pen Without Usual Guard Officer

Pleads Guilty to Charge of Obtaining Money by False Pretenses, After Conviction Gets One to Five Years

Allowed to Take Lesser Sentence Because of Error in the Record.

With his commitment in his pocket, Attorney George Ludwig Klug left this morning for Salem, unaccompanied, to enter the state penitentiary to begin serving an indeterminate sentence of one to five years for obtaining money by false pretenses.

He pleaded guilty to the charge several days ago after he had been convicted of forgery, being allowed to take the lesser sentence because of fear that the conviction might be reversed on errors which crept into the record at the trial.

He was convicted of issuing a forged mortgage for \$100 to John Dudek and pleaded guilty to securing \$1000 from Herman Vetter on another worthless mortgage.

The sentence of two to 20 years on the forgery charge was reduced to the one on which he was convicted will be dismissed.

Still on His Way.
Salem, Or., July 14.—Warden Law of the state penitentiary, said this afternoon that he has heard nothing of George Ludwig Klug, nor has he advised that anyone is on his way to prison without guards.

Body of Fred Metz Found.
The body of Fred Metz, a carpenter, drowned in Columbia Slough July 9, was found this morning. Metz was bathing with a number of friends and stepped off a ledge into water over his head. He was unable to swim and drowned before help could reach him. The coroner took charge of the body.

Willie Waldorf and His Son Quarrel.
Break in Anglified Actor Family Occurs Over Slighting Reference to "Moneybags" by Son's Wife.
New York, July 14.—Reports of a quarrel between William Waldorf Astor, the American expatriate in England, and his eldest son, Waldorf, were declared in a Times dispatch from London today to be well founded, and it was said the feeling between them was so bitter that the junior might be disinherited.

The dispute was attributed to a contemptuous reference by the younger man's wife to her father-in-law's "moneybags." Astor senior overheard and resented it. His son took his wife's part and the estrangement ensued.

The elder, it was stated, had abandoned all attempts to secure a title, for which he yearned for many years.

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