

U. OF O. REFERENDUM PETITIONS HELD VOID

JUDGE GALLOWAY FILES DECISION HOLDING FOR UNIVERSITY IN EVERY CONTENTION

Guard Special Service. Salem, Or., Dec. 21.—Judge Wm. Galloway, in the circuit court for Marion county, filed his decision in the University referendum case at 1 o'clock today. He holds the petitions filed against the University appropriation of \$503,000 to be fraudulent and invalid, and sustains the plaintiff on every point of law and equity. H. J. Parkison is held up for reproach for his part in the circulation of the petitions, and on the equity point, the court holds that those who are defending the petitions are not "in court with clean hands." The injunction asked for by the plaintiff, S. H. Friendly, is granted and made permanent, restraining the secretary of state from printing the title of the referendum on the official election ballot.

The opinion of the court is lengthy and prepared with evident care, and goes fully into the evidence, as well as covering the points of law and equity involved.

The right of S. H. Friendly to bring the suit is substantiated, for, as a citizen, he is fully as apt to be interested in a petition that has been filed as in one that has been rejected, and in the case of a rejected petition there are express provisions in the law for the bringing of mandamus proceedings against the secretary of state to compel the filing of the petition if it is found sufficient. The decision holds that it was the intention of the legislature that any citizen should have the right to mandamus the secretary.

The sheets of the petition hearing no form of petition branding thereon are declared void.

"The statute does not contemplate that the validity of this petition, as to the material statutory requirements hereof, should depend on the oral testimony of any one, but requires that it bear upon its face the evidence thereof at the time of being circulated, and at the time of being tendered for filing. More than, then, could we entertain the oral testimony in explanation of the present condition of the petition as to its form, when it is surrounded with such a mass of fraud, charged and confessed in this case, and by one who at least is indifferent if not directly responsible therefor. This part of the petition, having no form of petition on the sheets, and containing over five thousand signatures, is, therefore, void."

"Of the names that even the defendant's counsel admitted in open court to be fraudulent and void, 3,095 are on that part of the petition that has not been challenged as to its form, while 589 are on the defective part of the petition. All the invalid names that appear on perfect forms are held to be cumulative, and added to the 3105 appearing on defective forms, a total of 3263 invalid names is secured, which, when subtracted from the number of names on all the petitions, 13,615, leaves only 10,352, while it is admitted by the defendant that 4155 names are required to make the petition valid.

The decision of the court as to the circulation of the petitions are to be held responsible for the integrity of elections, a fraud on the part of the circulator, throws the burden of proof on the signers of the petition.

"But there is still a much broader view of this case that this court, being an equity court, might take of the whole matter, considering the moral side thereof, and motives which prompted the circulation of the petition; the manner in which it was done and the connection of H. J. Parkison therewith, and his acts regarding the same."

Judge Galloway says: "The right of petition, reserved by the constitution, is a measure passed by the legislature was not intended to be used to settle or adjust private and local grievances; but the right contemplates the right to express the honest sentiment of disaffected voters upon public matters only. Evidence in this case disclosed that the petition originated in the case of a local neighborhood contention and steps that in carrying into effect this unworthy motive, means were employed to obtain signatures on a money bank, and further personal money and further personal money and further personal money."

"At the office station, she reiterated which leads the police to believe the woman might have intended the police to do it."

Trout was a former resident of Lane county and at one time worked for George A. Hinch near Mantoloking.

Accused Pastor Will Recover

Beaton, Dec. 21.—Searching pointed leads to the rapid recovery of Rev. Clarence V. Richardson, killed in the murder of Mrs. L. M. Smith, who was mutilated himself yesterday in the county jail that a drastic operation was necessary.

MORE WINNERS AT POULTRY SHOW IN EUGENE

Judge Brice Is Kept Busy Awarding—Banquet at Hotel Tonight

Wm. F. Brice, judge at the poultry show, has made the following awards since The Guard's report yesterday. A banquet will be given at the Hotel Osburn tonight at 6 o'clock to Judge Brice and the visiting exhibitors.

Mr. Brice is loud in his praise of the exhibitors. He does not cease to marvel over the Oregon birds, and is always bestowing praise on extra fine specimens. When he came to the White Wyandotte cockerel owned by J. A. Griffin, to which he awarded the first prize, he assured Mr. Griffin that he should put his price at \$500, and keep it at that. The awards:

White Face Black Spanish Mrs. Edith Linton, first cock, first, second, third, fourth pullet, first cockerel, third cockerel, first pen.

White Game Bantam Glenn Morris, first cock, first hen, Berenah Gray Bantam Riverside poultry farm, first cock, first pullet.

Single Comb Buff Leghorn William Shands, first and third cockerels, first, second, third and fourth hens.

Pit Games O. A. Hutton, first cock, first and second pullet.

Barred Plymouth Rocks A. C. Berntzen, first and second cocks, first pullet, first hen, second hen, fourth cockerel, first pen.

E. Miller, third cock, fifth hen, third hen, fifth cockerel, third cockerel, third pen, fifth pen.

B. E. Keeney—Fourth cock, second cockerel, second, third, fifth pullet, first cockerel, fourth hen, fourth pullet.

Ernest Wheeler, fifth cock. Anconas A. G. Probst, second cock, second hen, second pen.

Chas. L. Holman, first hen, third hen, first, fourth, fifth pullets. Mrs. T. S. Northrop, second and third pullets.

Rose Comb Brown Leghorns A. G. Probst, first, second, third, fourth pullets, first and second cockerels, first pen.

Rose Comb White Leghorns Ira Foote, second cockerel. Single Comb Rhode Island Reds Riverview poultry farm, first, second, third, fourth hens, first cock, second cock, second, third, fourth cockerel, first and fourth pullet.

Partridge Wyandottes W. L. Dunlop, first cockerel, first, second, third, fourth pullets, first pen.

Silver Laced Wyandottes Raymond Wood, first cock, first pullet, second pullet.

Buff Wyandottes L. A. Rafferty, first cockerel, first pullet.

Columbian Wyandottes Chas. Hardy, second cockerel, Jerry Bertelsen, third cockerel, fifth pullet.

Mrs. J. A. Sheridan, first hen, second hen. R. H. Paxson, first, second, third, fourth pullets, first cockerel, first pen.

SALE OF ASSET CO. PROPERTY IS RATIFIED

Stockholders at Meeting Last Night Vote Three to One in Favor of It

At a meeting of the stockholders of the Lane County Asset company last night it was voted to ratify the recent action of the directors in the sale of the Christener property at the gap five miles west of Eugene to the Southern Pacific company.

There was a good attendance of the stockholders, \$25,000 of the \$28,000 stock issued by the company being present. When it came to a final vote upon the ratification of the action of the directors, it was found that it carried by a three to one vote.

The Southern Pacific company gave the Asset company the sum of \$4,100 for the property, which is necessary for the Coos Bay line, now under construction. At one time the company offered \$17,000 for the land, together with the franchises on the city's streets, but as it was voted not to allow the S. P. company a common-user privilege on Fifth street with the Oregon Electric, that offer was withdrawn, but later the sum of \$12,000 was offered. The Asset company had another offer, however, and hesitated in accepting the S. P. company's for the reason that negotiations with the Pacific Great Western were under way. No satisfactory arrangements could be made with the other company and as a last resort the property was sold to the S. P. company at a greatly reduced price.

The money received from the Southern Pacific will be applied to the debt owed the contractor, George Perry, who will use the money to pay off the men whom he had in his employ.

WOULD FAVOR CITY HALL WHERE COUNTY JAIL IS NOW LOCATED

Mayor Berger is authority for the statement that a movement is on foot to begin negotiations between the city and county for the use of the county ground where the county jail is now located, for city hall purposes, the county jail and city jail to be a part of the new building.

If such an arrangement could be made this would be the best location for a city hall to be found anywhere. However, there is a question in the minds of many whether or this could be done. The ground was originally donated to Lane county for county purposes and it may not be legal to lease it to the city or anyone else for other purposes. The plan of combining the city hall with the city and county jails, if this party may be secured, seems to be feasible.

ROOSEVELT'S NAME ON BALLOT IN ONE STATE

Former President Will Be Candidate for Nomination in Nebraska Primaries

Lincoln, Neb., Dec. 21.—Petitions asking that the name of Theodore Roosevelt be placed with the primary ballot as a candidate for the republican nomination for president of the United States, were received by secretary of state Watt today. The petition is signed by Attorney John O. Yeiser, Omaha, and twenty-five other voters.

John O. Yeiser who filed the Roosevelt petition today declined to say whether or not he was authorized by Roosevelt to have his name put on the official ballot. He admitted there had been correspondence with Roosevelt.

"Under our state laws," said Yeiser, "the candidate is not required to accept the nomination, nor has he authority to withdraw his name once it is filed. The Nebraska primary law requires the delegates to the national convention to vote for the candidate receiving the highest popular vote for president."

PORTLAND POSTOFFICE SAFE IS ROBBED

Portland, Dec. 21.—The safe in Station A postoffice, the principal station on the East Side, was opened by robbers last night. The robbers took \$2000 in coin and \$1000 in stamps. They simply knocked off the handle and opened the safe.

TAFT PROMISED SUPPORT IN NEW YORK

President Returns to Washington With Fences Well Patched Up

New York, Dec. 21.—President Taft returned to Washington early today with the assurance from Samuel Koenig, republican county chairman, that he would have the support of the New York county delegation at the coming national convention. Koenig took occasion to state that Colonel Roosevelt would not be a candidate for the nomination in 1912.

Taft returned without seeing Roosevelt or receiving any communication from him. While republican state chairman Barnes would not confirm the report that he and Taft had settled their differences, and that Barnes had promised the president of his support, the state chairman said:

"I do not believe it is my function to press or urge on the republican electorate any republican candidates. I will say whoever is nominated will adhere to the principles that will be adopted."

CITY NEWS OF GENERAL INTEREST

Weather Forecast. Oregon—Fair tonight, except near the coast; Friday fair in the east; rain or snow in the west; southerly winds increasing along the coast.

A marriage license was issued this afternoon to Gaius Monroe Mathews and Miss Rose Catherine Klosser, both of Zion.

John Lawson, the fruit man, has something new in the way of packing apples that will interest fruit growers. Nothing like it has heretofore been seen in Eugene.

Those who were fortunate enough to attend the excellent program at the Central school last night, and there was a big crowd in attendance, were more than pleased with the splendid rendition. It was in every way a success.

Twohy Bros. are hurrying coal, flour and supplies to the front where they will be stored for the winter. Superintendent Christensen was in from the line today. Two more cars of powder have been ordered from San Francisco.

On account of Xmas, the seat sale for "The Three Twins" at the Eugene Theatre next Tuesday will be open Saturdays from 10 A. M. until 12 noon; and from 4 until 3 P. M. On Xmas day, Monday, the same hours. On Tuesday, Dec. 26 the box office will be open all day.

On Sunday December 24, the post-office carriers' windows will remain open from 10 A. M. till noon and the registry department will observe the same hours, in order to give everybody a chance to get their Christmas mail. On Christmas day the windows will be open all forenoon.

County Commissioner H. M. Price returned last night from a trip over the county road west of Elmira. He says the large wagons loaded with railroad construction outfit are ruining the road and steps must be taken at once to fix it up or there will be no road there at all. The railroad contractors are going to fix the North road, but the county will have to do the work on that stretch leading from Elmira to the point where the North road branches off. Mr. Price says that the teamsters have a terrible time getting over the road with their heavy loads. They mire down frequently and often have to unload to get out of the mud.

BIG APPROPRIATION FOR TILLAMOOK BAY

Guard Special Service. Washington, Dec. 21.—The report of Major Morrow to board of army engineers, endorsed by Ribby, recommends the expenditure of \$141,000 for improvement of Tillamook Bay and bar with \$5,000 for annual maintenance. It is desired to have \$200,000 immediately available, the balance in two years. The improvement contemplated is for a 290 foot channel, sixteen feet in depth at low tide.

Portland Gets Millions. The senate public buildings committee today reported favorable passage of the Tillamook Bay public building.

TEST LIQUOR CASE GOES THROUGH CIRCUIT COURT

The second act in the Springfield test liquor case closed this afternoon when the case was formally taken through the circuit court. Edwin G. Perkins, the defendant in the case, was given a trial before a jury, which after being out five minutes, found the defendant guilty and Judge Harris imposed a fine of \$50, which was paid. The case will be appealed to the supreme court as soon as the necessary briefs and other papers can be prepared.

The jury consisted of the following: J. S. McInt, E. M. Warren, William Polders, W. J. Warnock, Jas. H. Calloway, B. K. Jenkins, D. B. Proctor, Ellis Whatum, Allen W. Bond, E. G. Quimby, W. O. Starbuck and Chas. A. Brown.

PRESIDENT TRANSMITS MESSAGE TO CONGRESS DEALING WITH IMPORTANT PUBLIC MATTERS

Washington, Dec. 21.—President Taft sent another of his promised series of messages to congress today. This time he dealt with currency reform, Panama canal tolls, and various governmental questions.

On the subject of currency reform and in connection with the forthcoming report to congress of the monetary commission, President Taft said it was exceedingly fortunate that the "wise and undisputed policy of maintaining unchanged the main features of our banking system, rendered it at once impossible to introduce a central bank." He gave his approval to the proposed national reserve association, but as to its management, he said that was the work for the bankers. However, he urged that some form of government supervision be devised, and that currency reform should not be made a political issue.

The immediate establishment of a central parcels post is urged in the message. The president took the position that the post would not destroy the business of the country storekeeper, but that increased business would follow.

On the question of whether American shipping should pay tolls through the Panama canal, the president said:

"I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that congress deems wise. We want equal treatment in the United States money that built it. We have a right to charge tolls for its use. Those tolls must be the same to every one, but when we are dealing with our own ships, the practice of many governments in subsidizing their merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent to a remission of tolls, cannot be held to be discrimination in the use of the canal."

Among the president's recommendations are: Immediate increase of 2000 in the enlisted strength of the navy. Abolition of small navy yards. A contributory pension system for government employes.

Elimination of all local officers from politics. Increased appropriation for the completion of river and harbor improvements along the Mississippi, Ohio and Missouri rivers. Power in the president to remove clerks of federal courts for cause. Payment of the French spoliation judgments. Employers' liability and workmen's compensation legislation called to the attention of congress.

DYING MAN SAYS NOT GUILTY OF ANY CRIME WITH P. C. LAVEY

Shot by Portland Officer in a Pistol Duel, Declares His Innocence

Portland, Dec. 21.—Lying on what is probably his death bed, Frank Ryan, who early today engaged in a pistol battle with Policeman Hewston and received fatal injuries, denied he is the notorious "Tacoma Kid," as claimed by the police, or that he is guilty of any crimes, as alleged by the detectives. Hewston was himself seriously wounded in the battle.

Ryan had been working for hide dealers here since August, and the foreman of the establishment gives him an excellent reputation for honesty and industry. He says he is not guilty of any crime, and that last night he played cards in a saloon and suddenly he was commanded to "throw up his hands." He did so, but had a gun in one of them and began firing at the officer, and was himself probably fatally shot.

Ryan ran from the scene, bleeding fast, and thinking he was going to die, took refuge out of the cold in a box car, where he was found by a civilian, who summoned the police ambulance.

Hewston states that the only words which passed between them was his question as to the man's business on the street at that hour, which was immediately followed by a shot from the man's pistol.

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OREGON ELECTRIC FORCE INCREASED TO 60 MEN

Twenty-six laborers for the Oregon Electric construction work arrived this morning and were taken to the scene of the company's operations near Eugene. This increased the force at work in this vicinity to about sixty men. They are working both sides of the Elmira road, where the S. P. line crosses.

They have built the track far enough on each side of the S. P. right-of-way as to preclude the possibility of the latter company establishing a crossing without building it in conformity with the O. E. grade.