

UNDER SUPREME COURT DECISION, SAYS NEFF, COUNTY CAN BE SELF-GOVERNED

NOT ONLY CAN COUNTY ISSUE BONDS, BUT IT CAN WORK OUT ITS OWN PLAN OF OPERATION

Under the Decision an Enabling Act by the Legislature Is Said to Be Unnecessary—People of County Can Pass Their Own Local Law Under the Initiative and Referendum, So Long as They Do So at the Time Provided by Law or at a General Election.

IN ALL LOCAL MATTERS JACKSON COUNTY CAN SECURE ABSOLUTE SELF GOVERNMENT

Can Work Out Plan for Operations as Completely as Can the City of Medford—Can Abolish Antiquated Road Supervision System and Place Business on Modern Basis.

According to Porter J. Neff, attorney for the plaintiff in the Jackson county bond case, the decision handed down by the supreme court makes it possible for:

- The county to be absolutely self-governed in all local matters.
- The county to proceed under the initiative and referendum at a general election to issue bonds in any amount.
- The county to work out a plan of operation abolishing the antiquated road supervision system, paying adequate salaries and providing for doing the work on a modern basis.
- Jackson county to work out its own system as completely as Medford can frame its own charter.

(By Porter J. Neff, Attorney for Plaintiff in Jackson County Road Bond Case.)

The people of Jackson county have not yet glimpsed the immense importance and value of the decision in the county bond case. In the end it will be worth far more to this county and to every county in the state than a decision upholding the bonds.

Under this decision an enabling act by the legislature is wholly unnecessary. The people of this county can pass their own local law under the initiative and referendum authorizing the issuance of bonds in any amount they see fit. It is only necessary that they do so in the manner and at the time provided by law, which means at a general election.

But what is even more important, as I view the matter, this decision means that Jackson county in all local matters has absolute self government and can work out its own plan for operation as completely as can the city of Medford. We can abolish the antiquated road supervision system. We can provide for salaries for our county commissioners that will compensate them for their time and demand that they give their undivided attention to the county's business. We can provide a way of placing a portion of the cost of permanent roads against the property specially benefited. In fact, no one need ever again complain of mossback legislation, or an antiquated system of county government, for Jackson county can work out its own system as completely as Medford can frame its own charter.

At a later date I shall have more to say on this subject. I do not believe that there is any occasion for discouragement. We were held up for a year by litigation on our water system. It was discouraging at the time, but we now have the finest water system of any city in the west. What Medford has done with its water system, Jackson county can do with its roads. We can do it because the door is open and we can provide our own system and our own laws under which to operate. We are no longer tied to the Willamette valley.

ARGENTINA MAY GO TO WAR WITH PARAGUAY

BUENOS AYRES, Jan. 25.—War between Argentina and Paraguay is threatened today and the Argentine government has ordered four warships immediately dispatched to Paraguayan waters. Diplomatic relations between the two governments are expected to be severed tonight.

Paraguay failed to give Argentina a satisfactory answer to demands for compensation for numerous losses caused citizens of Argentina, residing in Paraguay, through attacks on their holdings.

TO GET WARM WELCOME



CARDINAL O'CONNELL
Cardinal O'Connell, with his suite, will reach Boston January 29 aboard the Canopic of the White Star line. A warm reception, like that accorded Cardinal Farley in New York, awaits the new Cardinal at Boston.

UNITED STATES SENDS EXPERT TO STUDY HERE

Professor Cox, in Charge of Lake Region, Will Spend Three Months Learning How Rogue River Keeps Jack Frost at Bay.

IS HIGH COMPLIMENT TO ROGUE RIVER VALLEY

Professor Cox is Foremost Weather Scientist and His Coming Will Mean Much.

Acknowledging the fact that the Rogue River valley leads the nation in the matter of scientific frost prevention, the United States government has arranged to send its foremost investigator, Professor Harry J. Cox, in charge of the lake region with headquarters at Chicago, to Medford where he will remain for three months during the frost season studying local conditions. The sending of Professor Cox to this valley to study this subject is a great compliment, not only to Professor O'Gara, who arranged and worked the matter up to its present excellence, but to the fruit growers who have co-operated with the local office and made it possible.

Professor Cox is in charge of district No. 4 of the United States weather bureau. He is one of the foremost scientists in the government service along these lines and has much frost prevention work to do in the middle west. That he is sent here to learn the methods followed shows that the government recognizes the excellence of the local station's campaign.

Cardinal Welcomed.

NEW YORK, Jan. 25.—Cardinal Farley was today formally received at St. Patrick's cathedral here amid all the solemn pomp and splendor accorded a prince of the Roman Catholic faith, 700 priests and higher ecclesiastical dignitaries escorting the venerable prelate and Cardinal Gibbons from the cathedral college to the church.

19-YEAR-OLD GIRL IS BELIEVED TO KNOW OF MURDER

Robbery is Thought to Have Been Motive for Murder of Young Chinaman Whose Body Was Found in Trunk at Seattle.

PORTLAND, Jan. 25.—Members of the family of Seid Bing, the Chinese whose dismembered body was found at the King Street depot yesterday, are en route today to San Francisco, Seattle, Tacoma and Los Angeles to search for Choi Sin, the 19-year-old Chinese girl and a "tall, thin" Chinaman, who are strongly suspected of Seid's murder.

Detectives have traced the girl from The Dalles, Ore., where she has relatives, to Seattle. It is believed she may be in San Francisco, where her parents reside. She left them some time ago after a family quarrel. The name of the Chinaman who caused a separation between Seid and Choi has not been ascertained.

The Seid family have turned over \$200 to local detectives to aid in the search for the couple.

Detective Joe Day left last night for Seattle with Seid Back, head of the family, to claim the body. It will be returned to Portland.

The fact that \$900 in cash and \$200 worth of diamonds were missing from the body indicates that robbery was the motive for the crime.

VIEW OF CHINESE CAPITAL AND PRINCE WHO OPPOSED ABDICATION.



PEKIN—THE CHINESE CITY FROM CHIENMEN GATE. PRINCE KUNG.

The situation in Peking after the abdication edict had been prepared and approved by the heads of the imperial government and awaited the seal of the Dowager Empress, was like a volcanic crater. Anti-foreign placards were posted in the South City, and foreigners were advised to move into the legation quarter. Prince Kung bitterly opposed abdication.

COOPER MORRIS ASKS BIG PRICE FOR TESTIMONY

Demands That State Dismiss 10 Indictments Against Him Before He Will Take the Stand and Testify Against Wilde.

PORTLAND, Ore., Jan. 25.—Admittedly holding important evidence of the defunct Oregon Savings and Trust bank, who is jointly indicted with Banker Wilde of San Diego for the embezzlement of \$90,000 from the institution, demanded today that the state dismiss all indictments against him. Otherwise he said he would not take the stand against Wilde. Unless Morris testifies it is believed the prosecution has no chance of convicting Wilde. There are 10 indictments against Morris, who is now serving a term in the Oregon penitentiary.

Tossed Coin for Property.

PORTLAND, Ore., Jan. 25.—Unable to agree over what each considered an equitable division of their father's estate, Roy McCarthy and his brother Frank avoided litigation by tossing pennies. Roy won.

UNDERWOOD BILL TO REVISE IRON TARIFF FAVORED

House Ways and Means Committee Files Favorable Report—Democrats Will Caucus Saturday in Effort to Pass the Measure.

WASHINGTON, Jan. 25.—The house ways and means committee reported favorably today on the Underwood bill to revise the iron and steel tariff measures. The house democrats will hold a caucus Saturday in an effort to secure the adoption of the bill.

MOMENT'S DELAY IS CAUSE OF MAN'S DEATH

SAN FRANCISCO, Cal., Jan. 25.—A moment's hesitancy in throwing up his hands at the command of a highwayman, who shot him down on his own doorstep and in the presence of his brother, today may cost William Deberan his life. He is at the Emergency hospital with a bullet in his abdomen. Police are searching the district for the thug.

Deberan and his brother were entering their home when they heard the command "hands up." Deberan hesitated. Instantly the thug pulled the trigger and disappeared in the darkness. Deberan fell into his brother's arms.

MEDFORD WOMEN RALLY TO AID OF EQUAL SUFFRAGE

Two Workers for Votes for Women Here to Meet Local Women and Start Movement—Will Be Ballotted On at Election in November.

Votes for women in the state of Oregon will be the object of a large gathering of local women who will meet Friday to form a local woman suffrage club and take up the work of outlining a campaign to be waged until next November when the state will again ballot upon the subject of suffrage for women. Two leading suffrage workers from California—Miss Charlotte Anita Whitney and Mrs. Helen Hoy Greeley—are in the city and are to meet with the local women and to advise them in regard to the formation of a local club.

Miss Whitney is the president of the College Equal Suffrage League of San Francisco, while Mrs. Greeley is a graduate of Vassar and a practicing attorney of New York city. These two are thoroughly versed in the matter of campaigning for equal suffrage and doubtless will have much to say of interest in regard to votes for women.

Mrs. J. F. Reddy is lending her assistance to the two women and is arranging for the meeting to be held Friday. The announcement of the place and time for the meeting will follow later. Mrs. Reddy is entertaining with a luncheon today to which a number of women interested in the movement have been invited. The women of Oregon are planning to conduct an earnest campaign for votes this year, as Oregon is the only coast state not granting the right of suffrage to women.

DUKE DRIVES ENGINE HIMSELF

Makes Democratic Start for Washington—Duke Says Tunnel is Marvelous Piece of Engineering Work.

NEW YORK, Jan. 25.—The Duke of Connaught made a democratic start for Washington at 11:10 o'clock today when he himself took the throttle and drove electric engine No. 23 through the tunnel under the Hudson river to the Manhattan transfer station at Harrison, N. J.

The duke's private car "Syngal" was attached to the train he drove under the river. Coming out of the tunnel the duke said it was the most marvelous piece of engineering he ever saw.

DECISION OF THE SUPREME COURT WHICH KNOCKED OUT COUNTY ROAD BONDS

This suit was instituted by a resident freeholder and tax payer of Jackson county, against the county judge, commissioners and clerk of that county to enjoin them "from either ordering, issuing or causing to be issued, negotiated or sold" the bonds or other obligations of the county in the sum of \$1,500,000 in excess of more than \$5000 voluntary indebtedness of the county already contracted.

The plaintiff asserts that the defendants, composing the county court and its clerk, threaten to and are preparing to wrongfully negotiate \$1,500,000 of county bonds or other securities for the purpose of constructing permanent roads in that county in consequence of which, unless same be enjoined, his burden of taxation will be greatly increased to his irreparable damage.

After denying in the answer the wrongfulness of the purposes imputed to them, the defendants trace with great wealth of detail the history of the adoption of the constitutional amendment hereinafter discussed, even going to the extent of quoting at length the argument published in the political pamphlets for use at the hustings when the measure was submitted to the people, and

seek to justify under that amendment.

Reduced to its lowest terms, the substance of the answer is, that being urged thereto by the petition of numerous taxpayers of the county, the defendants, county judge and commissioners, called an election for September 30, 1911, and submitted to the electors the question: "Shall the county create indebtedness not to exceed \$1,500,000 for the building of permanent roads therein, said indebtedness being in addition to the interest and to its present indebtedness, and independent of any other indebtedness, however created, and to be evidenced by the 20-year bonds of said county, drawing interest at not to exceed 6 per cent per annum" and being so advised by an affirmative majority of the votes cast at said election they are proceeding to issue and negotiate such bonds, or so much of them as may be deemed necessary to raise money for the purpose named.

The circuit court overruled a general demurrer to the new matter of the answer and, as the plaintiff elected to stand on his demurrer, made a decree dismissing the suit. The plaintiff appeals.

BURNETT, J.—At the election held in 1910 the people of the state, by the initiative process, amended

section 10 of article II of the constitution of the state so as to read as follows: "Section 10. No county shall create any debts or liabilities which shall singly or in the aggregate exceed the sum of \$5000, except to suppress insurrection or repeal invasion, or to build permanent roads within the county, but debts for permanent roads shall be incurred only on approval of a majority of those voting on the question." Of this amendment the courts will take judicial notice the same as of any other law of the land. It is unnecessary to plead the same. Much less is it requisite to set out the history of the adoption of the amendment or the arguments used to carry the measure.

It is conceded that the voluntary debt of Jackson county, incurred since the people adopted the original constitution of the state far exceeds \$5000. The question presented here involves the construction of the amendment above quoted in its application to the facts stated in the answer. The issue includes not only the amount but also the form of the proposed indebtedness.

The amendment confers no new power upon any county. Every county has always had the power to create debts for the purpose of building permanent roads, provided the vol-

untary liabilities of the county should not be increased thereby to exceed \$5000. Hitherto the establishment of county roads has been one of exclusive functions of county courts. Sections 937, 6278 et seq L. O. L. The ideal of an imperishable road surface has not yet been attained and probably never will be, but many highways have been permanently established by the authority of the county courts. The law making power has prescribed the manner in which county indebtedness is created. It is in the form of county orders or warrants. Only upon proper orders issued and attested by the county clerk is the county treasurer authorized to disburse the county funds. Section 2954 L. O. L. The only innovation made by the amendment upon the previous order of public affairs is to change the form of restriction upon the power to go in debt for the particular purpose named. All the affirmative authority of the county court exists now just as it did before.

The contention of the defendants, in its ultimate analysis, is that the quoted section of the constitution as it now stands is self executing and invests the county with full discretion to devise the means of securing the "approval of those voting on the question" so long as it ascertained

by voting in some manner and that no legislation is necessary on that subject. That an election of some kind will be necessary to remove the restriction upon the amount of indebtedness for permanent roads may well be implied. The question on this branch of the case is whether an election has been authorized. The amendment in question must be construed, if possible, to stand with the rest of the constitution, for the people inaugurated constitutional government and have not yet abandoned the constitution they promulgated in the beginning. Section 8 of article 2 provides as follows: "The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting elections, and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult and other improper conduct." Of course this section cannot be construed to exclude the rights of the people to legislate on the subject of elections under the terms of section 1 of article IV, known as the original initiative and referendum section. It is clear, however, that until the legislative power of the state has declared that an election shall be held on a particular kind of question no decision of such