



Black Beauties

THIS is the time of year when we sell lots of black suits. A black suit is a Spring suit, Summer suit, Fall suit, and Winter suit. You can wear it when a business suit isn't appropriate, and it is the staidest suit for business, too. Always in good taste, appropriate on all occasions, becoming to everybody—a good, staunch, refined old friend, that one can always fall back on. Men's single and double-breasted Black Suits and Frocks Suits, in black Vienna, Thibet, black, rough-faced Worsted Cheviot, etc., \$7.50, \$10, \$15, and \$20. If we don't satisfy you at every point, come back for your money. Another lot of Packard shoes for men have just arrived. We are surprised ourselves at the number of shoes we are selling. In fact in every line we are selling more than ever before, and in order to keep up with the increasing demand we are having our store room remodeled so as to give us more room to display our goods. We claim to carry the largest stock of clothing in Salem. To convince yourself come and see.

G. W. Johnson & Co.
257 Commercial St., Salem, Oregon.

AMENDMENT IS OPERATIVE

Attorney-General Blackburn So Decides Without Legislation

NOT NECESSARY TO CALL A SPECIAL SESSION TO PUT THE SAME INTO EFFECT—BY THIS DECISION ONE NECESSITY HAS BEEN REMOVED.

(From Saturday's Daily.)

Some time ago Governor Geer, in view of the proposed petition being presented urging him to call an extra session of the Legislature for the purpose, among other things, to put the Initiative and Referendum amendment to the Constitution, adopted by the people at the last election, into effect and operation, asked Attorney General Blackburn to render an opinion as to the matter. Yesterday Attorney General Blackburn rendered his opinion, holding that the amendment was self-executing, and thereby throws a new light upon the matter of the necessity for calling a special session of the Legislature.

The opinion is a very able one, and is given herewith, in full except for the legal authorities referred to, as follows:

"Office of the Attorney General, Salem, Oregon, Oct. 24, 1902: Hon. T. T. Geer, Governor, Salem, Oregon: Dear Sir: You have submitted for my opinion the following statement and question, to-wit:

"At the last state election the people adopted an amendment to the State Constitution providing for what is known as the Initiative and Referendum. The question has arisen whether the people can avail themselves of its privileges without any special legislation authorizing or providing for it. In other words, if the Legislature at its next session should pass a law which five per cent of the people should petition the Secretary of State to submit to the electors of the state for their approval or disapproval, would that officer be in duty bound to do so without any additional legislation?"

"The amendment to the Constitution, to which you refer, provides, among other things, as follows:

"The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the Initiative or for the Referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the Initiative and for the Referendum shall be filed with the Secretary of State, and in submitting the same to the people he shall, and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor."

"This is the first amendment to the Constitution which has been adopted by the people of this state, and there are no decisions by our Supreme Court which will throw any light on the questions presented."

"The real question to be determined is: Is this amendment to the Constitution self-executing? or, in other words, Can its provisions be enforced and made effective without legislative enactment prescribing the mode of their execution?"

"This calls for a construction or interpretation of this amendment, and the question must be determined from the wording of the amendment itself, and by ascertaining the purpose for which it was enacted, the evil which existed, and which was intended to be remedied by said amendment, and the remedy sought to be applied."

"This amendment must be liberally construed. (Here follows several references to authorities tending to show

that Constitutional amendments must be liberally construed.)

"Section 1 of Article IV of the Constitution (this being the section which was amended) reads as follows:

"The legislative authority of the state shall be vested in the legislative assembly, which shall consist of a Senate and a House of Representatives."

"This provision of the Constitution vested all legislative power exclusively in the legislative assembly. No other department of the state government could exercise any legislative power whatever, nor could the people of the state do so except by and through the representatives whom they elected to represent them in the said legislative assembly. The people neither propose nor enact laws independent of the Legislature, nor could they at their own option approve or reject at the polls any law which might be enacted by the legislative assembly. The people might indirectly propose measures for enactment by the Legislature by requiring pledges of those selected to represent them therein that they would introduce bills for the purpose of carrying into effect the wishes of their constituents, and that they would honestly endeavor to secure their enactment. But those only of the Senators and Representatives who made these pledges would be bound by them. These are the evils which called for the amendment of said section 1 of Article IV of the Constitution; and the remedy sought to be applied is, in its nature and effect, two-fold, to-wit:

"1. The people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the legislative assembly; and

"2. They also reserve the power at their own option to approve or reject at the polls any act of the legislative assembly."

"Under and by virtue of said amendment these powers are undoubtedly vested in the people, and, in Cooley's Constitutional Limitations, 6th edition, page 99, it is said:

"A constitutional provision may be said to be self-executing if it supplies a sufficient rule by means of which the principles may be given the force of law. Thus a constitution may very clearly require county and town governments, but if it fails to indicate its range and to provide proper machinery, it is not in this particular self-executing, and legislation is essential. Rights in such case may lie dormant until statutes shall provide for them, though in so far as any distinct provision is made which by itself is capable of enforcement, it is law, and all supplemental legislation must be in harmony with it."

"It is claimed that the South Dakota amendment to section 5 of the constitution of that state is not in force and cannot be enforced without legislative enactment, and that, for a like reason, the amendment to the Constitution of this state cannot be enforced. This may, possibly, be true as to the South Dakota constitutional provision. This section is found in the Annotated South Dakota Statutes of 1899, vol. I, page 2, and is the Initiative and Referendum amendment to the constitution of South Dakota so often referred to as not being available to the people of that state because the Legislature has failed to pass any law whereby its provisions may be carried into effect."

"This section of the South Dakota constitution may remain dormant for the reason given; but it does not prescribe any mode of procedure whereby the people may avail themselves of the privileges provided for, except the provision that the Legislature shall make suitable provisions for carrying into effect the provisions of this section."

"The people, by adopting an amendment of this character, simply reserve to themselves a power which they originally held, but had voluntarily vested in the Legislative assembly. They take away from the Legislature the exclusive power of enacting laws which was vested in it prior to the amendment, and reserve a portion, at least, of such power to themselves, and it may be possible that the courts would hold the South Dakota constitutional provision self-executive if it had not provided for legislative action. (Here provided for legislative action.)"

"The case is cited where the California constitution conferred rights upon constitution conferred rights upon cities, and San Francisco exercised such rights, without any legislation on

the part of the California Legislature, the proceeding being sustained in the courts.)

"But, be this as it may, the provisions of the Oregon amendment differ materially from those of the South Dakota constitution. The powers reserved to, and to be exercised by, the people, under the Oregon amendment are distinctly defined, and the mode of procedure to be pursued for the purpose of exercising these powers is, in part at least, pointed out. In other words, the machinery by which the provisions of the amendment may be carried out is, in part at least, provided. It was, unquestionably, the intent of the framers of this amendment that it should be self-executive; and the people, at the time they adopted it, understood that it supplied a sufficient rule by means of which the right given might be enjoyed and protected. Such construction must, therefore, be placed on it as will carry into effect the intent of its framers and of the people who adopted it, if it can be done without violence to the language used, and it must, also, be liberally construed so as to render it effective, if it is reasonably susceptible of such construction."

"The said amendment makes the following provisions as to its enforcement, to-wit:

"The first power reserved by the people is the Initiative, and no more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health and safety), either by the petition signed by five per cent of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the legislative assembly which passed the bill on which the referendum is demanded. All elections on measures referred to the people of the state shall be held at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall have effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise."

"The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the Initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the Initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he shall, and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor."

"These provisions may not be as clear, definite and specific as might be desired, but they do provide for filing the necessary petitions with the Secretary of State; they prescribe the minimum number of legal voters whose names shall be signed thereto, and they provide the rule for determining whether or not each such petition has the requisite number of names of legal voters attached to it."

"The next provision is that 'petitions AND ORDERS for the Initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.'"

"If this were the sole provision with reference to orders submitting these matters to the people, it would probably be necessary to hold the amendment to be inoperative until the requisite legislation was enacted to render it effective, for the reason that no officer is thereby clothed with the authority to make such order; but it is elsewhere provided, in substance, that, in case of the referendum, the petition filed by the people is itself, the order, and, where the matter is referred to the people by the legislative assembly, the act adopted by it whereby the reference is made constitutes the order. When the petition prescribed by the amendment is filed with the Secretary of State, it seems to me that no formal order of reference is necessary. All that is necessary is that the Secretary of State submit the matter as petitioned for. The simple submission of the question by him is the only order of reference that is required."

"There is no positive direction to the Secretary of State to submit any of these matters to a vote of the people. It is said that in submitting them he shall be governed by the general laws and the act submitting the amendment, until additional legislation is enacted. This, it seems to me, makes it mandatory upon the Secretary of State to submit any matter to the legal voters of the state when he is petitioned and ordered so to do in the manner prescribed. (Here is reference to a Nebraska case.)"

"This rule seems to be fairly deducible from the authorities: That if the constitutional provision either directly or by implication imposes a duty upon an officer or officers no legislation is necessary to require the performance of such duty."

"I am, therefore, strongly inclined to the opinion that the Initiative and referendum amendment to the Constitution is self-executing. Yours truly,

"D. R. N. BLACKBURN,

"Attorney General."

MINING COMPANIES

FILE ARTICLES OF INCORPORATION AND WILL ENGAGE IN BUSINESS.

The Rambler Consolidated Mining and Milling Company, of Crawfordville, Llan county, filed articles of incorporation with the Secretary of State yesterday and has a capital stock of \$100,000. The company will engage in a general mining and milling business, and J. H. Scott, J. E. Brooks and D. O. Cross are the incorporators.

The Duganese Gold Mining Company of Baker City, also filed articles of incorporation for the purpose of engaging in a general mining business. The capital stock of \$50,000, and J. W. Miller, C. W. Lewis and James H. Graham are the incorporators of record.

THE NEWSOME WILL FILED

For Probate in the Marion County Court Yesterday

AN ESTATE VALUED AT \$45,000 TO BE DIVIDED AMONG HIS HEIRS AS PROVIDED—WIDOW, SON AND DAUGHTER GETS THE BULK.

(From Saturday's Daily.)

Upon petition of Olive A. Newsome, widow of John Newsome, deceased, the last will and testament of John Newsome was yesterday admitted to probate. The estate consists of real and personal property in Marion and Clackamas counties, and is valued at \$45,000. The will is dated December 19, 1896, and appoints Olive A. Newsome, wife of the deceased, to be executrix of the will and testament, and that she be not required to give bonds. The will provides that the estate be distributed among the several heirs, as follows:

To A. G. Newsome, son, is given 425 acres of land in Marion county, to be taken possession of two years after the death of the testator.

To a daughter, Minnie May Buchner, is bequeathed 600 acres of land in Marion county, of which she shall take possession two years after his death.

To the widow he leaves all other property, consisting of money, notes, livestock, real property in the City of Salem, and directs that she shall have full and complete control and management of all the will.

It is further provided that if any one of the heirs mentioned shall file or cause to be filed any objection to the probate of the will, or in any manner attempt to defeat the same, that the one so objecting shall have but \$100, the estate going to the others not making objections.

In the event of the testator outliving the heirs mentioned herein, then it is directed that the whole of the estate shall descend to L. P. Aldrich, of Marion county.

The will was executed in the presence of Samuel Hayden and John H. McNary.

FOOTPAD IN TOWN.

W. D. MCGEE AND AN EAST END SALESMAN HELD UP NEAR DEPOT.

(From Sunday's Daily.)

It was reported late last night that there had been a couple of hold-ups in the eastern part of the city, near the Southern Pacific passenger depot.

One of the victims was said to be W. D. McGee, and a reporter hunted up that individual, who said he had been approached by a couple of hard-looking citizens near the creek just south of the old mill building near the depot and that they told him to stop and give them a match. He became suspicious and told them he had no matches when they began to swear at him as he hurried away.

Then, according to his report, the hoboes, as he supposed they were, crossed the track and held up and attempted to rob a young lady on Mill street, about one block east of Twelfth. Her name could not be learned, but she was said to be a girl employed in the family of Clarence Rodgers on east Mill street.

The highwaymen were unsuccessful in their search for gold, as the young lady had no money in her possession, and no harm was done, her save for the fright occasioned by the thrilling experience of being "held up" in the dark by a couple of hoboes.

The report was noised about the station just before the overland came in, and it was remarked that there was not a single couple seen strolling up and down the walk as is customary of pleasant evenings about train time.

MEETING OF MONARCHS

EMPEROR WILLIAM AND KING CARLOS SOON TO VISIT KING EDWARD.

LONDON, Oct. 25.—Emperor William will arrive in England November 8, and by that time it is expected King Carlos of Portugal, also will be a guest of King Edward. There is every reason to believe that the meeting of the three monarchs will result in important international understandings, especially as regards South Africa, and more particularly Delagoa Bay, which is so vitally important to Great Britain as an outlet for her newly acquired colonies. The Portuguese Government appears willing to transfer some portions of its South African territory to British rule. Germany, however, is understood to be strenuously opposed to British trade securing such an advantage at any rate, unless Portugal is willing to placate Germany by granting her some similar concession, and it is believed that before the Emperor and King Carlos leave England, a bargain will be arranged.

ITEMS FROM SHAW

PRUNE MOVEMENT IS BRISK—SUNDAY SCHOOL CONVENTION IN SESSION.

(From Saturday's Daily.)

The 1902 prune crop is moving out of this vicinity quite rapidly this season. The quality of the fruit is very good and the price is fair. Shipments have been made up to the present time by several firms, as follows:

H. S. Gile & Co., two car loads; J. M. Kyle, two car loads; Tillson & Co., three car loads, and Laseil & Co., four car loads.

The Marion County Sunday School Convention is in session here today, and there is a large number of delegates in attendance and a very enthusiastic meeting is being held.

Shaw, October 24th.

TRESPASS NOTICES PRINTED ON cloth at the Statesman-Job Office.

CASTORIA

for Infants and Children.

Castoria is a harmless substitute for Castor Oil, Purgative, Drops and Soothing Syrup. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles and cures Constipation. It regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

The Kind You Have Always Bought Bears the Signature of

Chas. H. Fletcher
In Use For Over 30 Years.

GREENBAUM'S DRY GOODS AND MILLINERY STORE

BARGAINS FOR THIS WEEK

Lace curtains 2 1/2 yds. long	\$.50 a pair.
Lace curtains 2 1/2 yds. long	\$.75 a pair.
Lace curtains 3 yds. long	\$1.00 a pair.
Lace curtains 3 1/2 yds. long	\$1.75 a pair.
Bed spreads, large size	\$.75 each.
Bed spreads, Marseilles, worth \$2.75 for	\$1.85 each.
Lace striped hose at	\$.25 a pair.
Corsets from	\$.25 up.
Shawls and faciators from	\$.25 up.

Millinery in all the latest styles. Buckles, cabashons, feathers, tips, wings, birds, pom poms, velvets, furs, ribbons and laces. You will find this department strictly up-to-date, first-class in every respect and reasonable prices.

Greenbaum's Dry Goods Store.
Next Door to the Postoffice.

302 Commercial st. Salem, Oregon.

THE PRUNE MARKET

SHOWS MUCH ACTIVITY, BUT GROWERS ARE NOT INCLINED TO SELL.

(From Saturday's Daily.)

A great deal of activity is being shown in the prune market of late, although the price has not advanced, but there is a steady and strong demand, and the dealers are kept busy filling orders. Fruit is being shipped out daily in from three to six car load lots to both Eastern and Foreign markets. While some of the growers are satisfied and unload at the present prices, about 4 1/2 cents for the 30-40 grade of Italians and other grades and varieties proportionately, but others have more confidence in the market and are holding out in the hopes that the situation will improve before the holidays.

The following extract from the San Jose (Cal.) Mercury, of the October 22d issue, situated in the heart of the Santa Clara valley, gives an idea of the fruit situation in that section of California:

"The trainload of Santa Clara valley prunes which left here Saturday for Europe marks an epoch in the fruit growing industry in this country. A number of prominent growers and dealers were interested in regard to the matter yesterday and that was the consensus of opinion expressed. Students of the subject say that the shipment indicates that our fruit is now firmly established on its merits in the foreign market and that from this time the demand may be confidently expected to increase."

Packing is proceeding as rapidly as possible. All the packers are employing all the help they can secure and many places are running on a twenty-four hour schedule. Division Agent Paul Shoup, of the Southern Pacific Company, said that so far he had had no difficulty in regard to cars and that he was exerting himself to see that none should arise.

The apple crop is moving and the demand is brisk. During the week several cars of this fruit left for England and there are good indications for a steady demand from there. Shippers report that Colorado, Kansas, Nebraska and Montana have bought freely of this fruit, and shipments will continue for some time to come.

During the past week about twenty cars of green pears and late peaches have been shipped to Europe. Most of this fruit also went to England. Canned fruits are moving, but there has been some delay on account of the lateness of the crop and the scarcity of labor. The canneries are still running on pears, tomatoes, and late peaches.—San Jose Mercury.

A special to the Oregonian from New York, under date of October 23d, of the situation of the prune market there, says:

Prunes are active but somewhat lower on small sizes. Large fruit is scarce, 8c ruling on 40-50s in 25-pound boxes, with 7 1/2c quoted to arrive. On 50-60s, 6c ruling on 40-70s, 5c; on 70-80s, 4 1/2c; and on 80-90s, 4c. Coast wires total sales all states for export, 250 car loads. Oregon spot is firm and futures meet fair buying.

ALBANY THE VICTOR

MOPPED THE EARTH WITH THE WILLAMETTE UNIVERSITY FOOTBALL TEAM.

(From Sunday's Daily.)

A. C.—27. W. U.— With a series of rushes and runs and well directed punts the Albany College football team juggled the pigskin yesterday to the tune of 27 scores, but when the Willamette University team balanced up its account it was found wanting.

The Methodists toiled heroically, however, and fought like demons to defend their colors, but the Presbyterians were their superiors in almost every respect, so far as the game was concerned, and made touch-down after touch-down in spite of the futile resistance put up by the University team. Although the entire game was a scrupulously clean one, several accidents of a minor nature occurred and all of the substitutes available were put into play.

During the first half of the game the Presbyterians piled up 17 scores, on their side of the campus, but the last half was more closely contested and exciting, and the Albany boys only succeeded in securing 10 more scores.

The University team took their defeat very philosophically, however, and congratulated themselves upon being able to hold the Albany team, which is considered superior to the O. A. C. team, down so well, and are gratified over their marked improvement.

The Girls Students' Association gave a reception last night in the University chapel in honor of the visiting college boys. The hall was crowded with admiring friends, and the visitors were escorted to the train by scores of students who went out to see them safely started on the journey homeward.

The line-ups of the respective teams follows:

Albany:	Willamette:	
MacKinnon	center	Judd
Dickerson	left	Consett
Jarvis	right	Gale
Griffith	left	Parsons
Templeton	right	Towitt
Hamblough	left	Hean
McElride	right	Marques
Snyder	right	Hadden
Coates	right	Young
Rowell	left	Miller
Morrison	right	Pollard

A NEW CHURCH

UNITED BRETHREN IN CHRIST ERECTING A HOUSE OF WORSHIP IN SALEM.

The United Brethren in Christ are building a church on their property at the corner of Marion and Fourteenth streets. The dimensions of the structure will be 30x40 feet, and it is the intention to hold services in it for the first time on Thanksgiving day. It is expected that Bishop Cantle, of Philadelphia will be present to dedicate the new structure. The friends of this church feel much elated over their ability to build a house of worship in Salem, as their church was organized but a year ago with 25 members.

Miss Nannie Wagner returned Saturday from a three months' visit and tour through British Columbia, much improved in health. She was accompanied by her cousin, Ashley Vantine, from Portland.