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SALEM'S FOURTH BIG ANNUAL CHERRY FAIR

THE CRATER LAKE ROAD ACT IS DECLARED LOCAL AND UNCONSTITUTIONAL

THE INJUNCTION IS MADE PERPETUAL BY JUDGE GALLOWAY

COURT REGRETS THAT NO ATTENTION CAN
BE PAID TO SENTIMENT, AND HOLDS
THAT THE ACT IS SPECIAL AND
LOCAL LEGISLATION

In the suit of J. K. Sears against State Treasurer Steel and Secretary of State Benson, Judge Galloway rendered the following decision this morning:

This is a suit for an injunction to restrain the defendants from paying out any money under the provisions of chapter 191 of the laws of 1909, pages 278, appropriating \$100,000 in aid of the construction of a proposed state road from the Pacific ocean, via Crater Lake to the Idaho boundary, and providing a commission to supervise the construction of the same.

The complaint alleges that the act is unconstitutional as violative of section 23, article IV, of the constitution, reading:

"The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say:

1. For laying, opening and working on highways, and for the election or appointment of supervisors.

2. For the assessment and collection of taxes for state, county, township or road purposes.

And section 7 of article XI, reading:

"The legislative assembly shall not loan the credit of the state, nor in any manner create any debts or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of fifty thousand dollars, except in case of war, or to repel invasion or suppress insurrection; and every contract of indebtedness entered into or assumed by or on behalf of the state, when all its liabilities and debts amount to said sum shall be void and of no effect."

The defendants' answer denying all the material allegations in the complaint, and further alleging that the said act does not create a debt against the state in excess of the constitutional limit of \$50,000, but that there are and will be funds available for the payment of all warrants that may be drawn pursuant to said act. And the defendants further answer and aver that the said act is not a special or local law for the opening or working on highways, or for the election or appointment of supervisors, or for the collection or assessment of taxes for state, county or road purposes, or a local or special law or any other than a general public statute in the interests of the public, and the same will greatly benefit the people of the state of Oregon. To all of which the plaintiff replies bringing in issue the averments set out in the answer.

On the trial much testimony was given by persons of high authority as to the great scenic beauty of Crater Lake, and the necessity of a public highway to this wonderland of our state.

The court cannot be actuated by sentiment, though much it might wish in this case. Therefore, there are but two questions to be considered in this suit:

First—Is said chapter 191 a local and special act or local or special, in the meaning of said section 23 of article IV.

Second—Does it loan the credit of the state in excess of \$50,000, in violation of said section 7 of article XI of the constitution.

In *Allen vs. Hirsch*, 8 Oregon, 412, the court held an act appropriating public money to be paid out of the internal improvement fund in aid of a wagon road known as the Dalles and Sandy wagon road and another known as the Eastern Oregon and Winnemucca road, to be constitutional, upon the following principle, as to what constitutes local and special laws, announced on page 425:

"The general principle to be deduced from all the authorities seems

to be this, that whenever an act of the legislature authorizes any public road or other internal improvement to be made or other act to be done, which in its nature is more beneficial to the community at large than to the inhabitants in the immediate locality of the road, or other internal improvement, such act is to be considered a public and not a special or local law."

On the other hand, in *Maxwell vs. Tillamook County*, 20 Oregon, 495, where a road was all in Tillamook county, the court held the act unconstitutional, laying down the rule as to when the law is local, at pages 503, as follows:

"If a local act is one operating within a limited territory or specified locality—one operating upon persons or property in a single county or two or three counties would be local."

In *Manning vs. Klippel*, Oregon 367, the court held an act, providing the county officers of 14 counties to be paid salaries, and providing for the payment of fee being paid to the county for services performed by the officers, was a local law, and unconstitutional, nine counties not included in the act. See page 373.

Also the following cases discuss the question of when a law is local or special within the prohibition of said section 23, article IV of the constitution:

Ell vs. Frazier, 38 Oregon, 462.
Simon vs. Northrup, 27 Oregon, 487.

Crawford vs. Linn county, 11 Oregon, 482, holding a special law, under article IV, section 23, of the constitution, is synonymous with "private law."

Baker County vs. Benson, 40 Oregon, 167, holding a law to annex a part of one county to another is a local law.

As to creating an indebtedness in excess of the amount specified by the constitution, in *Brick vs. Clatsop County*, 46 Oregon, page 223, the court says:

"Stripped of all subterfuge, the act of the legislature authorizing the defendant county to levy a special tax for court house purposes, and the contract made by it in pursuance thereof, are an attempt to permit the county, although already in debt largely beyond the constitutional limit, to impose an additional indebtedness over \$100,000 upon its taxpayers, by attempting to make a distinction between the county as a corporate entity and the individual taxpayers. If this may be done for the construction of a court house, it may be done for highways, bridges, poor farms, hospitals, jails and the like corporate expenses, and the property of the taxpayers may thus be burdened for years to come, contrary to the provisions and spirit of the constitution. It would not be particularly comforting to a taxpayer so situated to be told, while groaning under such special levies, extending hopelessly into the future, that he could congratulate himself that he lived in a county which was not indebted more than \$50,000. The reasoning which results in such conclusion is to us unsound. The constitution was intended to protect the taxpayer. Its language is plain and unambiguous, and the court is not justified in giving it a strained or astute interpretation, to avoid individual or local hardships."

Learned counsel argue that the case at bar is not on all fours with *Maxwell vs. Tillamook*, cited above. Let us compare the two acts. In the *Tillamook* act \$10,000 was appropriated to aid the county in constructing a public highway along the coast for probably 30 miles or more, \$1000 of

(Continued on page 4.)

THIRTEEN HUNDRED ACTORS ON ONE STAGE IN PLAY TONIGHT

[United Press Leased Wire.]
Cambridge, Mass., June 22.—Before 12,000 persons, including many of the nation's most distinguished men, Maude Adams, as Joan of Arc, will star tonight in the mightiest theatrical attempt ever staged in the United States.

Harvard's immense stadium has been prepared for the gigantic production at great expense. The section that will hold the audience has been arranged to seat 10,000 persons, and standing room provided for many more.

Thirteen hundred actors and sup- ers will assist the little actress, who, mounted on a white Arabian stallion, will form a central figure around

which the contending hosts will rage in historically accurate battle.

The English version of Schiller's "Hung Frau Von Orleans" will be interpreted by the enormous troupe, and the greater portion of the music will be from Beethoven's "Eroica."

The famous Harvard gridiron, on which many historic football battles have been fought, will form part of the stage, the size of which necessitates cues being given by means of an elaborate system of electrically flashed signals. An entire electric station has been erected near the stadium to furnish illumination and necessary stage lighting effects.

The performance is to be managed by Charles Frohman, under the auspices of the German department of the university.

HE SAW LEON LING KILL ELSIE SIGEL

[United Press Leased Wire.]
New York, June 22.—Breaking down under a terrible examination by the police, Chung Sin, a Chinese, today confessed that he saw his roommate, Leon Ling, strangle Elsie Sigel to death with a handkerchief in his room about midnight June 8. Chung said he witnessed the murder through a keyhole from the room adjoining.

Chung would say but little about the crime and when he was reduced to almost a physical wreck he was removed from headquarters to the office of Assistant District Attorney Ward in the criminal courts building.

There he was put under inquisition again in company with a cook, waiter and one of the proprietors of the restaurant over which his room was situated.

The examination developed that Leon Ling is a member of the Hop Sing tong, "hatchet men," whose battles with the On Leong tong have disrupted the local Chinatown for years. He is also a member of the Gee Klong tong, which is opposed to the present government of the Chinese empire.

District Attorney Jerome continued the examination and finally compelled the Chinese to tell the story of the murder.

Chung said that Elsie arrived in Ling's room at 8 o'clock, June 8. He said the girl came voluntarily and alone, meeting Ling in the room. He said she remained there throughout the evening and finally went to bed with Leon in the room.

"My room was next to Ling's," said Chung, "and I looked through the keyhole several times during the evening."

"About midnight I heard a noise and peeked through the keyhole. I saw Ling killing the girl. He had her on the bed and was strangling her with a handkerchief. I saw her

fight to get away but he held her on the bed and would not let her get up. Then she lay still. He turned away and I went to bed."

"The next morning I asked Ling what he did with the girl. He replied 'She bit her tongue and died.' He asked me what to do with the body."

Says She Wrote Love Letters.

New York, June 22.—Calmly stating that he received many love letters from Elsie Sigel, whose body was found over his restaurant, Chu Gai, a Chinese, appeared as a witness at the inquest over the girl's remains today.

Gai declared that he had never made love to Miss Sigel, who was the granddaughter of Major General Sigel, a veteran of the civil war, and that she never made love to him in person. He said that she wrote him love letters, however, and apparently thought there was nothing extraordinary in her act.

Addressing him in person, he said, she always called him Chu Gai, but her letters were addressed to "My dear friend." The Chinese stated that he was on close terms of friendship with both Miss Sigel and her mother and that they called at his restaurant frequently. He said he was a Christian but that he was not taught his belief by the Sigels. He attended school at Hackettstown, N. J., and afterward went to Columbia university. Speaking of the Sigels' frequent visits to his restaurant Chu said:

"Since last February Mrs. Sigel and her daughter came to my restaurant not less than once a week, up to the time of the girl's disappearance. I have visited them in their home and we were on close terms of friendship. I met them two years ago."

After his examination the coroner directed that Gai be held in \$1000 bonds to assure his further appearance.

NEGRO HOLD-UP WOMEN STRIP GIRL OF CLOTHING

Tacoma, Wash., June 22.—Attacked by two colored hold-up women suddenly and stripped of all her outer clothing, Miss Nellie Wood, of 2526 South J street, suffered a nervous shock from which she has not yet fully recovered.

The unusual assault occurred while Miss Wood was returning home from church about 9:30. As she neared South Seventeenth and G streets, the two hold-up women, who had been hiding, sprang upon her with such suddenness that she was almost paralyzed, and was unable to cry out for help.

Her assailants worked rapidly,

ripped off her clothing and then made their escape, leaving their victim cowering hysterically on the sidewalk, dressed only in a thin undershirt and corse cover.

The shock to Miss Wood's nervous system was so severe that she did not recover sufficiently to proceed home for some time. When she did reach the house she was scarcely able to inform her family of the hold-up. Her brother, H. R. Wood, today obtained a clue and swore to two warrants naming "Jane Doe" and "Jane Roe." It is intimated that his suspicion rests upon two women who live near the scene of the hold-up.

DETAILS COMPLETED FOR CELEBRATING THE CHERRY CARNAVAL

CELEBRATION BEGINS WITH MONSTER PARADE OF BEAUTIFUL FLOATS--FLOWER DANCE BY LITTLE GIRLS--WATER PARADE AND FIRE WORKS

The Cherry Fair will open with a big parade Thursday morning, July 8. As even kings must give precedence to brass bands, and to them only, King Lambert will follow the music at the head of the big procession on that day. He will have a splendid chariot float or perambulating throne room, around which will be a company of richly caparisoned nerals. The Royal Queen Ann will probably also be in the neighborhood and there will be a great following of enthusiastic subjects of the rubicund and ruby colored king.

Every organization in the city will be represented in the parade, and forty or more of Salem's young women on horseback will give it a touch of old time royal splendor such as the fair dames of knightly days gave to the "Field of the Cloth of Gold." There will be hundreds of flower decked autos and carriages. The parade will end at the pavilion on Liberty street, where Mayor Rodgers will turn over the keys of the city and anything else King Rex may want, to that august July monarch. As soon as Rex gets the running of affairs there will be something doing all the time in honor of his accession to the throne.

Friday night there will be a water

parade, when all the launches on the river will be in line and do a fireworks stunt of their own. There will also during the fair, and it is one of the most delightful features, too, be a flower and a cherry dance by a bevy of little girls, but just when or where this will be given has not yet been decided upon.

Outside of the amusements and the fun it must be borne in mind that there is a business side to the Cherry Fair. While the parades and such will please, there is going to be something else to delight the eyes of fruit growers and fruit lovers. There will be such a display of cherries as was probably never before seen gathered under one roof. Marion county, while not competing for the prizes, will have a splendid exhibit, and a dozen other valley counties as well as perhaps Wasco and Hood River, will display a wealth of fruit such as only Oregon can produce.

The full details with regard to exhibits, prizes, packing and other matters will be given within a day or two, but in the meanwhile don't forget that Salem's fourth Cherry Fair is to be the biggest and most enjoyable affair of the kind ever held in the valley.

FOURTEEN INJURED BY RUNAWAY CARS

[United Press Leased Wire.]
Los Angeles, Cal., June 22.—Fourteen people were injured in a street car accident in which three cars were partly wrecked at First and Spring streets, at 2 o'clock this afternoon.

The brake on the eastbound Crown Hill car refused to work as that car started down the First street hill, in front of police headquarters. The car smashed into a Dalton avenue car that was waiting to round a curve at First and Spring streets. This car was shunted into a West Temple street car that was just crossing the intersecting street. The crash of the first collision was followed by that of the second, and scores of people ran to give aid to the injured.

Struggling men and screaming women fought in the three cars to escape from the impending collisions. Several men were on the outer edges of the cars when the crashes came, and these were most seriously injured.

Of all the passengers on the Crown Hill car only one, a woman, escaped injury. She crawled from the wreckage during the excitement and disappeared.

Later it was learned that none of those injured would die, although several women were believed to be suffering from internal injuries. The greatest damage was done by ying glass. All of the victims live in this city.

OFFERS TO BET ON HENNEY'S ELECTION

[United Press Leased Wire.]
San Francisco, June 22.—Robert E. Bains, a dry goods merchant of this city, today placed in Tom Corbett's hands to bet at even money that Francis J. Henney would be elected district attorney of San Francisco at the coming election. The money was covered immediately by a man whose name Corbett refuses to divulge.

Henney will be a candidate for the office on the Democratic ticket, and it is expected that other wagers on the result of the election will be laid at Corbett's place before the day of the election.

AUTO RACER HAS CLOSE CALL FROM FIRE

[United Press Leased Wire.]
North Yakima, Wash., June 22.—With its rear badly scorched through the carelessness of a bystander, in scratching a match, while the automobile was in Prosser, Wash., the Ford car No. 2, which is leading in the ocean-to-ocean race, was last heard from at Granger, midway between Prosser and North Yakima.

Word from Granger was received from Driver Bert Scott at 11:15 o'clock last night that he had just arrived there, but as he was tired he was not certain whether or not he would attempt to make North Yakima without a rest. This report from Scott was preceded by news from Prosser concerning the blaze that attacked Ford No. 2 early last night. The match scratched by the bystander to light a cigar, instantly ignited oil on the rear of the machine. Flames followed, but they were soon extinguished. No serious damage was done.

TO EXTEND RAILROAD THROUGH IDAHO

[United Press Leased Wire.]
Missoula, Mont., June 22.—A surveying party was organized here today to extend the line of the Gilmore-Pittsburg railway, from Solomon, Idaho, to Lewiston, Idaho.

The surveyors will start at once for Armstead, Mont., a station on the Oregon Short Line, from which point the Gilmore-Pittsburg is now being constructed to Salmon.

When the new line is extended to Lewiston, it will be 400 miles long.

SALEM'S CHERRY FAIR.
The date for the big Salem Cherry Fair was definitely settled by the committee Monday night. It will be July 8, 9, and 10. The various committees have their work well in hand and everything indicates one of the greatest events ever pulled off in Salem.