

# The Daily Capital Journal

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## THE U. OF O. WINS BATTLE FOR ITS APPROPRIATION

### THE NET TIGHTENS ABOUT HARVEY RAISED \$20,000 BEFORE MURDER

### OFFERED ATTORNEY SAME SUM DAY AFTER THE MURDER TO DEFEND HIM IF ARRESTED

He is Also Suspected of the Murder of Barbara Holtzman, Who Was Murdered in Portland a Short Time Before the Hill Murder--Miss Bertha Nelson Practically Identifies Him as the Man to Whom She Rented the Rooms in Which the Little Girl Was Murdered--Shown His Photograph She Said "He Fits the Description Exactly."

Portland, Ore., Dec. 21.—Nathan Harvey under arrest in Oregon City, charged with the murder of the Hill family at Ardenwald station, Mrs. Bertha Nelson today partially identified his photograph as the man to whom she rented rooms in which little Barbara Holtzman was murdered in Portland last spring shortly before the Hill murder occurred.

Shown a photograph of Harvey today she said: "He fits the description exactly." "Would you go on the stand and swear that he is the man?" was asked. "No, I would not do that unless I was sure," she replied. Harvey and Leon Lochard, a prisoner at Kelly's Butte, who has been under investigation in connection with the murder of the child, bear re-

markable photographic likenesses to each other. Both of them have grey mustaches, are middle-aged, and have sunken cheeks.

Mrs. Nelson, when shown Lochard's photograph, said: "He looks like the man," but declined to make any further statement.

Regarding Harvey, Mrs. Nelson said she would not make any positive identification until she met the man of the photograph. This privilege probably will be granted her very soon.

Another link in the chain of circumstantial evidence connecting Harvey with the Hill murders was forged today when Jay Bowerman, head of a prominent firm of attorneys here, today admitted that Harvey came to his office the day following the murder.

(Continued on page 8.)

**Burbank Grows Paint.**  
Santa Rosa, Cal., Dec. 21.—Luther Burbank, the plant wizard, has added another discovery to his long list today in his announcement that his famed spineless cactus is not only nutritious and valuable as a fruit, but makes the finest quality of whitewash and paint. The statement was made and explained at length to the convention of the California Fruit Growers' association here. Burbank's lucidly explained discovery promises to revolutionize the whitewash and paint industry in America.

### THE OREGON GLEE CLUB SATURDAY

One of the cleverest skits that the University of Oregon Glee club will spring upon the audience at its concert in the Grand Saturday evening is "Birds of a Feather," in which Melvin Ogden and Burns Powell, of Portland, and Vernon Vawter, of Medford, take part. Melvin Ogden, who is the director this year, has starred on University of Oregon Glee clubs for the past four years, while Burns Powell, well-known among music circles in Portland, is a senior in the university, completing his fourth year of experience on Oregon Glee club in the skit. Ogden and Powell have decided to go on the vaudeville stage, but are hampered by not having a third man with them. Vawter, of Medford, offers to be the third man, but he two are unconvinced of his capabilities until he has sung to them a song telling of the trouble the Oregon students have had with O. A. C. and of the succession of misfortunes which have befallen them.

**Austrian Emperor Dying.**  
Vienna, Dec. 21.—Emperor Franz Josef is reported to have but a few days at most to live. He is critically ill, says the report, despite official announcement that he is "much improved." The announcement from the palace is not accepted as authentic, but the report that his condition is precarious is given full credence. The police this afternoon secured and burned editions of newspapers which published pessimistic stories of the emperor's condition.

### THIS PUTS TEDDY IN THE RACE

Twenty-Five Citizens of Nebraska Today Filed a Petition With the Secretary of State, Putting Teddy on the Ticket.

### PLEGGED TO SUPPORT HIM

This Petition Compels the Secretary of State to Place Roosevelt's Name on the Nebraska Primary Ballot, and Makes Him a Candidate in Spite of Himself—The Names of Candidates for Delegates to Be Filed Soon.

Lincoln, Dec. 21.—With the filing today in the office of the secretary of State John Yeiser, a prominent attorney of this city, of a petition bearing the names of 25 leading citizens pledged to support him in a campaign for president of the United States, Theodore Roosevelt today became a presidential candidate at the Nebraska presidential primaries. The names of candidates for Roosevelt delegates to the national convention next year will be filed soon. Yeiser stated today that he has been in correspondence with Roosevelt, but refuses to divulge the contents of the letters passing between the two.

### MAJOR DIMICK FAVORS WEST SIDE LOCATION

### FOR THE FREE LOCKS AND CANAL AT THE FALLS OF THE WILLAMETTE.

Mayor Grant Dimick, of Oregon City, was in Salem today to argue a case in the circuit court and incidentally stated that he thought the matter of free locks and canal at the falls of the Willamette was practically settled. He says the west side location will undoubtedly be adopted, as recommended by the state canal board, and that the price of \$4,000,000 as agreed upon, while it is higher than he would have given himself, will be satisfactory and the best solution of the matter. He says the entire campaign made by the live wires was based on the expectation of some of the Oregon City business men that construction of new locks and canal on the east side, and would have meant a large expenditure of money for labor at Oregon City, and would have been ruinous to the property of the big manufacturing concerns on that side of the river. He says that with H. E. Cross he stood almost alone against the east side location and it took a great deal of nerve and backbone to oppose them. Will Force Open Rapids. The Southern Pacific railroad now

### INJUNCTION IS MADE PERMANENT REFERENDUM PETITIONS SHUT OUT

**A Christmas Mermaid.**  
Greenwich, Conn., Dec. 21.—Great excitement was caused here today by the statement of William Rivers and Ernest Williams that they saw a mermaid bathing in the surf near here. They approached a rock on Sandy Beach, where a woman was seated hatless with arms extended. As they drew near the two men saw that she was half woman and half fish, fulfilling all requirements of the traditional mermaid, and, turning, they pulled, terror-stricken for the shore. And Greenwich is a sober town.

### SECRETARY IS PERMANENTLY ENJOINED FROM FILING THE REFERENDUM PETITIONS

After Going Over the Case Minutely Judge Galloway Administers a Stinging Rebuke to Parkison, Who Had Charge of the Circulation of the Petition for "7 Cents a Man," and Scores the Whole Matter as Being the Outcome of Spite --Says the Whole Proceeding is so Tainted With Fraud That no Court of Equity Can Consider Correcting It.

The U. of O. has won the first round in the fight against the filing of the referendum petitions in its particular case under consideration. The case is not at large. The case is not one involving merely private rights of the nominal parties of the suit, but they are essentially public matters which affect the welfare of the whole body politic. The 16th legislative assembly of this state passed house bill No. 210, being an act appropriating \$328,250.00 for the support of the State University of this state. Within 90 days from the adjournment of the legislative assembly a petition was filed with the secretary of state, demanding the reference of this measure to a vote of the electorate of this state at the next general election. If the petition is a valid exercise of the right reserved by section 1 of article IV of the constitution, then the act does not become operative from and after the expiration of 90 days after the adjournment of the session, but is void, and must be submitted to the vote of the people, as demanded in the every day citizen.

The decision is as follows: In the circuit court of the state of Oregon, for Marion county, Department No. 2. S. H. Friendly, plaintiff, vs. Ben W. Clecott, secretary of state of the state of Oregon, defendant, opinion. This case presents some very interesting issues, not only as they affect the particular case under consideration, but as they affect the public at large. The case is not one involving merely private rights of the nominal parties of the suit, but they are essentially public matters which affect the welfare of the whole body politic. The 16th legislative assembly of this state passed house bill No. 210, being an act appropriating \$328,250.00 for the support of the State University of this state. Within 90 days from the adjournment of the legislative assembly a petition was filed with the secretary of state, demanding the reference of this measure to a vote of the electorate of this state at the next general election. If the petition is a valid exercise of the right reserved by section 1 of article IV of the constitution, then the act does not become operative from and after the expiration of 90 days after the adjournment of the session, but is void, and must be submitted to the vote of the people, as demanded in the every day citizen.

(Continued on page 3.)

### GOVERNOR GIVES HIM A CHANCE

After listening to the story told by W. C. Gibson, whose conditional pardon, issued by ex-Acting Governor Bowerman, was revoked yesterday by Governor West, the governor today decided to allow him to return to Portland and stand trial on the charge preferred against him there—larceny. Gibson was sentenced to the penitentiary for highway robbery, and was recently arrested in Portland for stealing 20 chickens. He asserts that since the pardon the Oregonian, believing him to be one of West's parole men, and anxious to strike at the governor, has hounded him night and day. Through the newspaper notoriety given him his identity be-

came known, he says, and suspicion was cast upon him for every act of lawlessness that might occur in his neighborhood. He claims that he is innocent of the theft, and that he will be acquitted. One of the features in connection with the case is that the officers of Portland, without authority, went to Gibson's home, battered down the door and dragged him to the police station, where he was released by the captain. He was subsequently arrested on a warrant. In the event of an acquittal he intends to bring damage proceedings against his accusers.

Miss Gertrude Walling, who has been attending school at Corvallis, has returned home to spend the holidays with her parents, Mr. and Mrs. Byrd Walling.

### BORN.

LA FOUNTAIN—To Mr. and Mrs. Wallace La Fountain, at their home on Salem Heights, December 21, 1911, a daughter.

### HIGHWAYMEN HOLD UP TWO IN SALEM

The police today are prosecuting a diligent search for the highwayman who last night held up two people in the streets of the city, but up to a late hour this afternoon it had been unavailing.

The first hold-up occurred a little after 9 o'clock, when Charles Wellborn, who is employed by W. E. Cummings, was held up and relieved of a small amount of money near Court and Twelfth streets.

A Japanese with an unpronounceable and unspellable name, and who runs a pressing parlor, was the second victim. He was held up near the corner of Liberty and State streets later in the evening, and robbed of \$5. A peculiar feature about this robbery is that the highwayman, after taking the Japanese's watch and inspecting it, returned it to him.

### DO IT TODAY

Do your Xmas shopping today. We'll be busy, of course, but much busier tomorrow. We've a great variety of exceptionally attractive gifts that will please the critical fellow. GIFTS FOR LADIES—A suggestion: Indian Robes, Couch Covers or Steamer Robes. Only 3 more days to shop.

**Salem Woolen Mill Store**  
Dyeing, Cleaning and Pressing

**OPEN EVENINGS**  
To show you the finest line of Xmas Footwear found anywhere.  
**Reinhart's Shoe Store**

**To Anyone**  
who will call at the Journal office and pay \$2.00 on their subscription we will give absolutely **FREE** One Copy of **HAMMOND'S HANDY ATLAS** of the **WORLD.**  
**This Offer Absolutely Closes January 1, 1912**