

THE BEST NEWSPAPER

The Daily Capital Journal

THE LARGEST CIRCULATION

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REFERENDUM HOLDS UP ALL MEASURES UNTIL 1914

LIMITED WRECKED BY UNKNOWN PERSON. Spikes Removed From Rails and Entire Train Is Derailed as Result. NO ONE IS BADLY HURT. Steel Coaches Again Demonstrate Superiority and Only Running Gear Is at All Injured.

Some unknown person pulled the spikes out of a section of the track near the School for the Feeble Minded and derailed the S. P. Willamette Limited passenger train this morning at 9:18. Two day coaches loaded with passengers were turned nearly half over on the right of way and the mail and baggage cars were thrown from the track. No one was killed, and but a few injured slightly.

The entire train, consisting of an engine, two day coaches, observation, mail and baggage was derailed, but did not tip completely over. Joe Langford, news agent, sustained the most serious injury. He was banged up against the end of a car and his leg was severely cut. His home is at 312 Main street, Portland.

Mrs. Isabella Woods, of Sweet Lake, was thrown clear over her son and landed against the side of the car. She sustained bruises, but was not seriously hurt. That some one is responsible for the wreck is a certainty in the minds of the railroad heads. At first it was believed that the rails had kinked during the warm weather prevalent recently, but E. Bennett, a farmer residing near the School for the Feeble Minded, unearthed evidence that tends to show that some one pulled the spikes out of the ties for a distance of about ten feet.

Mr. Bennett, in passing through a fence along the right of way, discovered a "pinch-bar," a tool used for the purpose of lifting spikes out of ties. Further investigation on the part of the railroad officials revealed the fact that the spikes lying along that section of track which was still intact bore marks of the pinch bar, and that the abrasions on the rail holders corresponded identically with the shape of the claw-like end of the bar.

There has been no section crews working in the vicinity of the spot where the wreck occurred. Engineer's Story Verifies. That spikes must have been removed prior to the arrival of the limited was verified when Engineer John S. Montgomery declared that he noticed the east rail suddenly raise and swerve to one side when the engine was about 75 yards from the place where the cars left the track. He yelled to the fireman and applied the emergency brakes, reducing the train's speed to 20 miles an hour. Had the rails had a tendency to spread when properly spiked, the spreading would not have taken place until the engine or car weights were upon them.

Wilson's Chair, Too Small. Washington, June 7.—For the first time since his term expired March 4, last, former President William H. Taft visited the Capitol building for an hour today, exchanging reminiscences with members of the senate and house. When Taft entered the executive offices, President Wilson was absent, and Taft tried to sit down in Wilson chair, but without much success.

SAN FRANCISCO COP CONVICTED GRAFTER. Esola Found Guilty of Grand Larceny in Connection With Swindling of Rancher.

[UNITED PRESS LEASED WIRE.] San Francisco, June 7.—After deliberating less than four hours a jury here early today convicted Frank W. Esola, for 16 years a member of the San Francisco police force in various capacities, of grand larceny in connection with the swindling of Charles Foida, a Modesto rancher, by bogus men. Sentence will be pronounced Tuesday. Esola received the verdict calmly. "I have absolutely nothing to say," he told the newspaper men.

LOGANBERRIES ARE BOOSTED BY SPEAKER. Chamberlain Thinks Farmers Here Should Not Rother With Apples—Other Fruits Pay Better.

Before a rather small audience of the rural sections of Salem, A. E. Chamberlain, who is on a lecture tour for the Oregon Electric and Great Northern railroads, spoke of the fruit industry of this and other sections. Mr. Chamberlain emphasized the point that farmers should raise such fruits as are best adapted to the climatic conditions in which they live. The speaker went on to say that apple raising was not as well adapted to this section as was the loganberry industry. As an instance, the speaker mentioned the fact that there were at the present time hundreds of carloads of western raised apples in the warehouses of the east waiting for a market that could not be found while with loganberries there is an unlimited market and will continue to be for several years.

Should Raise Best Grades. Talking up the culture of strawberries Mr. Chamberlain said that farmers should be very careful to select those varieties that are best for the market. The speaker then showed that by raising an inferior grade the farmers merely made menial wages for their labors whereby if they had used those better qualities there would have been a profit over and above their wages. Mr. Chamberlain said that there were probably only two varieties of strawberries that were in the blue ribbon class when they came to the market. That no one was seriously hurt and there was no danger and made our way of the coaches. The train carried a large crowd bound for the circus here. The steel built cars again demonstrated their superiority. They withstood the wreck with practically no damage, except to the running gear. It was announced that the wreck would be cleared away by about 3 o'clock this afternoon.

LAW CALLING FOR ELECTION IN 1913 JUDGE SAYS IS UNCONSTITUTIONAL. JUDGE GALLOWAY'S DECISION IN DENTISTRY REFERENDUM CASE IS THAT NO SPECIAL ELECTION CAN BE CALLED EXCEPT FOR A SPECIFIC PURPOSE—UNDER THIS DECISION NO ELECTION CAN BE HELD IN NOVEMBER 1913

In the matter of the mandamus proceedings over the state dentistry bill in the suit of W. T. Slatters, plaintiff, vs. Ben W. Olcott, defendant, Judge Galloway at noon today handed down the following decision: On or about the 28th day of May last, a petition containing the names, place of residence, etc., of some 7000 legal voters was presented for filing to the defendant, secretary of state, ordering that Senate Bill No. 11, passed by the legislature of 1913 be placed on the ballot at the regular general election to be held in November, 1914. The secretary of state, defendant herein, refused to do so, and declined to file same for submission on June 2d when again presented by the plaintiff, who is one of the petitioners, hence this writ which commands the defendant to comply with the prayer of the petitioners or to show cause for declining to file said referendum petition referring to the people Senate Bill No. 11, regulating the practice of dentistry in this state.

The defendant as a further reason for refusing to file said petition, alleges that the petitions were circulated and presented for filing without having attached thereto a full copy of the measure to be referred. The court as requested by the defendant will take up the first reason for not filing the petition, viz: the act of 1913 being chapter 321, General Laws of Session of 1913, Sec. 1, which reads as follows, to-wit: "There shall be held a special election in the several voting precincts of this state on the first Tuesday after the first Monday in November, 1913. All measures passed by the twenty-seventh legislative assembly of the state of Oregon upon which the referendum may be invoked shall be submitted to the people for their approval or rejection at such special election. The polls shall open and close at the same time as is now provided by law for general elections in this state and the vote cast on such laws or measures shall be counted, canvassed, returned and declared in the same manner as provided by law for all laws or measures submitted to the people at general elections."

The federal constitution, as well as that of our own state, gives to the executive department the extraordinary power of calling special elections, but in all cases the elections must be called for special existing purposes and so designated in the call; for instance, the governor is required to call a special election to fill a vacancy caused by the death or resignation of a representative in congress, and the same when a vacancy occurs in the membership of our state legislature. Nowhere does the constitution confer more power upon the legislative department than upon the executive department in the exercise of this power. The act set out in chapter 321 of the session of 1913 is not only special but restrictive as it confines the power of the people under the referendum and initiative provision of our constitution to the referendum of measures passed by the legislature of 1913, but denies them the right to institute such initiative measures as they may deem advisable and for the welfare of the whole people. At the date of passage of the said act, there was no measure referred, there was no exigency or cause for such an act and no existing conditions for such an act, and no demand for same, there was no authority for appropriation of \$12,000 or any other sum and no cause for proclaiming an emergency. Therefore, it is the opinion of the court that the act set out in chapter 321 of the general laws of the session of the legislature of 1913 is unconstitutional and void and the court so holds. As to the second objection set out in defendant's answer the law requires that a full copy of the measure be attached to the petition so that voters may know what they are signing and the courts have so held. Therefore, the writ will be dismissed for this defect alone, and it is so ordered.

Y. M. C. A. RUNNERS DASH OUT OF CITY

Long Procession Follows Minton and McDonald, Following Firing of Starting Gun.

With Minton, of Salem, leading McDonald, of Portland, by a few feet, the annual Y. M. C. A. relay runners dashed out of Salem this morning at 10 o'clock, followed by a long procession of people in automobiles and buggies and riding bicycles and motorcycles. The gun starting the men was fired by W. L. Staley, president of the Salem Y. M. C. A., and each man carried in his hand a letter to the president of the Y. M. C. A. at Portland.

The men will run in the following order: Portland—Salem Minton McDonald Peike Fox Schaefer Quinn Kistus Jim Moss Spence Flemming Laney Gunther Simeral Booth Patchin Vandell Tollman Vanderlip Included in the people following the runners in automobiles were several Portland men. A. M. Griley, physical director, and Coach Lord were with them. This evening a banquet will be tendered the runners and Salem visitors by the Portland Y. M. C. A. At 1 p. m. Salem had maintained a good lead. In the first lap Salem's man, Minton, got a good lead, while Peike gained a half mile over Portland in the second lap, running it in 32:37. Schaefer in the third lap maintained the lead of Peike, making the lap in 32:40. At the end of the fifth lap near

Weather Forecast.

Oregon—Showers tonight or Sunday; cooler Sunday interior north-west portion; south to west winds.

BUILDING SEVENTY YEARS OLD RAZED

Hop Lee Laundry Structure Is Razed to Make Way of R. B. Ryan's Four-Story Brick.

After serving over 70 years of usefulness, and housing Hop Lee and his laundry for 21 years, the old building which is located immediately south of the building occupied by this paper, is being torn down and burnt up. The property is being cleared by R. B. Ryan, who will erect a four-story brick on it as soon as possible. The Hop Lee laundry building was among the first buildings to be erected in this city. Although the boards in it are rotten, and the frame in a dilapidated condition, the structure has been serviceable during the 70 odd years it has been built.

Will Soon Get In Again.

When Frank Lovell walks out of the prison gates next Monday morning after serving a long sentence, he will be met by Sheriff Eech, of this county, who holds a warrant for his arrest on the charge of forgery. Lovell is charged in the justice of the peace court of Woodburn and he will be taken to that place for arraignment. Few people live long enough to rectify their mistakes.

PROGRAM ARRANGED FOR ROYAL OAKS

Great Reception Will Be Given Men Traveling on Special Train to Portland Festival.

At a meeting of the second committee having in charge the reception of the Royal Oaks and other California citizens tomorrow evening, Wm. McGeheer, Jr., was chosen general chairman, and the following program was arranged: Reception of visitors at the Southern Pacific depot at 7 o'clock p. m. Sight-seeing trip with autos over the city. Fountain display at 9:30 p. m. After the informal program at the fountain, luncheon at the Marion Hotel. It is especially urged that all citizens owning automobiles place them at service of the committee and the visitors for the sight-seeing trip, which will not last more than one hour and thirty minutes. All automobile owners who will donate such service for the advertisement of Salem, kindly notify Gen. F. Rodgers, chairman of the automobile committee, and be at the Southern Pacific depot at 7 o'clock.

Wilson Visits Taft.

Washington, June 7.—President Wilson this afternoon paid former President Taft a brief visit at the home of W. J. Boardman.

McLoughlin Wins.

New York, June 7.—Maurice E. McLoughlin of San Francisco, national tennis champion, and Harold H. Hackett this afternoon defeated Stanley N. Donst and A. R. Jones, Australians, in the first set of the doubles in the games here for the Davis cup.

Thirty Miners Near Death. Pottsville, Pa., June 7.—With two known to be dead and only 20 rescued alive, little hope is entertained here today for the safety of 30 miners who still are entombed in the coal mine of the Scott colliery near Mount Carmel. The men were caught by an explosion of gas just as the day shift was about to enter the workings. A government rescue car, manned by federal employes is working desperately to reach the entombed men. Oxygen is being forced down the shaft by pipes.

WILL PROBE RATES IN ALL OF CITIES

Railway Commission to Investigate Charges of Portland Light Company in Salem and Elsewhere.

Owing to the many complaints that have come to the state railroad commission against the Portland Railway, Light & Power Company, that commission has decided to take advantage of the provision of the Malarkey public utilities act and have a state-wide investigation of the rates charged by the company in the several different towns wherein they do business. The towns that will fall under this investigation are: Portland, Salem, Oregon City, Milwaukie, St. Johns, Linnton, Gladstone, Gresham, Lents, Boring, Estacada, Troutdale, Fairview, Orwigo, Woodburn, Silverton, Mt. Angel and Gervais. Even though the commission is now overcrowded with work it sees the importance of this investigation, and is prepared to cope with the great amount of statistical work that will accrue from such an investigation. The first meeting of the inquiry is scheduled for September 2, in Portland.

GRADUATES RECEIVE DIPLOMAS AT ARMORY

Sixty-One Honored, Dr. Sisson Gives Great Address and Reception Ends Fine Program.

With the armory auditorium filled to overflowing, the commencement exercises were held last evening in honor of the graduates of the Salem high school. To the strains of the "Moon Waltz" the 61 graduates filed into the hall to their respective seats on the platform. After all were seated Dr. R. D. Avison stepped forward and in a class voice delivered the invocation. Immediately following, Miss Mar-Schultz recited two beautiful poems in violin. Miss Schultz's rendition of "Traumerl" plainly showed that she is a past master on her instrument. Dr. E. O. Sisson, of Reed college, Portland, was the speaker of the evening. Dr. Sisson took for his theme "Constructive Advance in Education," carrying and enlarging upon the thought that people must deeply love their children, and with that love they must realize the needs of their children. The speaker said that if such were the case education would soar to the highest possible point. With a few brief, but eloquent words, Professor Kilpatrick, principal of the high school, presented the class of 1913 to E. M. Millard, president of the board of education. Mr. Millard replied by admonishing the graduates of the responsibilities that are theirs, now that they are through what schools the city has provided for their advantage. With Professor Kilpatrick calling aloud the names, Mr. Millard presented each graduate with a diploma as they filed past him.

At the close of the evening a short reception was held in the east room of the armory, where all friends were received by the graduates. Don't argue with a critic; he can think of more mean things to say than you can.

MILLIONAIRE WOOD ACQUITTED BY JURY

Atteaux Also Escapes and Dennis Collins Found Guilty on Two Counts.

JURY FIXING SCANDAL. More Facts Brought Out Concerning Attempted Bribery of Juror Shuman During Trial.

[UNITED PRESS LEASED WIRE.] Boston, Mass., June 7.—William Wood was acquitted here today on all counts in the indictment charging a conspiracy to place dynamite to discredit Lawrence strikers. Frederick Atteaux was acquitted on the fifth count, but the jurors are disagreed on the four other counts. Dennis Collins was found guilty on the first two counts, and not guilty on the other three.

The most credible version obtained of the alleged bribery attempt in the case follows: A man approached Juror Shuman, near his home, and asked him "if he had made up his mind," adding: "I will get you a good job if you will vote right for us. It is done in all cases where big fellows are concerned. You need not be afraid. We have got the foreman and ten others." Later it is alleged the same man telephoned Shuman and renewed the offer, urging him to see an attorney, whose name he mentioned. It is reported Shuman was offered a job in the Washington mill of the American Woolen Company and \$300 cash.

Want Eight-Hour Law.

The secretary of state received a telephone message this morning stating that the women of Oregon City were circulating an initiative petition for an eight-hour law for women. There is at the present time on the statute books a law providing for an eight-hour day for women in all public work and a ten-hour day in all other work. It is expected a copy of the petition will be filed with the secretary of state in the near future. The petition will not go before the people in November, 1913, as the law in that respect deals only with referendum petitions. This was the opinion of the attorney-general, rendered some time ago.

Memorial Services.

Chemetek lodge, No. 1, I. O. F., and Salem Rebecca lodge, No. 1, will hold their memorial services Sunday at 2:30 p. m. at the Grand opera house. The program: Music by quartet. Invocation Rev. J. W. H. Irvine. Solo, Mrs. Elsie Simeral, "Lead Kindly Light," Chas. S. Conant. Reading, Miss Blanche Liston, "Thun-storms," by Wm. Cullen Bryant. Reading names of deceased members. Remarks by Geo. H. Barnett. Solo, Miss Lizzie A. Waters, "Plains of Peace," by Barnard. Music. Address, Hon. Henry W. Westbrook. Benediction, James H. Irvine. The public is cordially invited to attend.

Over a Score Killed.

[UNITED PRESS LEASED WIRE.] Edmonton, Alberta, June 7.—Between 25 and 40 laborers perished in the Fraser river between Tete Juane Cache and Fort George when the ice went out, according to Grand Trunk Pacific conductors who arrived here today from the Tete Juane Cache.

California Boy Wins.

[UNITED PRESS LEASED WIRE.] Chicago, June 7.—At Chicago University's national interscholastic meet here this afternoon, E. Caughy, of Ukiah, Cal., won the shotput with 45 feet 2 inches.

Dies of Injuries.

[UNITED PRESS LEASED WIRE.] Centralia, Wash., June 7.—Frank King, aged 77, pioneer orchardist of this section, is dead here today, following injuries caused by being buried under an overturned load of wood. A wise man has his hand on the door knob when opportunity knocks.