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SALEM, OREGON, TUESDAY, JANUARY 27, 1914.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS, FIVE CENTS.

LEADERS IN PLOT TO SLAY HUERTA EXECUTED

REVOLVING FUND CASE DISMISSED

Court Holds State Suffered Nothing by Reason of Handling Money.

DIFFERENT IF STATE LOST MONEY

Then There Would Be Grounds to Sue for Amount, Says Judge Kelly.

Holding that the state of Oregon suffered no loss by reason of the irregular manner in which the state board handled the penitentiary revolving fund...

It was strongly hinted today that Attorney-General Crawford had been attempting to use the lawsuit as a club with which to knock Governor West in the event the latter announced himself as a candidate for re-election.

These charges were made in open court when the motions were argued by counsel for the plaintiffs.

What Court Said.

The court said in deciding the case: "The view the court entertains on these motions is that where there has been admitted by the reply an affirmative defense, if such affirmative defense constitutes a complete defense to the action as set forth in the complaint, it would be proper to enter a judgment upon the pleadings for the defendants."

Measure of Damages.

"It is the view of this court that the measure of damages in this case would be the difference between the value of the services and the property obtained by the use of the funds in question and the amount of such funds used, and the allegations of the further and separate answer are to the effect that there is no difference, or that the market value was the amount paid and that the property could not have been obtained for less and that it was necessary to obtain the same in order to maintain a public institution, and for that reason it is the opinion of the court that the pleadings disclose that no damage has

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ROAD VOTE IS UPHELD BY COURT

Irregularities in Clatsop County Election Not Sufficient to Throw It Out.

LENGTHENING OF HOURS UNIMPORTANT

Question as to Registration Also Held to Be Unimportant by Court.

Besides denying two petitions for rehearings, the supreme court this morning handed down eight opinions among them that of T. L. Parker against the county of Clatsop, and its officials in which the opinion was written by Justice McNary.

By the opinion rendered today, Clatsop county is now authorized to expend \$400,000 upon the permanent improvement of three of its main highways. An appropriate proceeding was brought to annul a special election held in the county on the 4th day of November, last, upon the ground of certain irregularities in the election sufficient to prevent the court from expending the money to be derived from the sale of the bonds.

The legislative session of 1913 passed a law providing that upon the petition of one-twentieth of the registered voters, the county court must call an election and that the people could vote bonds for the road improvements, providing the outstanding bonds and the bonds to be voted for road improvements would not exceed two per cent of the assessed valuation of the county.

Assessed Valuation Important.

Justice McNary said on the first proposition as follows: "The assessed valuation of a county is the valuation shown by the assessor, plus the valuation of those public utilities ascertained by the Tax commission and that when the legislature used the expression 'the assessed valuation of a county,' it meant the consummated acts of all the agencies employed in determining the amount and value of property available for taxation."

Finally, the decree of the lower court is sought to be overturned for the reason the polls were kept open from eight o'clock in the forenoon, until eight o'clock in the afternoon as prescribed in the general laws for 1913, page 623, also, that the registration books were closed pursuant to section 5 of act, fifteen days before the date of election. This law, otherwise known as the Gill act, was by this court held unconstitutional in the case of Coffey vs. Portland, decided November 25, 1913.

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FLOOD DAMAGE TOTALS \$5,000,000 AND EIGHT PERSONS ARE VICTIMS

Encouraging Reports as to Improved Conditions Are Coming In.

PICKS UP STORMBOUND

Steamer Busily Engaged in Bringing to Safety Persons Marooned at Two Points.

[UNITED PRESS LEASED WIRE.] San Francisco, Jan. 27.—California was recovering today from one of the worst storms in its history. Reports from everywhere were encouraging. The storm left a long record of damage and loss of life, however. It was conservatively estimated that the monetary loss would be \$5,000,000. Eight persons are known to have met death.

Rivers Are All Falling.

Sacramento, Cal., Jan. 27.—Most encouraging reports are being made at the United States weather bureau here regarding the flood situation. The river stage at this point at 10:30 o'clock was 27 feet, 8 inches, only one-tenth of an inch rise in almost 12 hours. The Feather, Yuba and American rivers, tributaries of the Sacramento, are all falling. All levees are holding, no erosion being manifest, and all danger, if there ever was danger of a flood in Sacramento, is past.

Millions Dollars Damage.

Los Angeles, Cal., Jan. 27.—Million dollars was the conservative estimate of the damage done to southern California by the three days storm that swept through the entire state south of the Tehachapi. The skies were clearing today, and it appeared that the backbone of the storm was broken.

RESCUE FOOLISH KITTEN.

[UNITED PRESS LEASED WIRE.] Los Angeles, Cal., Jan. 27.—Firemen again rescued a rained kitten that climbed a telephone pole and yowled for help. The same kitten was taken from the same pole the day before.

DENIES HE HAD MONEY IN SECOND SUIT FOR DIVORCE FILED

[UNITED PRESS LEASED WIRE.] San Francisco, Jan. 27.—Answer to a suit for divorce filed by his wife, Anita, was made here today in a cross-complaint by Nat Lichenstein, a broker. He denied his wife's allegations that he had failed to provide for her, and also that his income is as large as stated in Mrs. Lichenstein's complaint. The Lichensteins, a year ago, filed cross-suits for divorce, Lichenstein charging infidelity and Mrs. Lichenstein a conspiracy. A jury found Lichenstein guilty of criminal conspiracy, but neither was granted a divorce.

Labor Wants Its Own Party Now

Proposition Will Be Fully Discussed at Meeting of Delegates From All Over Great Britain.

[UNITED PRESS LEASED WIRE.] Glasgow, Jan. 27.—A proposition to build up a separate and distinct electoral organization in all the industrial centers of England, entirely independent of the Labor party with which it is allied in Parliament, is one of the chief questions to be considered at the 14th annual conference of the Labor party of Great Britain which began a three days' session here today. If this recommendation of the executive committee should be adopted, it would mean a largely increased number of three-corner contests—Unionists, Liberal and Labor—in the next general election, which will probably take place in 1915. The Labor party is pledged to work and vote with the Liberals in Parliament, but there is no obligation to refrain from putting up Labor candidates against Liberals at the polls. In several recent elections in districts hitherto represented by Liberals, the Unionists have won because of the nomination for the first time of Labor candidates. Notwithstanding these defects of the "government coalition" the Laborites argue that they are entirely justified in offering their own candidates, especially in constituencies where the population is overwhelmingly industrial.

BUD ANDERSON IS SUED FOR \$5,000 FOR ALIENATION

[UNITED PRESS LEASED WIRE.] Oregon City, Or., Jan. 27.—Alleging that the former contender for the lightweight championship of the world had alienated the affections of his wife, Guy H. Pace, a barber, today brought suit against Bud Anderson for \$5000 in the circuit court here.

BEHELMAN CANDIDATE.

San Francisco, Jan. 27.—President John M. Behelman, of the California railroad commission, today announced his candidacy for the lieutenant governorship on the ticket with Governor Johnson.

CIVIL GOVERNMENT ON PANAMA ZONE IS ORDERED

[UNITED PRESS LEASED WIRE.] Washington, Jan. 27.—President Wilson issued this afternoon a formal executive order establishing civil government on the Panama canal zone. The making of Colonel George W. Goethals as governor of the zone was expected to follow soon.

BATTLESHIP ARRIVES.

Washington, Jan. 27.—Dispatches received here today by the navy department reported the arrival at Very Crux of the battleship Minnesota, with 450 marines aboard.



NO FREIGHT INCREASE FOR ROAD DOING ANY FREE HAULING EDICT

Railroads Which Allow Special Privileges Cannot Hope for Gain.

MUST PROVE ASSERTIONS

Roads Performing Services for Less Than Worth or Free Will Have No Standing in Court.

[UNITED PRESS LEASED WIRE.] Washington, Jan. 27.—The Interstate Commerce Commission served notice on the railroads today that it will authorize no increase in freight rates unless assured that the companies are insisting on full payment for their services—that is to say, that they are performing no services free or for less than the services are worth.

Would Add Millions.

Service over the "industrial lines," said the commission, would add millions annually to the railroads' incomes—"if charged for."

Rates Must Be Reasonable.

"This having been done, the commission, upon adequate showing of the need of additional revenue, will not shrink from the responsibility of sanctioning such measures, including even a general advance in rates, as may be accomplished under rates and charges that are reasonably just alike to shippers and carriers."

Ruling Very Important.

The commission's ruling was considered by experts here as one of the most important it has made in years.

NINETEEN-YEAR-OLD BOY ON TRIAL FOR KILLING GIRL

[UNITED PRESS LEASED WIRE.] Los Angeles, Cal., Jan. 27.—Lewis Bundy, 19 years old, confessed slayer of Harry Zeische, fifteen years old, went on trial today in the superior court. The early session was spent in an effort to secure a jury.

RULER'S ESCAPE IS VERY NARROW

Up All Night Directing His Men and Conspirators Had Plans All Made and Only Awaited Signal to Slay Tyrant--Said to Have Ordered Execution of Everyone Concerned in Conspiracy--Ferdinando Gonzales and Five Others Secretly Executed--Carranza Insists He Will Name Provisional President.

Would Name President.

Cullacan, Sonora, Mex., Jan. 27.—(Via Nogales, Ariz.) "If there is to be a provisional president in Mexico, I shall name him."

This declaration was the outstanding feature of a public address today by General Venustiano Carranza, the leader of the Mexican constitutionalists. Three thousand persons heard the general make his first public remarks since leaving the American border, where he conferred with William Bayard Hale.

GENERAL MEETING WILL BE HELD SATURDAY TO TALK ROADS

"Greatly encouraged by the support the road bonds are receiving from all parts of the county, Hon. J. L. Calvert, chairman of the Committee of One Hundred, has issued a call for a general meeting in Salem next Saturday."

WIDOW OF ANARCHIST IS ACQUITTED OF RIOTING

[UNITED PRESS LEASED WIRE.] San Francisco, Jan. 27.—Holding that there was nothing to justify the arrest of Mrs. Lulu Parsons on a charge of rioting when she attempted a meeting here a week ago, Police Judge Sullivan today ordered the case dismissed.

SAYS MOP IS DOPED.

[UNITED PRESS LEASED WIRE.] Portland, Ore., Jan. 27.—Red pepper placed on a handkerchief with which Rudolph Kubisch wiped his perspiring brow caused such paroxysms that he had John Victor, a bar tender, arrested. He alleges Victor "doped" his "mop" with the sneeze producer.

FROCK COAT BADLY NEEDED.

[UNITED PRESS LEASED WIRE.] Portland, Ore., Jan. 27.—"Can't get a job without a frock coat and can't get a frock coat without stealing it." The police say Lee Gross, a jobless actor, made this explanation when arrested for the alleged theft of a coat from Walter Rex, a vaudeville singer.

JINX AFTER MURPHY.

[UNITED PRESS LEASED WIRE.] San Francisco, Jan. 27.—Harlem Tommy Murphy thinks a jinx is on his trail. After three postponements of scheduled bouts with Champion Ritchie, the New Yorker's proposed eight weeks theatrical tour was cancelled because of prohibition against stage boxing in Chicago and the middle west.

REPORTED TO PROVIDE.