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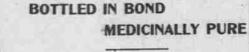
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Sauer and the Pianola

I can freely say the Pianola gives me more pleasure than I have had from thousands of so-called treats of pianistic effort. EMIL SAUER, Concert Pianist.

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Aeolian Hall, 353-355 Washington Street, cor. Park

Verdict for the Duke. LONDON. April 18.—The suit of San-rulnetti against the Duke of Manchester. income did not suffice to meet the mort-gages, charges and jointures of the Dow-

The Public Consistory, ROME, April 18.-At the public conguinetti against the Duke of Manchester, sistory today the ceremony of imposing which was postponed February I last, owwhich was postponed February 2: 1884, oning to the Duke's absence in America, occupied the Court of King's Bench today.

The presence of all the cardinals, bishops,
prelates, diplomats, functionaries of the
Roman nobility and numerous of £10,000. After the evidence that the invited guests, The pope, who was in ex. Manchester estates in England and Ireland showed a yearly deficit, and that the | pontiff, scated on the throne and surrounded by his court, performed the cere-mony of imposing the hats and proager Duchess, judgment was given in fa-vor of the defendant, on the ground that was no allocution. Subsequently the pope Sanguinetti had never found any one able | received the new cardinals in his private or willing to provide the loan on which he claimed commission, on the actual security available.

apartments. No appointment was made today in the case of the vacant bishopric of Portland, Me

MAKES LIGHT OF IT

MacArthur Says Scandal Reports Were Exaggerated.

BUT OFFICERS ARE ON TRIAL

Thirty - third and Thirty - fourth Volunteers Mustered Out at San Francisco-Protest Against Cock-Fighting at Manila.

WASHINGTON, April 18.-The following cablegram was made public today:

"Manila,-Adjutent-General, Washing. on: With reference to your telegram of the 18th, press reports are grossly ex-aggrated and misleading. The matters therein touched upon regarding officers of the subsistence department have been investigated. The proceedings were mail, ed by the transport Sheridan. Regarding the theft of commissary stores the amount of which was grossly exagger-ated by the press reports, immediate and most drastic measures have already been applied. Three officers and a number of enlisted men are being tried by court-marshal and a number of citizens by a "MACARTHUR."

No statement was made that the report of MacArthur was satisfactory, although it all along has been the theory of the War Department that the reports from Manila were exaggerated. At the same time, there is cause for regret in the department that even under the best construction that can be placed upon the dispatch, three officers and a number of enlisted men and a number of civilians have conducted themselves in such a manner as to necessitate a court-martial or a trial by a military commission in the case of civilians. It is said, how-ever, that even if these persons were being tried, there might be exaggeration in regard to the offenses with which they were charged.

Commissary-General Weston has re-ceived a cablegram from Colonel Wood-ruff, chief commissary at Manila, in which he says:
"Do not permit scandalous reports to

worry you. Affairs subsistence depart-ment of the Army administered honestly and to setisfaction of officers and troops."

Evans Denies the Reports. CHICAGO, April 18.-Thomas E. Evans, of the firm of Evans & Co., importers and financial brokers at Manila, who arrived in Chicago today, en route to Washing-ton, denied the reports from Manila that his firm was concerned in the commissary department frauds. Mr. Evans said that it seemed almost impossible to him that any such frauds as are reported could be perpetrated under the strict Army regulations in vogue. Mr. Evans will leave for Washington tomorrow

DISPATCH-BEARER CAPTURED.

Manila Clergymen Protest Against the Opening of Cockpits. MANILA, April 18.-Fifty insurgent en attacked the town of Bay, on Bay Lake, in Laguna Province, southof Manila. The insurgents were

quickly routed. Lieutenant William S. Nipes, of the Thirty-second Infantry, has captured a bearer of dispatches from the insurgent General Noriel to General Malvar. Norie directed Malvar not to surrender, saying he would send him 2000 recruits, money and ammunition, when Aguinaldo is re-leased. Noriel succeeded Trias in South-

ern Luzon. At a meeting of clergymen held in Ma-nila, at which Bishop Warren presided, strong protests were made against the opening of cockpits in Manila. The business men of the city have also objected

on the same lines The trial of Lieutenant Frederick Boyer, charged with the embezzlement of nissary stores, will be continued next

The trial of the civilian named Fletcher accused of the unlawful conversion of commissary stores, which was held before

the Provost Court today, exposed a plot to obtain commissary supplies and to sell them to the hotels and merchants of Brigadier-Generals James F. Wade and

William Ludlow have arrived here. Gen-eral Wade will succeed Brigadier-General John C. Bates in command of the De partment of Southern Luzon. Brigadier. Generals Bates, Robert H. Hall and Frederick D. Grant will return to the

MUSTERED OUT.

Volunteers in Two Regiments Get

Their Discharge. SAN FRANCISCO, April 18.—The Thir-ty-third and Thirty-fourth Volunteers Regiments, recently returned from Manila have been mustered out. The Twenty-eighth end Thirty-fifth Infantry, now in camp at the Presidio, expect to be mus out of the service April 30. though there are very few troops here now under orders for the Philippines, transports will be rushed there as fast as possible, to be in Manila in time to bring home all the volunteers to be mus-tered out by July 1. In accordance with this programme, the Thomas will sail rom here Saturday and the Warren on the 25th. The assignments to the Thomas so far consist of 127 recruits and 20 casuals under the command of Lieutenant W. A. Liebier, The Twenty-fourth Infantry and 150 marines have been as-

signed to the Warren.
The transport Rosecrans, which arrived from Manila last night, was released from quarantine today. The Rosecrans brought 218 men of the Thirty-seventh Infantry and 290 casuals. The transport Lawton, on which there were three cases of smallpox, has also been released from arentine after having been thoroughly fumigated. Seventeen days had elapsed since the last case appeared and it was perfectly safe to land the passengers.

Ald in Highway Improvements," State Engineer Bond; "Ideal Automobiles," M. J. Verdery: "The Press and the Auto,"

DEPORTED FROM LUZON.

Son of General Maceo, the Cuban,

Brought Back From Manila. SAN FRANCISCO, April 18.-The transport Rosecrans brought from Manila five men who had been deported by the military authorities. Among them was Santiago Maceo, a son of the late Cuban Young Maceo came into prominence on the Pacific Coast two years ago, while traveling with Katherine Tingley. the theosophical leader. He fell out with Mrs. Tingley, claiming that he was treated as a servant. While in the Philippines Maceo became a First Sergeant of the Macabebe scouts. He was accused of the Macabebe scouts. He was treat-tracted while in business at St. Louis. He was treat-tracted while in business at St. Louis. He was accused of the Macabebe scouts. He was treat-tracted while in business at St. Louis. He was treat-tracted while in business at St. Louis. He was accused of the Macabebe scouts. giving information to the Filipino troops, state,

and was dismissed from the Army, and because of the supposed menace of his presence in the islands, General MacAr-thur ordered his deportation.

CAUGHT BY AN AVALANCHE

Engines Hurled From the Track or a Colorado Mountain Road.

BOULDER, Colo., April 18.-On the BOULDER, Colo, April 18.—On the Colorado & Northwestern Railroad two big engines attached to a passenger train coming from Ward to Boulder, and due here at 4:10 this afternoon, were struck by a huge snowslide and hurled into the chasm below. Four trainmen were killed—Engineers Hannon and Fitzgerald, Fireman Miller and Conductor Bair. The second fireman has not yet been accounted for, and it is believed he, too, is buried under his engine. None of the bodies has been recovered.

The passenger train left Ward for Boul-

The passenger train left Ward for Boulder drawn by two engines. When the train reached Boomerville the engines were uncoupled and started up the hill to buck the snow, which was deep upon the tracks. There is a sharp curve near the apex of the mountain, and just as the en-gines started to plow through a huge snow drift a vast avalanche of snow and earth was loosened from above. It came down with terrific force and gained momentum every second. It is said that the train, which was quite heavily loaded with pas-sengers, was not touched by the slide.

ACCIDENT IN A DRYDOCK.

Blocks Slipped From Under a Transport While Being Floated.

SAN FRANCISCO, April 18.—While the transport Warren was being taken out to the Hunter Point drydock today an accident occurred in which two men were badly injured, several received slight wounds and the 700 workmen aboard got a scare they will not forget in a hurry. The big transport was ready to be taken out of the drydock, and the water to float her was being let in. The bow rose before the stern, and the blocks slipping from under the latter, the ship gave a lurch and the next instant went over to star-board. She partially recovered herself and then went over again to an angle of 45 degrees and remained in that position for half an hour. When the Warren gave her first plunge a connecting rod broke loose and pinned Aaron Astill, an elec-trician, to the side of the ship, breaking, his ankle. The main binder also broke loose and struck Ben Hall, a bollermaker, crushing his hip. Several men were knocked off the cylinder-head and received scalp wounds. After the second lurch it did not take five minutes to clear the ship, and some of the boilermakers and machinists did not stop running until they were safe among the hills. Over 400 of them refused to make the trip down the bay on the vessel, and walked in from Hun-ter's Point. The Warren was not damaged.

Misunderstanding of Orders. CLEVELAND, April 18,-As the result of head-on collision between freight and a head-on collision between freight and construction trains on the Wheeling & Lake Erie Road, in the Cleveland yards early today, William Thels, a brakeman, was killed, Engineer Velsenbrech was fatally injured and Fireman Hammond and Sylvester Bruggen were badle; hurt. The accident is supposed to have been caused by a misunderstanding of orders.

TELLURIDE, Colo., April 18.-E. J. Oakland, contractor for the Smuggler Union Mines, was instantly killed today by a cave-in of loose ground. He was about 40 years of age.

The Greater New York Democracy Organized Last Night.

NEW YORK, April 18 .- A mass meeting was held in Carnegle Hall tonight to form a new political party to be called "The Greater New York Democracy." The new party is formed to fight Tammany Hall, John C. Sheehan, E. Ellery Anderson, Peter B. Olney and Joseph P. Daley were among the many persons who signed the were present. An address was issued by the meeting which scores the present city government and declares that Tammany has run up the annual expenses from \$70,-000,000 to \$98,000,000 and has given the city a tax rate three times as large as that of Chicago. Then the address declares that in an effort to "befog this unpleasant Tammany has increased the real estate valuation by \$742,000,000. Tamman is declared to be controlled by one man, "who essays to dominate courts and coerce Judges and whose guiding purpos is the exaction of tribute through the vio-lation and nullification of law.'

Tried to Bribe a Legislator. NASHVILLE, April 18.-Senator W. B. Eldridge, of Memphis, in open session of the Senate today, accused ex-Controller James A. Harris of an attempt to bribe.

He charged that Mr. Harris came to him at his seat in the Senate chamber this morning and offered him \$500 and promised to have withdrawn a suit pending against him if he would vote for the terminal bill which will come up on a motion to re-consider. The terminal bill, which provides an amendment to the charter of the Louisville & Nashville Terminal Company, forcing it to allow the use of the terminal facilities by any railroad which may demand them, and which was advocated as a means to let the Tennesse Cen tral into the terminal station here, was defeated in the Senate Tuesday, but a motion to reconsider was pending. In ac-cordance with the Senator's request, a committee of three was appointed to in vestigate the alleged bribery. Mr. Har-ris declined to make a statement further than to declare Senator Eldridge's charges

ITS SECOND BANQUET.

untrue.

Automobile Club of America Gives Dinner in New York.

NEW YORK, April 18.-The Automo bile Club of America held its seco nual dinner tonight at the Waldorf-Astoria. The diners numbered about 200 The toasts and speakers were: "The Club," President Albert Shattuck; "National Highway Commission," Gen-eral Miles: "Present Necessities for State eral Miles;

M. H. De Young, of the San Francisco Chronicle; "The Pan-American Exposi-tion," Congressman J. S. Sherman; "Federal Paving," General Roy Stone; "Gur Friend, the Horse," Dr. Kane,

Eight Bankruptcy Petitions. SAN FRANCISCO, April 18.-The rec ord for filing bankruptcy petitions in the United States Dietrict Court was broken today. Eight petitions were filed. Bernard Weyl, formerly of St. Louis, filed a schedule of nearly \$49,000 with no assets. These debts were con

Is Unconstitutional.

DECISION BY JUDGE BELLINGER

Benefits Must Be Considered in Ordering Improvements-Otherwise Property Is Taken Without Due Process of Law.

Street Assessment Method

Judge Bellinger decided vesterday in the

within the other half there is a big hill necessitating a deep cut, and a deep guich requiring a big fill, the owners of property on the level part of the street can, by petition, force the owners on the other part of the street to make an im-provement. The law provides that each property-owner shall be assessed the cost of the improvement in front of his own particular piece of property. It is held by many that the improvement of the whole street benefits all the property upon it in about the same proportion, but, according to the present method of assess-ing the cost of the improvement, the property on the level escapes with a small assessment, while the property in front of which the big cut or big fill is made is virtually confiscated. In this city the views of property-owners in such cases are governed entirely by the situa-tion of their property. Some officials who have had much to do with street assessments have for several years past been urging the adoption of a new rule in re-

gard to proportioning the cost of im-In the matter of constructing sewers, the rule is different. In front of one piece of property a sewer may be 20 feet under ground, and in front of another only 10 feet, but the cost is appor-

United States Court that the method of tioned equally among the property-own-COLONEL CHARLES A. WOODRUFF



THE CHIEF COMMISSARY AT MANILA WHOSE NAME HAS BEEN MEN-TIONED IN CONNECTION WITH THE ARMY SCANDALS.

Portland is unconstitutional. He followed the Federal Supreme Court in the case of lited Norwood vs. Baker, which holds that the assessment for an improvement without considering the question of specified benefits, is taking his property without due process of law, which is in violation of the 14th amendment to the Constitution. The method of making the assess-

ment is held to be unconstitutional. A decision rendered by Judge Bellinger have the effect of clouding street-improve-ment work and procedure until the Supreme Court of the United States passes. upon the constitutionality of Portland's charter. The court overruled the demurrer of the City of Portland to the complaint filed by J. Thorburn Ross to restrain the Chief of Police from selling a "The plaintiff". the Marquam building to collect an assessment for the improvement of Sixth street with asphalt. Judge Bellinger's ruling is in line with the decision of the United among the many persons who signed the States Supreme Court and of the Fed-call for the meeting. About 2000 persons eral courts on the question at issue, and contrary to the decision of the Supreme Court of Oregon in the Shannon case against the City of Portland. It holds in effect that a law which makes an assessment for a public improvement that is in excess of the specified benefits is in contravention of the fourteenth amendment of the Constitution of the United

The Shannon case involves the constitutionality of the Portland method of making assessments for street improvements. It was appealed to the Supreme Court of the United States two months ago. City Attorney Long said last evening that he should at once take steps to have the question advanced on the calendar of the Supreme Court so that the question of the constitutionality of the charter may be decided with the least possible

The Case in a Nutshell.

delay. Mr. Ross, as trustee, brought suit in the United States Court to restrain the Chief of Police from selling the Marquam Grand Theater and adjacent property to pay an assessment for the improve Sixth street, on the ground that the as-sessment was vold under the rule laid down by the Supreme Court of the United States in the Norwood case. City Attorney Long demurred to the complaint on the ground that it did not state facts suffi-cient to constitute a cause of action. The demurrer was to have been argued yesterday. The case did not come up formally, but the court permitted Mr. Long, for the city, and E. B. Seabrook, plainant, to explain their positions. Mr. Long said the complaint did not show that complainant was assessed in excess of benefits, and he had to show some actual damage before he could have a

standing in court. standing in court.

Judge Bellinger said he would overrule the demurrer on the ground that the
rule of assessment provided by the charter was absolutely vicious and any asment under it was vold. He said he would hear argument on other points in the case hereafter. In overruling the demurrer, the Court followed all the Fed-eral courts in their interpretation of the Norwood case, and acted in direct opposition to the Supreme Court of Oregon The facts in the Norwood case, however were in connection with the right of eminent domain, but all the lower Federal courts have made it apply to street as-sesaments as well. A number of cases decided on this line have been appealed to the United States Supreme Court, and it is likely that the rulings of the lower courts may be reversed.

Injustice Pointed Out.

The city has had full notice of the al-leged defect in the charter rule for mak-ing assessments, which Judge Bellinger characterized as "absolutely vicious," and a provision curing it was contained in the charter bill passed by the late Legislature and vetoed by Governor Geer, and the new Charter Commission is fully ad-vised in the matter. The alleged vicious rule in the charter consists in the manner provided for assessing the cost of will have upon improvements which are improving a street, or rather in apportion- under way but uncompleted I am not

feet they own, as all are equally bene-

City Attorney Long's Views. Discussing Judge Bellinger's decision,

City Attorney Long said:
"The Ross case is a suit brought to en-join the collection of an assessment against the Marquam building for the improvement of Sixth street with asphalt several years ago. The charter of 1891 provided that each lot within the limits provided that each lot within the limit of a proposed street improvement should places of this city. A few minutes be liable for the full cost of the improvement fore midnight, agents of the committee, be liable for the light agent across the sent out under orders of Superintendent In the United States Court yesterday will ment for one-half the distance across the sent out street; that is, the cost was placed upon the adjacent property. The charter of 1893, lice stations with bundles of warrants under which the Sixth-street improve- for the arrest of a large number of perment was made, contained this same sons. The captains at provision. The same provision, though in squada to accompany the more positive terms, is contained in the and in a short time 10 places had been

a law which selects a district and makes in some instances a doorkeeper were arit liable for a given improvement with-out taking into consideration the question of benefits is vold as being in conwhich provides that no state 'shall deprive any person of life, liberty, or property, without due process of law."

"This question, so far as street imsidered by the Supreme Court of the United States in the cases of Mattingly va. the District of Columbia (97 U. S. 682), Bauman vs. Ross (167 U. S. 548), and Waltson vs. Nevin (128 U. S. 582). The right of the Legislature to select a district and authorize an assessment to be made against it for a given improvement was sustained in all these cases, and was not questioned until the case of Norwood vs. Baker (172 U. S. 269), which was decided in December, 1896. In this case, Justice Harlan, in delivering the opinion of the court, held that the exaction from the owner of property of the cost of a public improvement in substantial excess of the specified benefits to the taking of private property for public use without co pensation, and that an assessment which rested upon a basis which excluded con-sideration of benefits was illegal and void, From this decision three of the Justices dissented.

"Cases involving this same point of assessment and this Norwood decision have been before several of our Federal and state courts. The Federal courts have quite uniformly held that all laws for street improvement which created districts and provided that costs assessed against the districts, without a saving clause that the assessment should be in proportion to the benefits and not in excess of them, were void as violating the fourteenth amendment. They based their authority solely on the decist case of Norwood vs. Baker. courts, with equal uniformity, except in the case of Texas, have distinguished such assessment laws from the Norwood decision and sustained them on the authority of the Supreme Court rulings in the Mattingly, Waltson and Bauma cases. The Supreme Court of Oregon sus tained this method of assessment in the case of Shannon et al. vs. the Portland (62 Pacific Reports 50), that it did not appear upon the face of the proceeding or other competent show-ing that there was substantial variation between the amount assessed as benefits for the same improvement and the amount that could be assessed. It is the duty of the courts, under the rules and authorities, to uphold assessments made under charters similar to ours, "Judge Bellinger followed the rule of

the Federal courts in construing the case of Norwood against Baker, rather than the rule adopted by the state courts, and practically held the provisions of the charter under which the Sixth-street assess-ment was made to be unconstitutional. "The effect of Judge Beilinger's decision will be that street improvement may be enjoined by any person who ob jects to them. This will practically suspend all new street work until the Su-preme Court of the United States shall pass upon the constitutionality of our charter. Just what effect the decision ing the cost among the property-owners interested. For instance, if a street is nearly level and can be improved at small statement of the city's power to proceed for half or more its length, and with street improvem

PLACE FOR BARRETT

Appointed a Member of Pan-American Commission.

DECLINED BY PROF. NORTHROP

The ex-Minister to Slam is Ambitious to Succeed Conger, but That Position Is Beyond His Reach.

WASHINGTON April 18 -The Washing. n Times says:

"John Barrett, ex-United States Minister to Siam, was at the White House this morning, in company with Senator Hanna, and had a conference with the President. He would not state the purpose of his visit, but intimated that there would soon be an announcement made at the State Department, with which his name would be connected. It is known that Mr. Barrett has for some time been seeking an appointment under the Administration, and it is said that a foreign mission would be most agree-able to him. In this connection it is reported that Mr. Barrett would be pleased if he were made Minister to China to succeed Mr. Conger, and that, in fact, he is seeking that appointment. He believes that his experience in Slam and his know-ledge of the Far East especially fit him for dealing with the weighty problems which are troubling the diplomats in China. Mr. Barrett will not discuss this matter. When it was suggested to him to-day that he might be made a Consuf-General at some foreign port, he spurned the suggestion and said: Why, sir, do you not know I have been United States

Minister to Slam? "The Star says Barrett will accept the place on the Pan-American commission declined by Professor Northrop. When seen tonight, Mr. Barrett said he would seen tonight, Mr. isarrett said he would accept the place, which, he continued was offered without solicitation on his part. He admitted that he aspired to Conger's place in China, but seems to recognize that that position is beyond his

"It has been my privilege to have traveled extensively in Central and South America and fortunately I have a knowledge of Spanish acquired in the Philip-pines," said Mr. Barrett, Another point that has weighed with me in accepting this responsibility is the fact that up to the time of my appointment the Pacific Coast had no representative in this dele-gation. Our Pacific States have perhaps greater interests in the development of closer commercial and political relations with the Central and South American ntries than any portions of the control

RAIDS IN NEW YORK.

States."

The Committee of Fifteen Captured an Alderman.

NEW YORK, April 18.-The committee of 15 made another move tonight in its campaign against the alleged disorderly The captains at once harter of 1808.
"The plaintiff alleges in substance that his manager, a bartender or two and

rested. Every place visited was thronged with men and women. The biggest catch, perhaps, was Alder--travention with the fourteenth amendment man Frederick F. Flechk, whose place, to the Constitution of the United States, the Manhattan Music Hall, on the Bowery, was raided. The charge against the Alderman was maintaining a disorderly

SUMMARY OF IMPORTANT NEWS.

Philippines. The Thirty-third and Thirty-fourth Volum mustered out at Ban Princisco, Page I.

Manila clergymen protest against cockfighting, General Butes, Hall and Grant will return to the United States. Page L.

China. The burning of the Pekin palace may prevent the return of the court. Page 2. The body of General Schwartzenkop was re-

The budget statement was read in the House of Commons. Page 2. It provides new taxes of £11,000,000. Page 2.

The Chancellor asks to burrow £00,000,000. Page 2. The budget statement was fairly well received in England. Page 2.

Domestic. John Barrett accepts a place on the Pan-Amer-There will be no strike at the sheet-steel plants, Page 3.

The sale of the Burlington is officially an Captain Carter's lawyer wants the Solleitor-General's brief stricken from the Supreme Court files. Page 3.

Pacific Coast. Post Falls, Idaho, saloen was wrecked and an ex-raioon man treated to bad eggs. Page 4. Local company is being formed to here for oil in heart of Salem. Page 4.

Case of man mysteriously murdered at Gem, Idaho, is in hands of jury. Page 4. The beginning of Oregon was discussed at Clatsop County Teachers' Institute,

North Pacific Board of Missions will hold its next annual meeting in Portland. Page 5. Commercial.

New York stock market transactions. Page 11. Domestic and foreign commercial quotations,

Portland market quotations. Page 11. Marine. teamship Saint Bede clears for the far East

with big lumber cargo. Page 5.

arkable speed of the British ship Talus, Page 5. Mystery of Clatsop Beach salmen explained.

Portland has cleared an average of one for-eign cargo per day since April 1.

Portland and Vicinity Decision in United States Court which m hold up all street improvements. Page 1 Big rush to pay old taxes. Page 12. Glibert Daigleish dead. Page 7.

Port of Portland invites suggestions for a dry-dock. Page 12.

Spring meeting of golf club opens at Waverly links. Page 8. Striking suddlers make a statement. Page 19.