

TO TEST THE TAX

Legality of Occupation Ordinance to Be Settled.

LAWYERS FILE SUIT IN COURT

City of Portland and Municipal Officers the Defendants—Attorneys Ask That Temporary Injunction Be Issued.

A suit to test the legality of the occupation tax ordinance was filed in the State Circuit Court yesterday by Attorneys George P. Lent, H. R. Adams, D. M. Donoghue, R. I. Eaton, R. P. Graham, R. W. Thompson, T. J. Cleeton and J. N. Davis.

The defendants named are the City of Portland, Auditor Devin, License Collector M. A. McEachern, Chief of Police McLaughlan and Municipal Judge Hogue. It is asked that they be enjoined from enforcing the ordinance, and that it be declared void.

The plaintiffs state in the complaint that they have been licensed to practice law in this state by the Supreme Court of Oregon, according to the statute in that case made and provided. It is alleged that the ordinance, which is entitled "An ordinance licensing, taxing and regulating for the purpose of raising revenue, the practice of law, the office of attorneys, and the office of notaries public, and the office of commissioners of the city of Portland, Oregon," is in violation of the authority conferred upon the city by the charter, which limited the power of the city to tax for municipal purposes to three mills; that the ordinance provides that every person engaged in business as a lawyer shall for the purpose of this ordinance be classified as a lawyer, and shall pay a license fee of from \$1 to \$15 per quarter, according to the amount of his income for the preceding 12 months.

It is further charged that the defendants threaten to arrest and imprison the plaintiffs and all persons similarly situated unless they procure a license; that the city would not be civilly liable or held responsible for damages, and that the authorities making the arrests are not financially responsible or able to respond to damages.

There are, it is stated, between 250 and 30 practicing lawyers in the city similarly situated, to whom loss and injury will result if the ordinance is enforced, and if they should sue to recover the license, \$50 or more suits would be required. These and other things, it is explained, are the cause of this suit being brought.

WILLIAMS ANSWERS SUIT.

Asks Court to Set Aside His Contract With Troy Laundry.

W. F. Williams yesterday filed an answer in the State Circuit Court to the suit of the Troy Laundry Company to enjoin him from soliciting work for another laundry. He avers that he was forced to sign a certain contract, which he asks the court to set aside and permit him to continue with his present employers.

Williams in his answer states that he entered the employ of the Troy Laundry Company on September 1, 1900, and in February, 1901, J. M. Tait, the manager of the corporation, told him it would be necessary for him to sign a contract agreeing that if he should cease the employment of the company he would not engage in similar employment for a period of two months, and the employment could only be terminated by a notice of 30 days by either party.

Tait, it is alleged by Williams, insisted on this contract being signed, and threatened to discharge him if he did not sign it. At that time, it is averred, there existed a combination trust contract between the firm and corporations engaged in the laundry business, by the terms of which it was covenanted and agreed with each other that any employee discharged should be refused employment by the other laundries.

Williams further alleges that there existed a large number of agencies in the city which received a commission on laundry work obtained, which were discontinued so as to save this commission, on July 1, and that by reason of this action, a large amount of business and income as driver, solicitor and collector for the company was taken from him. He states that the contract which he signed is void for the reason that it is an unlawful restraint of trade, is unreasonable, unconscionable, and was obtained by means of duress and coercion. He asks that it be cancelled and the injunction dissolved.

LONG LIST OF CRIMINAL CASES.

District Attorney Will Attempt to Clear Docket in One Term.

District Attorney Chamberlain has a long list of criminal cases to try within the September term of the State Circuit Court, and instead of Potter having to do anything reasonable to facilitate the movement and appropriate any reasonable amount of money, Judge Webster said they are ready to help in any way, and furnish some road to build, but none of the good-roads people have yet called on them. They have not seen even one of them.

C. K. HENRY SETTLES SUIT.

Reaches Agreement With W. E. Potter by Paying \$675.

The suit of W. E. Potter against Charles K. Henry and W. M. Gregory to offset one judgment against another has been settled and dismissed in the State Circuit Court, and instead of Potter having to pay Henry \$100, the latter had to pay Potter \$675. The story of the case is a brief but interesting one.

Court Notes.

J. C. Sanford has sued C. Birchler, in the State Circuit Court, to quiet title to lot 6, block 2, Brush's Addition.

Judge Webster will leave Sunday evening for Ontario, and will not be at his office on Monday and Tuesday.

J. M. Nickum was appointed in the County Court yesterday administrator of the estate of Suzanne Nickum, deceased, valued at \$1000. He is the sole heir.

John Hall, charged with assault with intent to rob.

W. N. Daniel, charged with selling short weight butter.

George W. Williams, charged with obtaining money under false pretenses.

Robert Sinton, charged with obtaining money under false pretenses.

There is also the suit of Hume & Hall against Multnomah County, which the District Attorney will have to defend. The Belding case is set for trial Tuesday.

COMMISSIONERS REJECT BIDS.

Repairs on Albina Ferry Not to Be Made Until Boat is Examined.

The County Commissioners have rejected all the bids submitted for the repair of the Albina ferryboat, because it was decided that until the boat is taken out of the water and examined it cannot be told exactly what repairs are required.

A letter was sent by the board to each bidder to give an estimate of what he will take the boat out of the water for and put her in good condition. This is a day's work proposition, and can be figured on by contractors, as the union fixes the scale of wages, and contractors know what material costs.

The ferryboat is in bad condition, and was ordered out of service by United States Inspector Edwards. The steamer Republic carries over foot passengers in place of the ferry, and team travel is transferred to the steel bridge.

The County Commissioners yesterday examined the Graham-Lent electric railway line, which is under construction by the Oregon Water Power & Railway Company, to see where the line crosses county roads. Some changes may be ordered in the line or grades, but the Commissioners have not yet taken the matter up for discussion. The whole line was inspected.

IN THE CIVIL SERVICE

OPPORTUNITIES THAT ARE OFFERED FOR APPOINTMENT.

Eighteenth Annual Report of the Commission—Chances for Women Are Not Flattering.

WASHINGTON, Aug. 31.—Among the Government publications that will soon be ready for public distribution is the eighteenth report of the Civil Service Commission, covering the period from July 1, 1900, to June 30, 1901.

The report proper (as distinguished from the appendix) is largely statistical. It opens with the statement that 47,975 persons were examined during the year, of whom 11,028 were examined for the departmental service. This service does not include merely the departments at Washington, but all the Federal classified services outside of Washington, with the exception of the postal, customs, internal revenue and Government printing services. Thus, the railway mail and Indian services are divisions of the departmental service. Nearly 21,000 persons were examined for the Postoffice service, or a little over a thousand less than the number examined for the departmental service. About 9 per cent, or 2,170 of those taking examinations passed, and 14,759 failed. Compared with the year previous, this represented an increase of 212 in the number of persons examined, a decrease of 128 in the number who passed and an increase of 340 in the number who failed.

The total number of persons receiving appointment, excluding the Philippine service and the municipal service of the District of Columbia, neither of which is subject to the provisions of the civil service act, was 5670, distributed as follows: Departmental service (excluding the railway mail and Indian services), 252; railway mail service, 319; Indian service, 278; postoffice service, 428; Custom-House service, 26; Government printing service, 17; internal revenue service, 81. Two-thirds of the appointments in the departmental service and nearly one-half of the appointments in the Indian service were of persons who had passed non-educational examinations. These examinations, which are sometimes termed registration or experience examinations, are mainly based upon a consideration of the length and quality of the experience and the physical fitness of applicants. They are usually held for positions requiring a knowledge of one of the mechanical trades or skilled manual occupations. Inquiry is made by means of certificates from employers and fellow workers concerning qualifications. A prescribed period of service at a trade is usually a requirement. The examinations for compositors, pressmen, etc., in the Government printing office are not included in this class, since in these scholastic tests are essential. The commission states in its report that it has been unable to make the registration system for workmen as thorough as is desirable for lack of sufficient clerical force.

Preference Given to Veterans.

Concerning the preference given to United States soldiers and sailors honorably discharged for disability incurred in line of duty, the report says: "With a view to securing to those honorably discharged from the military or naval service by reason of disability incurred in line of duty, the benefits granted by section 1754 of the revised statutes, the civil service rules give preference to such persons in examinations by requiring them to obtain an average of only 65 in order to pass, in certification by placing their names at the head of the register before all others not veterans, and in exempting them from all age limitations. The preference thus conferred extends to all who have at any time been discharged from the military or naval service by reason of disability incurred in the line of duty, and is not confined to those who have served during a war."

THE BARON DE HIRSCH FUND.

Disbursements of Colonization Association in Past Year.

NEW YORK, Sept. 5.—A detailed balance sheet of the accounts of the Jewish Colonization Association, the trust created by the late Baron de Hirsch, for the purpose of helping his countrymen, has just been made public for the first time since its establishment. The association is best known by its formation of colonies in Argentina. Hitherto the accounts have been kept secret. The balance shows that \$2,015,587 was spent in 1901, and seventy-eight of this sum was obtained by interest and one-eighth by drawing on capital.

The Argentine project roughly cost last year \$250,000 for direct relief, \$15,000 for purchase of new land for colonies, and \$65,000 for administrative purposes. American organizations received \$40,000 by way of subventions, \$118,000 by way of loans for agricultural work and the settlement of individual farms.

In Russia the association spent \$100,000 on schools, \$500 in subventions, \$150,000 for erecting workers' dwellings in Vilna, and \$20,000 in loans.

In Roumania the schools cost \$150,000, and \$118,000 was given in subventions, besides \$800 in loans.

Palestine received \$33,000 for schools, \$20,000 by subventions, while Asia Minor absorbed \$65,000.

The most remarkable item in disbursements are a loan for the weavers of the prayer shawls in Dubrovna, amounting to \$70,000, and the purchase of land in Galicia for the purpose of colonization, requiring an outlay of \$120,000. The administrative expenses were \$150,000, or about 7 1/2 per cent of the total expended.

O. R. & N. makes \$3 rate, return, to coast. For particulars, inquire city ticket office, Third and Washington.

TEMPORARY APPOINTMENTS, ETC.

The commission regards the number of transfers effected during the year—550—as excessively large, and in the interests of the individual rather than the public service, and attention is called to the fact that the transfer rule has since been amended to restrict transfers within the same line of work.

At the end of the statistical portion of the report proper are presented the results of a comparison of the number of persons examined, appointed, transferred, etc., during the fiscal year ended June 30, 1901, with the corresponding figures for the previous fiscal year. From this it appears that there was an increase of 1559 in the number of persons who took competitive examinations, and an increase of 5/8 in the number who received appointment. There was a decrease of 37 in the number of appointments from non-educational examinations. The increase in the number of temporary appointments was large, being 448 over the previous year. It may be stated, in this connection, that the rule governing temporary appointments has since been amended, with a view to confining them more strictly to persons who have passed a competitive examination. There appears an increase in the number of transfers, 105, and a decrease in the number of reinstatements of 161.

Extent of Classified Service.

A brief statement of the extent of the service subject to the civil service act and rules is a feature of the report. From this it appears that in the entire executive service of the Government there are, in round numbers, 253,000 places, of which number about 121,900 are classified. Of this 114,800 remaining unclassified, 72,488 are those of fourth-class postmasters. The annual expenditure of salaries for the entire executive service is stated to be about \$100,000,000, and of this \$38,000,000, or nearly two-thirds, goes to salaries for positions subject to the civil service rules.

The view of the commission as to what positions should properly be classified appears in the following quotation from the report: "Substantially all of the positions in the civil service, with the exception of those requiring administrative ability, those of a confidential nature, and those of mere laborers, can be properly made subject to practical tests of fitness by this commission. The positions requiring administrative ability or supervisory capacity should, as a rule, be filled by promotion or transfer, and, as a matter of fact, the positions of a confidential nature, or those which are of a fiduciary character, could also be better filled in most cases by the transfer or promotion of qualified persons already in the service. The number of positions which cannot, with advantage to the service, be made subject to competitive examination in some form is very small, and is confined to that limited class of persons the occupants of which are required to originate action involving the general policy of the Administration."

Opportunities for Appointment.

Probably the most interesting portion of the report to the general public will be that part of it headed "Opportunities for Appointment," in the report of the Chief Examiner. An abstract of this is as follows: "For men, the best opportunities are offered through the stenography and typewriting examinations, which are given twice a year. For several years all men who have passed in both of these branches have been offered appointments, except those who had placed the minimum salary they were willing to accept at so large a figure as to preclude their appointment. About 50 per cent of the men passing the bookkeeper examination for all in the Coast and Geodetic Survey, which examination requires a fair knowledge of higher mathematics, mathematical astronomy, and physics, surveying, and some knowledge of modern European languages, have been offered appointments. Those who have passed examinations for topographic draftsman, assistant topographer, and copyist topographic draftsman, for the last three or four years, have usually been offered appointment, the salaries ranging from \$300 to \$1500 per annum. Persons passing the examinations for assistant examiner of patents, civil and electrical, and civil and mathematical engineer, are reasonably sure of appointment. The entrance salary for the position of assistant examiner of patents is \$1200, with a good chance for promotion. The entrance salary for the engineer examinations above mentioned is about \$500 per annum. Other examinations for the Department Service which offer good opportunities for appointment to men are that of inspector of meats, in the Bureau of Animal Industry, and that of junior civil engineer, in the Railway Mail Service from 700 to 900 appointments a year have been made for the last four or five years, at an entrance salary of \$500 per annum. Most of the eligibles from the different teacher examinations for the Indian Service are usually appointed, at entrance salaries of from \$300 to \$500 per annum. Persons who pass the examinations for bookbinder, pressman, electrotype finisher, electrotype moulder, and stereotyper, for the Government Printing Office, have very good opportunities for appointment. The supply of compositor eligibles on the other hand, is usually considerably in excess of the demand."

Loop the Loop TONIGHT Loop the Loop TONIGHT ELKS' CARNIVAL 9 O'CLOCK TONIGHT Loop the Loop TONIGHT Loop the Loop PLUGGER LARSEN One of Two Men Who Ever Successfully Looped the Loop

HAWTHORNE PARK Prettiest Spot on Earth EIGHT MINUTES' RIDE, FIFTEEN MINUTES' WALK FROM THE BUSINESS HEART OF PORTLAND One 5-Cent Fare Carries the passenger to his destination, no matter where in the city that may be. Briefly, these are some of the attractions of Hawthorne Park, and there are a thousand others. Splendid graded streets are already constructed, and cement sidewalks are being built. These improvements are not something promised for the dim, mystic future. They Are There Now The macadamized streets of the park will not be an expense to the buyer in times to come. He will not be harassed by the City Engineer ordering this or that alteration. THE WORK IS DONE, AND WILL BE DONE, TOO. Hawthorne's First Addition At East Twenty-eighth and Burnside, supplied by the City & Suburban East Ankeny and Montavilla car lines, is another of Portland's superb residence districts. This tract lies 15 minutes' distant by electric cars from the business section of the West Side, and 8 minutes from the business center of the east side of the Willamette. Twenty residences are now building there, and their architectural designs are not of the old style so often adopted nowadays. They are Up-to-Date Modern structures of the very latest Eastern metropolitan patterns. Nowhere else in the West can such homes be duplicated for the money asked for these, nor do any other people offer their properties on such easy terms of payment. Photographs, plans and specifications of these dwellings may be seen, as well as large pictorial views of Hawthorne Park, at R. L. Cate's beautiful booth in the Carnival grounds. Full information may be had there or of R. L. CATE, 701 Chamber of Commerce Both Phones Main 190. The Ladd Tract Separated from Hawthorne Park only by Hawthorne avenue, and also skirted by two electric lines, and with the two railroads mentioned above, is another Gilt-Edged Proposition We have this property for sale also. The Cream Spots of Oregon, of the Western States of America, of the richest and best municipality in this country.