AFFORDS NO RELIEF

Council Cannot Put Money in Funds That Are Short.

DECISION BY JUDGE CLELAND

He Also Holds the New Vehicle License Ordinance Illegal—Case to Be Appealed.

Judge Cleland yesterday decided that the vehicle license ordinance is void, being in excess of the power granted by the charter of the City of Portland, and also that the street-repair fund is limited by charter to one-fourth of a mill tax on the taxable property of the city, and the Common Council does not possess the power to increase the fund. According to this decision the Council has no authority to replenish the police fund, which the city charter limits on 1¾ mills tax. The city will appeal the case to the Supreme Court.

Judge Cleland referred to subdivision 2, section 32, of the charter, which provides that the Council has power and authority to license, tax and regulate wagons, carts, hacks, trucks, etc., and to prescribe the rates of transportation, and held that this subdivision must be construed to confer the power to regulate only, and cannot be extended to include the power to tax for the purpose of revenue, the means by which the business of transporting persons or merchandise is conducted. The court said:

"It is no serious objection to such laws that incidentally their effect may be to replenish the municipal treasury through license fees, but the courts will restrain the enforcement of ordinances in this class of cases when it appears the purpose and effect thereof is not regulation but taxation. The fact that the word 'tax' appears in subdivision 2, in connection with other terms, does not sustain the contention that the Legislature of the state thereby intended to confer the power to raise revenue. The word is not more definite in its signification in this connection than the words 'license' and 'regulate,' and the purpose of the whole subdivision is made more clear and definite by the concluding clause, 'and to prescribe the rates to be charged for such transportation.' The ordinance does not undertake to regulate the vehicles named, nor does it attempt to prescribe the rates which may be charged by those used for the purpose of hire. It is not, in fact, a regulation or an exercise of the police power of the city, conferred by the Legislature.

"The terms of the ordinance show it to be one intended to raise revenue, and if its validity be tested by its expressed purpose, it cannot be sustained, because it is an exercise of power not authorized by the charter. If the declared purpose of the ordinance, that is, revenue, be ignored, still the fact that its purpose is taxation appears from the rates fixed for licenses. No duty of inspection is required. The license fee varies in amount from $6 to $40 per year, and beyond question these amounts exceed the reasonable cost of issuing license and the legitimate expense of any official inspection which might or could be bestowed upon the vehicles or the business in which the same are engaged. The charter only authorizes a license fee in the class of cases under consideration for the purpose of regulation. The fees fixed by this ordinance are not for the purpose of regulation, but to raise revenue. If the ordinance is assumed to be an exercise of the power of taxation authorized by the charter, the ordinance cannot be sustained."

Judge Cleland reviewed the section of the charter concerning the 8-mill tax levy and charters of former years on the subject of taxes and the estimates for various funds, and upon this point said:

"It was after experience under these several charters that the Legislature of 1898 granted the charter to the City of Portland. Some limitation upon the amount which could be expended for the Police Department had been attempted from time to time. At no time had any limitation upon the expenditures of either Police or Fire Department been made absolute. The charter of 1889 was perhaps the most stringent in this particular. But under it the Common Council in case of great emergency might authorize expenditures in excess of the levy of 3½ mills for either Fire or Police Department. Of course, the Common Council was the judge of what constituted a great emergency; therefore the limitation was one addressed to the discretion of the Common Council, rather than existing in the body of the law.

"The Legislature, after experience under the various charters, proceeded by the charter of 1898 to create five distinct funds for general municipal uprposes, and fix the amount of each of these funds, viz., street-lighting, 1½ mills; Fire Department, 2 mills; Police Department, 1¾ mills; repair of streets, one-fourth of 1 mill; interest fund 2½ mills. The total of the amount apportioned in these funds is 8 mills, and equals the full amount of the assessment and levy for general municipal purposes authorized by the Legislature. These funds might be diminished, but could not be increased. The Legislature expressly provided that no part of the money appropriated to these funds could be expended for any other purpose.

"The words of limitation must be understood to apply to the Common Council, and refer to all money, means, and revenue not derived from the 8-mill tax authorized. The concluding sentence of subdivision 1, section 32, must be understood as an absolute limitation and prohibition upon the Common Council of the City of Portland to appropriate money for the funds described in that subdivision in excess of the amount appropriated to the same by the Legislature itself."

"Recurring to the vehicle license ordinance, it appears its declared purpose is to provide a fund for the repair of streets. This is the purpose of the funds provided for by the Legislature, and the amount of that fund is expressly limited by charter, one-fourth of 1 mill on the dollar. The Common Council at the time it passed the ordinance in question, did not possess any power to increase the fund provided for the repair of streets."

Regarding the occupation tax and the point that if plaintiffs also paid the vehicle tax, it would become double taxation, the court did not consider the question, because of the absence of the allegation in the complaint that the plaintiff had paid the occupation tax, or an allegation that the occupation tax was a legal and valid exercise of taxing power. The complaint will probably be amended so as to obtain a decision on that point.

VARIOUS CITY FUNDS AFFECTED.

Power to Apply Money Is the Point—How Politics Figures.

Judge Cleland's decision against the vehicle license ordinance brings Portland's financial situation to an acute stage. The Police Department of the city comes in for prominent consideration, because of an apparently impossible alternative that it faces—that it cannot be dispensed with and at the same time cannot be maintained. Other departments are in almost the same position, however. The fund for lighting the city is exhausted and two months of the year remain. The Fire Department has spent all its allotted fund, but has received from delinquent taxes that were due before the present charter went into effect something over $20,000, which has helped it out. This is now regarded as a loan, that will have to be paid back, if Judge Cleland's decision shall be affirmed. The interest fund fell short about $50,000, but that had to be made up. The bondholders were not bound by any limitations of the charter as to what per cent of the tax they should have, and their claims could not be scaled down or ignored. The city's relations with its employes are defined and regulated, however, by the charter, and the charter, read in connection with the county tax roll, brings financial troubles to the municipal authorities.

As to the Police Department of the city, it is admitted on all sides that it cannot be dispensed with, also that it cannot run without money, and that there is no money in sight for it. As most people read the city charter it forestalls the contracting of indebtedness by specifying that all debts authorized by the Council in excess of the limits set shall be personal obligations of the Councilmen voting for them, and not of the city. Some people notice that this prohibition does not lie against the Board of Police Commissioners, and that this fact opens an avenue of escape from an unpleasant predicament; that the Police Board might continue the department, and the expense incurred would be a liability against the city. How this liability would be discharged without amending the present charter is not pointed out. And at the same time it is admitted that Multnomah County's delegation in the Legislature might possibly feel very well satisfied to let the present economical charter stand without alteration; that the political situation being as it is, the city charter is likely to remain as it is. The faction controlling Multnomah's Legislative delegation looks on benignantly, and is extremely pleased to see that Portland has a charter so wisely framed for economy.

Board Might Contract Debt.

Little doubt is expressed that if the Board of Police Commissioners should see fit to continue the department, the city would be obliged to pay the bill. As one of the police officers put it, "It would cost us something to discount our claims against the city, but we could get along." The chief doubt is as to the willingness of the Commissioners to take the responsibility. Some construe the law to attach personal as well as official responsibility to them in case debts shall be incurred by their authority. But the other horn of the dilemma is equally unpleasant—to take the responsibility of abolishing the entire police service of the city.

"We will do the best we can with the means at our command," said D. Solis Cohen, chairman of the Board of Police Commissioners. "We have interests in the town as citizens and property-owners. Though our office is honorary we feel that it is as much our duty to provide an efficient service in our department as if we got $1000 a month. I cannot say what we shall do. The time for our regular meeting is November 1, but we may meet sooner. I would not like to commit myself to any course of action before a conference with the other members of the board.

"From the statement published in The Oregonian the other day it was plain that the present embarrassment is in no sense due to extravagance. The department is administered with greater economy than ever before. The men in the service now are the pick of the much larger force formerly employed. If the force should be disbanded and the men dispersed to other occupations it would be a difficult matter to get together again as efficient a body as now constitutes the department. We keep order in the city largely through the practice of compelling unsavory characters to move on. Vigilance in detecting these persons before they get to work here counts for much in our police service.

"Whether the policing of the city, which is one of the functions of municipal government, can be done away with by such limitations as are set in our charter may be open to serious question. Still we wish to keep out of trouble and will try to avoid any action that would involve the city in lawsuits over questionable claims. It may be that we shall have to discharge the men, but I hope it will not come to that."

Favors Maintaining the Service.

Commissioner Bates said he was averse to turning the city over to mob rule. "As between incurring indebtedness and discharging the men I am in favor of incurring the debt. I don't see how we can get along without police service. It is not pleasant to think of going in debt to maintain the department, but I think that course preferable to abolishing this branch of the public service. Of course there are some legal questions in this connection that should be considered before action is taken, but we can't be bound by mere technicalities in this matter."

Chief of Police McLauchlan, who is also a member of the board, said it would be impossible to get along without police protection in a city like Portland. As to the men working with an uncertain promise to pay, he said he was afraid such an arrangement would materially impair the service. He hoped an adjustment would be made but had no plan to propose for relief.

Police Commissioner Rankin said it would be impracticable to cut off the police department. "We can't turn a city the size of Portland over to be run by thieves and thugs," said he. "Some means must be provided for maintaining the service. It may be that men of means will be found who will consent to buy the claims of the policemen for two or three months and look to the city for reimbursement. Something like this will help us out. Abandoning the service entirely is not to be considered."

The Electric Light Contract.

After the present charter went into effect the contract for street lighting was entered into. It provided for annual payment of $53,000 in monthly installments from the light fund and also provided that no money other than that derived from the regular levy on taxable property should be taken to pay this bill. The 1¼ mills tax yields only about $40,000. Now the question is whether this will settle the bill for lighting the city for a year. If so the city is $13,000 ahead. It is said the Portland General Electric Company does not take this view of the matter, does not admit that $40,000 pays a $53,000 debt.,

Will Be Appealed.

Mayor Rowe and City Attorney Long said the Gadsby vehicle license case would be promptly appealed to the Supreme Court. The Mayor said it was not so much the raising of revenue as the application of it that signified. The "blanket license ordinance" had not been questioned, and that would bring in a good deal of money. "But if we can't apply that money to the relief of the embarrassed funds it is a bad situation," said he. "We may find ourselves with plenty of money on hand and necessary municipal service crying for it, but still without power to apply it to the purposes for which it is needed. That is the feature of Judge Cleland's decision that gives me most concern."

"We will push the case to appeal," said City Attorney Long. "Two points require us to file an answer, and evidence will be taken on them and submitted to the Supreme Court with the case. One of these is as to whether the vehicles sought to be licensed are necessary parts of the business which is alleged to be otherwise taxed, and the other is as to whether the other tax is actually paid. This will not take long, and we will take the matter up to Salem and get it advanced for immediate hearing and decision, as such matters usually are, and I expect we shall know the result within 30 days.

"As to the personal responsibility of Councilmen who incur debts for the city, I have my doubts. I think the Board of Police Commissioners can go ahead and bind the city to pay for a reasonable police service if it shall see fit. The municipality cannot avoid its obligations through such limitations or attempted limitations as our charter carries. I think the whole tangle will come out straight in the end."

"Hardman" piano—Wiley B. Allen Co.

MURDER SECOND DEGREE

WARREN FOUND GUILTY OF KILLING MATE KIRK.

Jury Reach a Verdict After Only Three Hours' Deliberation—Prisoner's Flight Main Evidence.

A verdict of murder in the second degree was returned by the jury in the James L. Warren murder case, at 10:50 last night. The jury retired for deliberation at 8:30 o'clock, after listening to a very complete charge upon the law from Judge George. The arguments were made by Henry St. Rayner and A. B. Clark, attorneys for the defense, and for the prosecution by District Attorney Chamberlain and his deputy, Arthur C. Spencer. The evidence was purely circumstantial, but the attorneys for the state made the most of every little event tending to throw any light on the affair, and scored a victory in what appeared for a time to be a weak case. The sudden disappearance of Warren was a strong fact against him, and his refusal to take the witness-stand in his own behalf was not to his benefit, although on this point the court must instruct the jury that it cannot be considered as evidence of guilt. The jury was as follows: David Cole, John L. Vestal, A. F. Nichols, William Butler, W. G. Kerns, S. D. Powell, E. H. Kelly, I. P. Wyant, H. H. Pomeroy, G. R. Matthews, Thomas Whalen, John Moore.

Divorce Suits.

Dominick J. Zan has commenced suit in the State Circuit Court against his wife, Allie J. Zan, for a divorce on the ground of desertion.

The divorce suit of Olive Walter vs. Wert D. Walter, on the grounds of cruel treatment, was dismissed by Judge Cleland yesterday, who did not think a good case had been made out at the trial.

The motion filed by Mrs. Erminie Thompson, whose husband, C. H. Thompson, has filed suit against her for a divorce, that he be required to contribute $500 to enable her to defend the suit, was argued before Judge Cleland yesterday, and was taken under advisement. Counsel for Mr. Thompson stated that the defendant was receiving $50 per month for her support, and also was in possession of diamonds, a piano, a horse and buggy obtained from her husband, and because of various legal reasons it was urged that he could not be made to pay the money demanded. The attorney for Mrs. Thompson contended that she was not expected to sell or pawn the piano, diamonds or horse and buggy to secure means to contest the proceeding, and the sum she received for support was all required for that purpose. Thompson recently filed an affidavit concerning his property in answer to the motion filed by his wife, in which, among other things, he sets up that he has good grounds for a divorce and incloses a copy of a most endearing and passionate letter which he avers Mrs. Thompson wrote to George Krupke.

Recovered His Land.

In the suit of T. L. Ray vs. The Western Contract Company, involving the title to five acres of land near Lent's Station, Judge Cleland yesterday rendered a decision in favor of the plaintiff. The facts in this controversy were that several years ago John A. Carr sued C. C. Way for $1214, and this land was sold by execution, and was purchased by T. L. Ray. The Sheriff, in his return of the writ of attachment, failed to show that the property was unoccupied when attached. This is a fatal error under the statute. Way afterwards executed a quitclaim deed to W. L. Archambeau, in consideration of $50, and Archambeau deeded to the Western Contract Company. The land at that time was worth about $5000. Ray has paid the taxes since the date of his purchase. The evidence at the trial established that Archambeau owns nearly all of the stock in the contract company. Considering all of the facts, the court thought that justice was on the plaintiff's side.

Indictment.

The grand jury returned an indictment against William Griffin, charging him with larceny of a fishing scow, the property of F. M. Warren.

Not a true bill was returned in the case of Ben W. Merrill, charged with larceny by embezzlement of $110, while acting as clerk or agent of the Tontine Savings Association.

Court Notes.

Judge Sears will announce decisions this morning in the following cases: Wallin vs. Beach, writ of mandamus, merits. Williams vs. McFarland et al., motion to strike out parts of answer of defendant Vorris.

Carl A. Appelgren was appointed administrator of the estate of Oscar Lundeen, deceased, consisting of a damage claim against the O. R. & N. Co., for $5000 for having caused Lundeen's death, and some personal property. The heirs are the widow and two children.

The jury in the suit of Lang & Co. against J. E. Worth failed to agree, and was discharged by Judge Frazer yesterday. The jury stood seven for the defendant and three for the plaintiff.

STRONG FOR M'KINLEY.

Poll of Longshoremen Shows 4 to 1 Against Bryan.

Bryan men are nearly as shy among the stevedores as among any other class of workers in Portland, according to a straw vote taken among them at the Alaska dock yesterday afternoon. About 90 stalwart men were moving merchandise in the work of unloading the steamer Columbia and none of them paused at their labor as the question was put. Forty-one were asked, one by one, as the reporter could catch each man's ear. As usual the McKinley men were quick to catch on to the hurried question, owing probably to their superior intelligence, and the answers "McKinley" would come while the truckload of goods was on the fly. Those who needed a whole lot of explanation as to what the object of the canvass was usually turned out to be doubtful and several really thought the question was as much out of their line as, "What office are you running for?" might be. Among these no definite answer could be obtained and the inference was that little or no thought had been given the matter at all.

The Alaska dock is a very large warehouse upon the stout floor of which are piled all sorts of incoming and outgoing merchandise and the truckmen all worked as if for dear life in rushing their loads up the inclined apron from the several gangways leading from the sides of the big iron vessel. At one point wire cables assisted the loads up the steep gangplank, and men were kept on the jump, fastening the cables to one load or unhitching them from another. To stop a man as he was toiling up the gangplank behind his truck or as he was hastening back again to the vessel, for another load, was risky work, but the reporter was sent to poll the stevedores and he had it to do. There was very little time for parley and as the truckmen were dodging around among each other like so many chickens being fed, it was hard to keep from asking the same man the question twice. Then the truckman would begin to think the canvasser was crazy, and retort, "I told you once; how many more times do you want to know?" The four Bryan men who acknowledged fealty to the boy orator, did so without hesitation and they had evidently little fear of consequences, as the stevedore's work is hard and not dependent in even the remotest degree upon political favor. Those best informed among them expected a larger percentage of outspoken Bryanites than the result showed, and so a certain number of those willing to be classed as doubtful yesterday will probably vote the Democratic ticket next month.

Three actually said they were Prohibitionists, but the twinkle in each man's eye signified an inclination to chaff the questioner, who was of course compelled to credit the men according to their answers. It is not likely, however, that Woolley will get any votes among the men who were working so hard at unloading the Columbia yesterday.

Several acknowledged they had no vote yet, as they had not been long in the United States, and of those who were citizens but disbarred on account of local laws, two said McKinley was their man. The canvass stood at the close of the seance: McKinley, 16; Bryan, 4; doubtful, 18; Woolley, 3.

DISGUSTED, DISHEARTENED

City Officers Comment on Causes Which Produced Empty Treasury.

The most disgusted and disheartened and sickest looking lot of city officials imaginable, including the Mayor, City Attorney, Auditor, City Engineer and license committee, were collected at the City Hall yesterday, after Judge Cleland's opinion in the vehicle license ordinance case had been announced. They all took a gloomy view of the situation, and had about concluded that as it seemed impossible to secure funds for the maintenance of the police and fire departments, for street lighting, or for repairing streets or bridges, the city would have to get along without any of these things. There is also no money to pay interest on street improvement bonds.

The charter passed by the last Legislature, which was intended to save the citizens from being fleeced, and was to have been a panacea for all the ills municipalities are heir to, has not proved the success it was expected to be, and, as one of the officials remarked, does not allow the city to provide funds for running the various departments.

The opinion of the administration is that the city has had cheap and efficient police and fire departments and cheap street lighting. The citizens want all these things and want the streets cleaned, but they do not want to pay for them, and things seem to be coming their way now. The city is obliged to borrow money for persons who desire to make street or sewer improvements, and the public has to pay the interest on it. The city is not even allowed to buy street improvement bonds with the money in the sinking fund to redeem them, by which means it might save 3 per cent on the interest.

The Bancroft bonding act will have to be repealed at the next session of the Legislature, and a new charter enacted, but what is to be done to keep the city going until the Legislature meets is what is puzzling the Mayor and other city officials. There is only about $800 available for the expenses of the police department for the remainder of the year, and this will not go far. As a member of the license committee jokingly remarked, Portland is probably the only municipality in the country which has adopted the Henry George single tax theory by endeavoring to derive all its revenue from a tax on real estate. And the Assessor seems determined that the income from this source shall not be large.

FAT RANGE CATTLE SCARCE

Few Are Now to Be Had in Southern Oregon.

George Kohlhagen, a Douglas County stockman, was in Portland yesterday, disposing of several carloads of beef steers he had just brought over from Fort Klamath. The animals were driven over the Cascade Mountains to Medford, a distance of 100 miles, some 16 miles of which was covered with snow to a depth of 30 inches. At Medford they were placed aboard stock cars for this city.

Mr. Kohlhagen said that beef cattle were now nearly all sold off from Klamath County, and only small bunches here and there could be found. He is fattening 300 head of 3-year-old steers at Fort Klamath, but these will be held until Winter, when prices are expected to advance.

"Just as soon as all the fat range cattle have been drawn to market," he said, "stall-fed beef will be in demand, and the price will therefore go up. The fact that this shipment of beef cattle consisted almost entirely of 2-year-olds shows how scarce beeves are, as it does not pay to slaughter young stock while matured steers can be procured. Beef cattle have been selling a little cheaper lately, because stockmen who had fat range steers have all been rushing to market at once."

COMING ATTRACTIONS.

Lee, the Hypnotist.

Hypnotism, or suggestion, is no longer one of the curiosities of science. Operations have been performed on patients in the hypnotized state without feeling a particle of pain, and hynotism has been successfully employed as a therapeutic agent in numerous forms of disease. Persons in the hypnotic state cannot be compelled to do anything immoral or criminal, if the subject is an honest and upright person. The above has been proven by numerous experiments. Commencing next Monday, October 22, Sylvan A. Lee and his company of hypnotists will play a week's engagement at the Marquam Grand Theater. Clippings from various California and Eastern papers speak of him as a most wonderful man. After giving a brief talk on hypnotism, he then calls for volunteers from the audience to come on the stage and try the wonders of hynotism. He generally succeeds with six out of every ten people, and the antics of those who are susceptible to his suggestions are amusing in the extreme. Ladies, as well as gentlemen, can come upon the stage and try it. The programme is changed every evening.

"A Wise Guy."

William Sellery, the leading comedian with "A Wise Guy," which comes to Cordray's Sunday and all next week, with the stamp of great success in the Eastern country, has been continually playing in New York City for several seasons. Perhaps his most conspicuous success was made at the Casino, where, as the Cripple Creek bandit in "In Gay New York," he kept the audiences in roars of laughter whenever he was on the stage. Besides being a comedian of great merit, Mr. Sellery is the possessor of a remarkably fine baritone voice, which has been highly cultivated. For those who are fond of comedy, there seems little doubt that the coming engagement of "A Wise Guy" will be the laughing event of the present season.

"Whose Baby Are You?"

What is said to be one of the funniest farces on the road this season, with the odd title, "Whose Baby Are You?" comes to the Metropolitan Theater one week, commencing Sunday, October 21. The author is Mark E. Swan, who wrote the clever comedy success, "Brown's in Town." The hilarious story of his latest effort deals with the ludicrous adventures of a young artist, his sweetheart, a baby and a model. The piece abounds in amusing situations, mistakes, surprises and complications. To relieve the laughing tension several clever vaudeville features are introduced, including the marvelous singing of Miss Mabel Meredith, the California nightingale. The cast includes such well-known comedians as Francis X. Hope, Lew Newcomb, Fred G. Hearn, Miss Ellena Maris, Miss Franklyn Gale and others equally prominent. Pretty girls, catchy music, bewitching costumes and two hours and a half of incessant laughter, such is the farce, "Whose Baby Are You?"

PLAYED WITH DYNAMITE

SERIOUS RESULTS OF MONTAVILLA BOY'S EXPERIMENT.

Explosion of a Detonating Cap Nearly Tore His Hands Off—East Side Affairs.

Fred Lundy, the 13-year-old son of J. W. Lundy, who lives in North Montavilla, while investigating the contents of a giant powder detonating cap, caused it to explode. Both his hands were burned and blackened, five fingers were fearfully lacerated and one was blown off between the first and second joints.

He had a box containing 75 caps, and had been trying to explode one with an ax. One of the caps partially exploded when he thus belabored it, and a fragment struck him on the leg causing a stinging sensation.

Fred's curiosity was now aroused, and, boy-like, he wanted to know what was inside the cap.

He selected a cap from the box, and, sitting down, he began to dig down into it. He held it in his left hand, and was picking into it with a stick held in his right. His curiosity was quickly satisfied. There was an explosion, and Fred was thrown over on his back, but, picking himself up, he ran to his home, screaming with pain and holding his blackened and lacerated hands above him.

Mr. Lundy had already started to Portland, where he works in a sawmill, and only the boy's sister was at home. She ran to the home of Rev. N. S. Holcroft, which is across the street, and summoned Mrs. Holcroft, who, seeing the boy needed immediate attention, took him on the first car for Portland, to the office of Dr. T. C. Humphrey, in Logus building. Dr. Humphrey, with the aid of Dr. Chambers, dressed the numerous injuries and made the sufferer as comfortable as possible, the boy being under the influence of an anesthetic for some time.

The left hand was the most seriously injured, as it held the cap. The thumb was lacerated, but not badly. Some pieces of the brass casing of the cap were blown into the thumb, which were easily removed. The index finger was blown off between the first and second joints. The next finger was split open. The first finger was amputated just above the ragged end. In the hope of saving the second finger, it was carefully dressed, but whether the operation will succeed or not, will not be known for some time. The injuries on the right hand were confined to the thumb and first finger, and were only lacerations. Pieces of the brass casing of the cap were blown in many places in both hands, and had to be picked out. The two physicians expressed surprise that the boy's eyes were not blown out, but there were no burns on his face.

Fred said that he found a box containing 75 dynamite caps, but where he did not tell. For the past 10 days some boys in Montavilla have been exploding these caps, but residents were not aware what they were, and supposed some one was firing a pistol. Where they got them is not known, but it is thought they were procured in the neighborhood of Rocky Butte, which is just north of Montavilla, where some men had been blasting out stone. It is evident that there are large quantities of the caps in the possession of Montavilla boys, which parents should confiscate at once, or there will be a more serious accident than befell little Fred Lundy.

Status of Section 13.

Residents of section 13, which is a part of the city in the southeast and joins the Woodstock school district, are agitating the question of getting out of the city, for the reason they have no school facilities within reach. Most of the people in the section live far out, and just outside the Woodstock district, and although their children have been attending the Woodstock school they do not know how soon they will have to take them out or pay tuition, as the two districts have come to no agreement. They think in case they were cut out of the city they would naturally be attached to Woodstock district, and hence would be provided with school facilities. On the other hand, a considerable number of people in the Woodstock district are very desirous of being annexed to the city, while others are opposed to coming inside. The people living in section 13 would not object so much to being in the city if they had school facilities for their children, and most of them would be satisfied if Woodstock district were annexed to the city, as that would give them a city school near at hand. However, the annexation of the Woodstock district is a remote contingency. The next time Portland tacks in more territory it will annex Mount Tabor and Woodstock, but the former is opposed to coming in, so the people of section 13 are not very pleasantly situated. They wanted a divorce from the city two years ago.

Will Fix Up the Church.

The Baptist Church at Montavilla, Rev. N. S. Holcroft, pastor, will be made larger by an addition to the front of the building which will be extended so as to be flush with the vestibule, which will add much to the appearance of the building, as well as provide more room. When the church was first put up a foundation for an annex was built at the rear, but the annex was ever built.

East Side Notes.

Fred Keenan, the attorney, who has been very sick at St. Vincent's Hospital, was reported yesterday as improving.

Andrew Snover, a well-known farmer living near Fairview, who was seriously ill with paralysis of the throat several months ago, is again in failing health.

Mrs. G. W. Shaw, of Fairview, has gone to Walla Walla, in response to a telegram announcing the serious illness of her daughter, Miss Esther Shaw, who has been visiting her sister.

Dr. Wise, room 614, The Dekum.

LOANS BY AMERICA.

Amounts Borrowed From Our Capitalists by Foreign Countries.

GOLDENDALE, Wash., Oct. 14.—(To the Editor.)—Will you please tell, through The Oregonian, the aggregate amount of all loans made by American capitalists to foreign governments—Russia, England, etc., during president McKinley's Administration? N. INGRAM.

The Oregonian has no accurate record of such loans; but they have been considerable. Sweden recently asked for $10,000,000 at 4 per cent from American capitalists, and not long since Mexico floated a loan of $35,000,000 at 5 per cent in New York. Last May Russia was reported to have borrowed $10,000,000 from an American insurance company, but the statement was denied. Recently, Great Britain placed $28,000,000 of its $50,000,000 3 per cent loan in the United States. Last June Germany secured a large loan also in this country.

Japanese Too Ignorant to Do Work.

TACOMA, Oct. 18.—About twenty Japanese laborers working on the construction of a new sewer in Tacoma were discharged by the contractor today on the strength of a letter from the Commissioner of Public Works that they were incompetent because they were not conversant with the English language, and could not understand the instructions in relation to sewer work.

Wifehood as the Test of Womanhood.

The Good Woman Who Makes a Bad Wife.

Marriage was a serious thing to the grandparents and great grandparents of the present generation. No woman entered lightly upon wedlock. She knew that she was going to found a family, and that she must be equal to all the responsibilities of the position she assumed. She must be able to order her own household; to knit, sew, spin, make bread, butter, soap, candles, and indeed care for and clothe a whole

family. She must not be craven when the whoop of the Indian warned of a dreadful danger. She must stand by her husband, and with him, gun in hand, keep the foe at bay.

How many of the women of today could undertake wifehood under such conditions? Few indeed. Not because the modern American woman lacks courage, but because she lacks as a rule the physical health which is the primary and indispensable qualification for a life such as was lived by the women of the past.

That is why a good woman may be a bad wife. Virtue and goodness are excellent things in women, but to guide a house and bear children demands above all sound physical health.

WOMEN CONVICTS.

To a great number of women the house they live in is almost on a par with a prison. It is prison-like in the monotonous regularity of daily duties; prison-like in the absence of all pleasure in what is done or the joy in the doing.

And the reason is to be found in womanly ill-health. Few women realize how intimately the general health is related to the health of the delicate womanly organs. A woman may suffer with heart "trouble," disorders of kidneys, liver or stomach, or with nervous prostration as a result of diseased condition of the womanly organism. Many such women "doctor" for years for various diseases and wonder why they don't get better. They can't get better until the womanly organism is entirely cured of its diseases.

This is not theory. It is a statement of simple facts founded upon the testimony of hundreds of thousands of women who have been cured of womanly diseases by the use of Dr. Pierce's Favorite Prescription. They had been just "dragging around" for years, with throbbing heads and aching backs, nervous, dyspeptic, miserable. The once fresh colored cheeks had grown sallow, the eyes were dull, the body had lost its plumpness. They had in numerous instances tried many doctors and medicines, exhausting the local medical skill at their disposal. At last some friend or neighbor who had personally proved the curative power of "Favorite Prescription" recommends the use of this medicine and that in almost every case means another sick woman made well and strong.

ASTONISHED THE DOCTOR.

"When I first wrote to you I did not think I could live till I could get an answer to my letter," says Mrs. Isaac S. Harris, of Gayville, Yankton Co., S. Dak. "At that time I did not tell you everything. When I wrote you I had just got home from the Hospital at Minneapolis, Minn. Had been there one month. Could not see as I was benefited any there, so I came home, thinking there was no help for me, and every one here said that I could not live. I would have sinking spells every day. Sometimes they would last an hour or more and I would be so weak it seemed almost impossible for me to breathe at all. Had night-sweats for three months, and my clothes would be just as wet as could be. Had uterine trouble also till I thought I would lose my mind; also had heart trouble so badly I did not know what to do. I suffered everything one could think of. We paid out so much money for doctoring, and there was nothing that did me any good till I consented to try Dr. Pierce's Favorite Prescription and 'Golden Medical Discovery.' I did not have any faith in these medicines at all, but I am only too glad to say that in three days after taking the medicine I could see a change for the better. In a week I could sit up and then I commenced the treatment for uterine troubles. In three weeks I was able to be around the house some. I have taken nearly twelve bottles of the medicine and still continue to take it. I am getting better right along, can ride or walk any place. I can never praise your medicine enough.

"The doctor here says that he never would have believed that your medicine could have done so much for any one if he had not seen what it has done for me. He also told me to keep on taking it, for he could not help me. I thank you a thousand times for your kind advice and for your medicine."

SAFE AND SURE.

Dr. Pierce's Favorite Prescription is unrivaled as a safe and sure medicine for the cure of womanly diseases. It establishes regularity, dries unhealthy drains, heals inflammation and ulceration and cures female weakness. It is the best preparative for motherhood, giving vigor to the body and buoyancy to the mind. It so strengthens the organs of maternity that it makes the baby's advent practically painless. As a tonic for nursing mothers it has no equal. It increases the nutritive secretions and strengthens and nourishes both child and mother.

Weak and sick women are invited to consult Dr. Pierce, by letter, free. All correspondence strictly private and sacredly confidential. Address Dr. R. V. Pierce, consulting physician to the Invalids' Hotel and Surgical Institute, Buffalo, N. Y.

Accept no substitute for "Favorite Prescription." There is nothing "just as good" for weak and sickly women.

A WONDERFUL BOOK.

Dr. Pierce's Common Sense Medical Adviser is a wonderful book, condensing as it does into 1008 large pages a mass of medical and hygienic information invaluable to every woman. It is especially wonderful in that it is sent free to any woman on receipt of stamps to pay expense of mailing only. Send 31 one-cent stamps for the book in cloth binding, or 21 stamps for the book in paper covers. Address Dr. R. V. Pierce, Buffalo, N. Y.

NEW RAILROAD SCHEME

UNION PACIFIC CREDITED WITH DESIGNS ON LOS ANGELES.

Understanding Said to Have Been Reached as to Projected Salt Lake-Los Angeles Line.

SAN FRANCISCO, Oct. 18.—Since Winslow S. Pierce, chief counsel of the Union Pacific, and S. W. Eccles, general traffic manager of the Oregon Short Line, left for the East Tuesday evening, the story has been noised about in local railroad circles that one important result of their visit to the Coast will be manifested before long in an announcement of a modification of the construction plans of the Los Angeles Terminal Railway.

As is well known, United States Senator W. A. Clark, of Montana, has become a large stockholder in the Los Angeles Terminal Railway, and is expected to furnish the financial backing for the company's new enterprise, the construction of a line of railroad from Los Angeles to Salt Lake City. The story is that Clark and his associates in the Los Angeles Terminal Railway have reached an understanding with the Union Pacific and Oregon Short Line people that is calculated greatly to expedite the work of building the proposed Los Angeles-Salt Lake Railroad and save some millions of dollars in the cost of construction.

Briefly stated, Senator Clark is credited with having perfected a deal whereby the construction of the road will become the joint enterprise of the three railroad corporations mentioned, and instead of being built from Salt Lake, will be built from Uvada, the present southern terminus of the Utah & Pacific Railroad. The story continues that a new company will be organized in the near future to undertake the enterprise, backed by Union Pacific and Los Angeles Terminal Railway stockholders. The Utah, Nevada & California Railroad Company, which was recently organized to extend the Union Pacific line from Uvada to Los Angeles, will be allowed to die a natural death and the new company will undertake the construction of the 340 miles of track between Uvada and San Bernardino. The 60 miles of track between Los Angeles and San Bernardino will be built without much further delay by the Los Angeles Terminal Company.

Not Believed in Salt Lake.

SALT LAKE, Oct. 18.—The story from San Francisco regarding the Los Angeles & Salt Lake Railroad is looked upon here by people who claim to know Senator Clark's plans as having for its object delay in securing terminal facilities, which are well under way in this city. Senator Clark has assured the people of Salt Lake and Los Angeles that he would build the road as an independent line, and it is believed that he will do so.

UNION PACIFIC RECEIVERSHIP.

Practically Closed by Payment of Last Dividend.

MINNEAPOLIS, Minn., Oct. 18.—Howard Abbott, special master in chancery to the Union Pacific receivership, has paid out the last dividend to the unsecured creditors, and practically closed up the receivership. The last dividend amounted to $1,000,000. The total claims approved and allowed footed up to $84,336,318, and the amount paid from other sources was $26,443,720. Another dividend, amounting to 6 per cent of $6,102,085, was paid about a year ago.

Considering the amount involved, the numerous legal complications and the extent of the interests, the receivership was the largest ever known. The claims disallowed amounted to over $10,000,000. The total of claims filed, not including mortgages having a prior lien, was $95,000,000. The balance due on the claims after the payment of all dividends was $51,065,000. The Union Pacific receivership has been pending for the last seven years, the receivers having been appointed October 31, 1893. Mr. Abbott was appointed special master in chancery to the receivership July 1, 1898.

Suit Against the Vandalia.

INDIANAPOLIS, Oct. 18.—Judge Carter, in the Superior Court, today handed down his opinion in the suit of the State of Indiana to recover nearly $3,000,000 from the Vandalia Railroad. He holds that the state is entitled to recover $745,154, instead of nearly four times that sum, which was demanded. This action was based on the provisions for a division of profits under a special charter granted the company which built the Vandalia road from Terre Haute to Indianapolis.

Yellowstone Park Railroad.

TRENTON, N. J., Oct. 18.—The Yellowstone Park Railroad Company, capital $2,500,000, was incorporated here today with power to build railroads through the Yellowstone Park. The incorporators are: Alexander Morrison, of Hackensack; F. E. Everitt, of Jersey City; J. B. Clark, of Hoboken; F. A. Hall, of Livingston, Mont., and C. E. Barrett, of Indianapolis, Ind.

That 40-Cent Lumber Rate.

TACOMA, Wash., Oct. 18.—At the conference of lumbermen this afternoon with President Mellen, of the Northern Pacific, to obtain a 40-cent rate to Missouri River points, he said he would take the matter under advisement, and confer with Traffic Manager Hannaford.

Pullman Company Meeting.

CHICAGO, Oct. 18.—The annual meeting of the stockholders of the Pullman Company was held today. The annual statement for the year ending July 31 shows the total revenue was $15,022,859; net earnings, $6,623,476; surplus, $4,895,944.

Verdict for Heavy Damages.

NEW YORK, Oct. 18.—Mrs. Elizabeth Rhoades has obtained a verdict in the Supreme Court for $37,000, in the suit by her as administratrix of her husband, George B. Rhoades, against the Metropolitan Street Railway Company. This is the largest verdict rendered against a surface railroad in this city for many years. Mrs. Rhoades claimed $50,000 damages. Her husband was, on July 10, 1899, run down by a car belonging to the defendant company, and died a few hours later. It was in connection with the death of Captain Rhoades that Policeman Thomas F. O'Brien was sent to Sing Sing prison. He was convicted of stealing the Captain's watch, which had been taken from the injured man.

Daily Treasury Statement.

WASHINGTON, Oct. 18.—Today's statement of the Treasury balances in the general fund, exclusive of the $150,000,000 gold reserve in the division of redemption, shows:

Available cash bal