VOTED 4.5 MILL TAX

Annual Meeting of School District.

FREE KINDERRARTENS, $5000

Appropriation of $40,000 for Several New Buildings This Year—Reports of the Board of Directors and Clerk.

The qualified electors of School District No. 1, Multnomah County, at their meeting last night voted:

4.5 mills tax levy.
$5000 for kindergartens.
To make special fund of mortgage tax receipts.
To publish reports of School Clerk and School Directors prior to annual meeting.
To adopt School Directors' report recommending expenditure of $40,000 for new school building.

The school district meeting was well attended, the lower floor of the High School building being comfortably filled. The great interest taken in the movement to provide for the free kindergartens of the city in connection with the public school system was responsible for the large and representative assemblage of taxpayers. The supporters of the idea had come prepared to conquer opposition, and the opening of the meeting was devoted to considerable technical debate between those whom later remarks showed to be ardent friends of the innovation. There was no real opposition manifested to the measure, and it was carried by an overwhelming vote after a number of ringing speeches in its advocacy.

The alertness and watchfulness of those intrusted with the guidance of the measure was often humorous. A special right of way had been cleared for its passage. Then when the report of the Directors was being adopted with the only amendment that the tax levy recommended of 4.3 mills be raised to 4.5 mills, an ardent kindergarten enthusiast called out, when Chairman Warren was stating the question:

"And don't forget the kindergarten!"

Chairman of the Board of Directors R. K. Warren called the meeting to order, and gave way to School Clerk H. S. Allen, who read his report to the district as follows:

School Clerk's Report.

Portland, Jan. 19.—To the Taxpayers of School District No. 1, Multnomah County, Or.—Ladies and Gentlemen: I herewith submit for your consideration the following statement of funds received and disbursed for the year ending this date:

Balance on hand as per last report	$15,291 07
RECEIPTS.	
County school fund	$122,818 71
State school fund	31,962 84
Tax-roll of 1898	2,582 45
Tax-roll of 1899	129,428 54
Delinquent taxes	2,911 17
Tuition	799 50
Old Holladay School building sold	25 00
Sundry cash receipts	378 25
Bills payable, notes given since last report	88,000 00
Total	$404,197 53
DISBURSEMENTS.	
Teachers' salaries	$206,745 10
Janitors' salaries	15,016 00
School Clerk's salary	1,500 00
Superintendent clerk's salary	700 00
Superintendent of repairs salary	900 00
Total	$226,861 10
NEW BUILDINGS.	
Thompson School building	$ 4,497 72
Holladay School building	17,592 61
Portland Homestead School building	8,679 26
Total	$ 30,769 59
REPAIRS TO BUILDINGS.	
High School	$ 476 35
Harrison	335 94
Failing	588 26
Atkinson	22 69
Park	175 10
Couch	67 28
Chapman	78 05
Ainsworth	15 30
Fulton Park	40 10
Williams-Avenue	169 69
Albina Central	462 92
Multnomah	40 35
Holladay	3 75
North Central	532 19
Central	263 20
Stephens	157 55
Brooklyn	20 79
Sunnyside	9 45
Peninsular	1 80
Woodlawn	52 97
Portsmouth	361 50
Clinton Kelly	11 64
Sellwood	5 15
Midway	4 97
Fernwood	13 51
Fulton Park	5 40
Total	$3,864 90
MISCELLANEOUS.	
Bills payable, notes given since last report	$ 88,000 00
Interest	9,175 04
Tuition refunded	4 00
School furniture	4,618 59
Pacific States Telephone Co.	189 15
Insurance	1,893 67
Water	1,465 88
Advertising	21 50
Rents	673 00
Stationery	2,553 29
School furniture	4,618 58
Fuel	4,038 11
Portland Gas Company	227 20
Janitors' supplies	733 62
Printing	444 60
Streets and sewers	1,415 61
High School laboratory	205 44
Total	$115,662 69
GENERAL EXPENSE.	
Auditing committee	$ 60 00
Expense of school election	269 40
Typewriting census report, 1899	50 00
Cartage	7 50
Taking and typewriting census, 1900	438 15
Total	$ 825 05
Balance on hand	$ 26,214 20
Total	$404,197 53

STATEMENT OF INDEBTEDNESS.

One hundred 10-20 bonds, issued October 1, 1893, payable in 1913, interest 6 per cent	$100,000 00
Ten bonds $1000 each, issued by District No. 2, August 2, 1892, payable in 1902, interest 6 per cent	10,000 00
Ten bonds, $1000 each, issued by District No. 31, June 2, 1890, payable in 1910, interest 6 per cent.	10,000 00
Ten bonds $1000 each, issued by District No. 31, June 1, 1891, payable in 1916, interest 6 per cent.	10,000 00
Total bonded indebtedness	$130,000 00

CENSUS REPORT.

The census of the district has been taken, with the following result:

Number of females between 4 and 20 years of age	10,606
Number of males between 4 and 20 years of age	10,034
Total	20,640

Of the above number, 1432 are females and 1312 are males between the ages of 4 and 6 years. Respectfully submitted,

H. S. ALLEN,
School Clerk District No. 1.

Auditing Committee's Report.

G. E. Withington, F. C. Miller and S. Grutze, the auditing committee appointed last year, reported that they had made a thorough examination of the School Clerk's accounts and books, and found them correct.

With the most rapt attention the report of the Board of Directors was heard as read by Chairman Warren, and with hearty applause was the announcement received that the district had a surplus in its treasury. The report follows:

Directors' Report.

Portland, Jan. 21.—To the Taxpayers of School District No. 1, Multnomah County, Or.—Ladies and Gentlemen: Following an established custom, we herewith present our annual report to the taxpayers of this district for the fiscal year just closed. One year ago you generously provided the funds which, in our judgment, were necessary for the maintenance of our schools, and now it becomes our duty to account for the same. In fulfillment of this duty, we shall strive to place before you the fullest information possible. It has been the object of the board to administer the affairs of the district wisely and economically, to the end that the schools may merit your continued interest and support. As to how successfully we have accomplished this object, it is for taxpayers to judge. We, therefore, submit in tabulated form a comparative statement showing our estimates of expenditures for the year just closed, the amount actually paid, and our estimates for the ensuing year.

DISBURSEMENTS.

	Estimates for 1900.	Actually paid, 1900.	Estimates for 1901.
Teachers' salaries	$210,000 00	$206,745 10	$216,000 00
Janitors' salaries	15,500 00	15,016 00	15,500 00
Clerk's salary	1,500 00	1,500 00	1,500 00
Superintendent clerk's salary	700 00	700 00	700 00
Superintendent repairs salary	900 00	900 00	1,000 00
Interest	10,000 00	9,178 04	9,000 00
School furniture	2,500 00	4,618 58	3,000 00
Telephone	200 00	189 15	200 00
Insurance	3,000 00	1,893 67	2,500 00
Water	1,800 00	1,465 88	1,900 00
Advertising	50 00	21 50	50 00
Rents	1,000 00	673 00	1,000 00
Stationery	2,800 00	2,553 29	2,800 00
Fuel	5,000 00	4,038 11	5,000 00
Gas	250 00	227 20	250 00
Janitors' supplies	800 00	733 62	800 00
Printing	400 00	444 60	500 00
Streets and sewers	1,000 00	1,415 61	1,500 00
Repairs and sanitation	8,000 00	3,864 90	8,000 00
High School laboratory	300 00	205 44	300 00
Expense of election	300 00	269 40	300 00
Attorney's fees	250 00	.....	750 00
School census	450 00	438 15	500 00
Due on contracts	10,000 00	10,380 00	.....
Extraordinary expenses	1,500 00	121 50	1,500 00
D. P. Thompson School, new buildings	.....	4,497 72	40,000 00
Totals	$278,000 00	$274,692 26	$314,250 00

While no expenditure for new building has been made, the six unfurnished rooms in the D. P. Thompson School have been completed at a cost of $4497 93. This brings all the children formerly in the Multnomah building under one roof, where they now have the benefit of more immediate and economical supervision. A saving is also effected in fuel and janitor service.

BONDED INDEBTEDNESS.

The bonded indebtedness of the district, as shown by the clerk's report, is $130,000. These bonds bear 6 per cent interest, which, with the interest on loans we have been compelled to make, temporarily, to meet current expenses while awaiting a distribution of the school funds, keeps our interest account large. The present and prospective condition of the money market justifies the belief that a large saving in interest could be made by refunding the 100 10-20 bonds, payable in 1913, at the expiration of the option in 1903. However, as this can not be done without additional legislation, the matter has been placed in the hands of the judiciary committee with instructions to secure such legislation if possible.

NEW BUILDINGS.

We renew our statement made one year ago that, in the opinion of the board, at least one new building should be erected every year to meet the requirements of our rapidly growing city. We are now renting one room at Sunnyside and one at Woodlawn. In addition to these, we shall be compelled during the coming year to rent one at Sellwood, and perhaps two, in South Portland the four rooms erected last year are all occupied, the Failing and Harrison are full, and this seems to necessitate the renting of an additional room in that part of the city, and one also in the Fulton district. In the Northern portion of the city the condition is about the same. The Atkinson and Couch buildings are crowded so that at least one room will be needed in that locality. We have one unoccupied room in the Chapman School, but it is too far north to relieve the Couch, and in all probability this room will be needed before the end of the year to meet the requirements of the Chapman district.

In the territory embraced by the Central, North Central, Stephens and Brooklyn Schools, the needs are pressing. In the opinion of the board the Central School building should be completed. This would relieve North Central, Stephens and Sunnyside, and probably obviate the necessity of renting at least two rooms. The old Central building is in every way unfitted for the health and comfort of pupils. Badly planned, poorly lighted and ventilated, and wholly without proper sanitary appliances, it seems almost a misnomer in this day and age of modern school facilities to call such a building a schoolhouse. The taxpayers in that portion of the district have been exceedingly patient and uncomplaining, while other portions of the city have been favored with modern facilities; but they now feel that they have reached a point where patience ceases to be a virtue, and justly demand what they deem to be their rights. Our estimate for the cost of completing the New Central building, on practically the same lines as the D. P. Thompson and Holladay are based upon the cost of the buildings, together with an estimate made by the architect.

The demand for school facilities in the vicinity of Ockley Green is still increasing. Multnomah school building should be moved to that locality. The block upon which this building now stands can, in all probability, be sold for enough to buy a block where needed, and nearly or quite pay the expense of moving the building. It is a matter of simple justice that all portions of the district should be equally well served, so far as it is possible to do so, and that the comfort and health of the child from north to south, and from east to west, should have the same thoughtful and careful consideration.

In order to show how nearly our estimates, made a year ago, have been realized, we append the following:

SUMMARY.

Estimated expenditures for 1900	$278,000 00
Actual expenditures for 1900	274,692 26
Excess of estimated over actual expenditures	$ 3,307 74
Actual receipts for 1900	$300,906 46
Actual expenditures for 1900	274,692 26
Cash on hand	$ 26,214 20

In the following estimated receipts for 1901 we deduct about 5 per cent delinquency for the tax now to be levied.

The county school tax is limited by law to 5 mills on the dollar, but this district actually receives less than 4½ mills out of every 5 mills that it contributes. The reason is that this fund suffers a subtraction of $50 for each district in the county, and is then divided among the various districts in proportion to their respective school populations. This district having fewer children in proportion to its taxable property than any other district in the county, receives from the fund less than it contributes.

ESTIMATED INCOME FOR 1901.

Cash on hand	$ 26,214 20
County school fund	130,000 00
State school fund	32,000 00
Delinquent district taxes for 1899	2,500 00
Delinquent district taxes preceding years	1,500 00
Tuition	1,000 00
Sundry cash receipts	350 00
Special district tax of 4.3 mills	120,685 80
Total	$314,250 00

It will be seen that the foregoing estimates require a special levy of 4.3 mills, which we recommend.

GROWING EFFICIENCY OF SCHOOLS.

We believe our schools are constantly gaining in the quality of the work done. This is due first to the careful supervision of our efficient Superintendent, whose efforts in that direction are constant and untiring. Special mention should be made of the system of gradation and promotion which he has introduced, and with such signal success that it has attracted the attention of school circles throughout the whole country, and is now known as the "Portland plan."

The salient features of this system are: First, that it permits pupils of different capacities to advance at different rates of progress, thus avoiding overworking the pupils of moderate ability. Second, it enables the work of teachers to be made more nearly equal, with fewer transfers from building to building than was formerly necessary. Third, it greatly decreases the strain upon pupils and teachers incident to the final examinations.

Another cause of the increasing efficiency of our schools is due to the devotion of our teachers to their immediate work, and to their hearty co-operation with, and loyalty to, the Superintendent in his continued efforts to raise the standard of excellence.

Will you permit a few general remarks in conclusion? We are proud of our city. We are proud of her financial strength and commercial importance. May it not be said also that we are proud of our educational facilities? Horace Mann has said: "Jails and prisons are the complement of schools. So much less as you have of the latter, so many more you must have of the former."

Education is the true defender of liberty. It is impossible to estimate the power that comes to the state from taking her individual children, educating and building them up until they stand clad in the full armor of intelligent and virtuous citizenship.

From the morning of a new century we already see, rising up in the future, questions that make even the bravest and strongest tremble—questions that cannot be rightly met without the most thorough education of head and heart. It has been said that the best part of an education is to have been born and brought up in this country. If this be true, well may we be proud of the land which freely offers to her children the grandest opportunities to fit themselves to bear the stress of coming time—the land "whose first existence was with intelligence, whose first breath was the inspiration of liberty, and whose first principles were the truths of divine religion."

Ladies and gentlemen, our task for the year is done. Upon you rests the responsibility of providing for the coming year.

Respectfully submitted,
R. K. WARREN,
J. V. BEACH,
RICHARD WILLIAMS,
H. WITTENBERG,
D. P. THOMPSON,
Board of Directors.

Free Kindergartens Get $5000.

General Summers moved that the report be adopted, which was amended to read that it be accepted on the motion of Rufus Mallory, who led the kindergarten supporters and suggested that the adoption of the report would carry with it all the recommendations of the board and the levy of 4.3 mills. The report of the Directors did not include the recommendation for the kindergarten scheme although Chairman Warren in his remarks stated that it was being advocated, and that, if adopted, the levy would have to be raised from 4.3 mills to 4.5. This created confusion, and Director D. P. Thompson arose to correct the prevailing impression that the scheme was favored by the board. He said:

"The majority of the board does not approve of it, and the board failed to recommend it in the report. The chairman simply made a remark regarding it."

Mr. Mallory then introduced the following resolution:

Whereas, It is provided by section 2948, Hill's Annotated Laws of Oregon, "that the directors of any school district in the state which shall contain 500 inhabitants or more may, when authorized thereto by the qualified electors of such district, provide for the establishment and maintenance therein, as part of the common school system thereof, of schools commonly known as kindergartens"; and,

Whereas, School District No. 1, in Multnomah County, Oregon, contains more than 500 inhabitants; therefore,

Resolved, By the qualified electors of said district, in school meeting duly assembled, that the Directors of School District No. 1, in Multnomah County, Oregon, be and they hereby are authorized to provide for the establishment and maintenance in said district, as a part of the common school system thereof, schools commonly known as kindergarten, and for that purpose the said Directors are hereby authorized and directed to appropriate and use of the funds of said district which shall come into their hands or under their control for the ensuing year for school purposes $5000, or so much thereof as in the opinion of such Directors is required for the purpose aforesaid, to establish and maintain said kindergartens for one year from the 21st day of January, 1901.

In support of the resolution C. E. S. Wood made a vigorous speech. He said:

"My support of adding kindergartens to our public educational system is not based on the idea of giving charity to the poor boys and girls roaming the streets, not to supply them from the public purse with something they could not get by their own efforts, but proceeds from the other side of the question—from the side of the state. I believe that the welfare of the state depends on a system of progressive education that will take charge of the children early, take them off the streets, train them in good habits early, so that they will make good men and good women. I say, take the money the taxpayers are spending teaching Latin, French and drawing in the higher schools and spend it where it belongs—on the education of the young children."

Frederick Holman also spoke in favor of the plan, calling attention to the noble work of charity carried on by the women who founded the free kindergartens in the crowded districts of the city. He contended that the schools had now passed an experimental stage, and that it was the duty of the district to make them part of the public school system.

Dr. George H. Chance also favored the plan, as being the proper way in which to start the training of American citizens.

"Take the children in their formative stages," said he. "Feed them on American pabulum. We want plenty of children, and good ones, and to train them to make American citizens. I don't care if it costs 10 mills."

Ex-Chairman Strowbridge was at first regarded as an anti, and an attempt was made to call him to order. He said in closing, after reviewing the finances of the district:

"I have been a taxpayer for 44 years. The sweetest taxes I have paid have been in support of the schools. We had better vote more than not enough money, and if you wish, tack on something for the kindergarten."

Mr. Mallory pointed out that the kindergarten was no longer a question of experiment, and that many cities maintained them in connection with their public schools.

Director Wittenberg vigorously supported the movement, and denied that all the members of the board opposed it. He said the district could well afford $5000 for such a worthy purpose, and promised for the board that the money would be wisely expended, and, if possible, another surplus left in the treasury. He called attention to the excellent administration of the school fund, which he said gave the taxpayers more for their money than that spent in other branches of the government.

Mr. Thompson reaffirmed his statement that the board did not favor the movement, since at a meeting it failed to embody the recommendation in its report.

On calls for the question, the resolution was passed with only a few dissenting votes.

Levy of the Tax.

Mr. Holman then moved that the district levy a tax of 4.5 mills to provide for the recommendations of the board and the $5000 for the kindergartens.

J. N. Teal moved an amendment making the levy of 4.3 mills, which, he contended, was sufficient not only to provide for the recommendations of the board, but also for the kindergartens. "It's easy enough for you people to vote away other people's money, but it isn't right to be extravagant when a strenuous effort is being made to provide for all branches of the city government, to keep the streets clean and to provide a fire department. Every mill counts." He urged that there was a surplus on hand, and that the estimates for 1901 were higher than the expenses of 1900.

W. D. Fenton urged that the levy of 4.5 mills would be less than last year by .3 of a mill. He said: "You cannot raise $5000 for the kindergartens without increasing the levy. The board has need for every cent that will be given it, if it carries into effect the needed changes and removes, as I understand is intended, the graveyard we have on the East Side for a school building. We need a new Central school building, and we can't get it unless we vote the board enough money. If we do not, we will have a deficit, instead of a surplus."

W. M. Ladd also opposed Mr. Teal's amendment. He said: "No one hates to pay taxes any more than I do, but I have been over the schools of the city, and I know their needs. Every cent voted the board for new buildings and repairs can be well used. Let any one go through the Central school building, and he will be ashamed of the district. As to the kindergarten, I am in favor of it, and 85 per cent of the cities of the United States have them in connection with their public schools. I am in favor of providing the money for these specific purposes.

General Summers also spoke against the amendment.

On the vote, the Central school and kindergarten forces voted against the amendment, and it was lost.

Mr. Holman's original motion for 4.5 mills then prevailed.

For Directors' Advance Report.

The report of the directors as amended was then adopted, on motion of Mr. Teal. He then introduced the following resolution, which was carried:

Whereas, It has been the custom of the Directors of School District No. 1 not to publish prior to the meeting of the qualified electors of said school district the report of the Clerk, showing the expenditures of the previous year, or the report of the Directors, showing the estimate of expenditures and receipts for the ensuing year prior to the meeting of the qualified electors of said school district; and,

Whereas, It is manifestly impossible to consider in a satisfactory way such report without the same having been previously published and an opportunity given to consider and investigate the same; now, therefore, be it

Resolved, By the qualified electors of said School District No. 1, that the Directors of said school district be and they are hereby directed to cause to be published each year in some newspaper of general circulation within the City of Portland, Or., at least 10 days prior to the annual meeting of the qualified electors in said district, the Clerk's report of the expenditures for the preceding year, and the report of the Directors to be submitted to said meeting, showing the proposed expenditures of said district for the ensuing year, and also the amount of the special tax levy which said Directors recommend in said report, and the estimated receipts therefrom, and also the estimate of all other receipts, together with the cash on hand at the time of making such report; and that if there are any extraordinary expenditures recommended by said Directors in such report, they shall also state the purpose of such expenditures, the amount thereof, and their recommendations thereon.

Mortgage Tax Fund.

W. M. Ladd introduced the following resolution, providing for a mortgage tax fund, which was carried.

Whereas, There are a large number of mortgage taxes due School District No. 1, which, prior to the year 1893, the Clerk of said school district collected for and on behalf of said school district; and,

Whereas, The Supreme Court of the State of Oregon has held that said mortgage taxes are a lien against the lands on which such mortgages were a lien; and,

Whereas, It is greatly to the interest of said school district that said taxes be collected; and,

Whereas, There are a number of bonds issued by said School District No. 1 falling due during the year 1902; now, therefore, be it

Resolved, That the Directors of said School District No. 1 be and they are hereby requested to cause the Clerk of said school district to immediately cause to be prepared a transcript, setting forth by years all delinquent taxes due said school district from any source prior to the year 1893; and, be it further

Resolved, That the said Directors be and they are hereby directed to cause all delinquent taxes received by said school district from taxes on mortgages to be set apart in a separate fund, which said fund shall be kept intact and not used for any purpose until disposed of by vote of the qualified electors of said School District No. 1, at the annual meeting thereof, to be held in the month of January, 1902.

On motion of Henry Hahn, last year's auditing committee was continued.

WILL NOT BOTHER CONGRESS

Stockmen Not to Take Sides as to Leasing Lands for Pasturage.

F. D. McCully, of Joseph, Wallowa County, who attended the National Stockmen's Association, at Salt Lake, last week, as a delegate, was at the Imperial yesterday. The business of the convention, he said, will have no bearing on the action of Congress, as the stockmen assembled could not agree on the matter of leasing the Government lands for pasturage. Opinions varied between the delegates of different states in regard to the public grass, and so Congress will be permitted to do as it likes about leasing the lands.

The Summer ranges and the Winter ranges of sheep are often very far apart, he said, and it would be difficult to frame a law that would suit the conditions. In the mountains which are used for Summer pasturage, the surface of the land is broken and rocky, and it would be impossible to fence it in many places. Strife would therefore result in consequence of the drawing of section lines across impassable gulches.

But the convention was largely attended, and the hotels of Salt Lake did a lively business while it lasted, Mr. McCully said. There were some 1700 delegates and a very large contingent of friends, and so the meetings enabled the stockmen of distant sections to become acquainted with each other.

A WINTER ROUTE TO THE EAST.

The climate of Utah and Colorado is temperate the year round, and clear skies and sunlit days are as proverbial in Winter as in Summer. The mean annual temperature in Salt Lake City or Denver is about 55 degrees, and the average annual precipitation 14.77 inches. With such inconsequential precipitation there can be little or no trouble from snow in the districts traversed by the Rio Grande Western Railway, and its immediate connections—the Colorado Midland or Denver & Rio Grande Railroads.

In fact Winter adds but new grandeur and charm to the travel scenes, and infuses an element of variety and beauty to the unsurpassed wonders of nature along the Great Salt Lake Route. Tickets to all points East may be obtained at 253 Washington street.

RIGHT TO REMOVE POLICE

ARGUMENTS HEARD IN STATE CIRCUIT COURT.

City Attorney Long Defends Act of Board of Commissioners—Discharged Men's Views.

The question of the right of the Police Commissioners to discharge policemen for causes other than stated in the city charter, namely, insufficiency, insubordination or violation of any law, was argued before Judge Sears yesterday in the cases of Charles Venable, Moses Waller, W. Stitt and J. Murray, who were removed last July on account of alleged lack of funds. A number of others who were removed at the same time were subsequently reinstated, and in the month of August J. F. Kerrigan and Frank Snow were appointed as new men.

City Attorney J. M. Long argued that the power to appoint where the tenure of office is not defined carries with it the power of removal, and said the tenure of office is not fixed as to policemen. Counsel said so far as the civil service provision of the charter is concerned, it means only that a man shall have the right to a hearing when he is charged with any of the offenses mentioned in the section, such as inefficiency, insubordination, etc. The principal point made by the City Attorney was that want of funds was just and sufficient cause for removal. The city charter, he said, applies only where a removal is made without just cause. Mr. Long read numerous decisions of courts in various states in support of his position, and especially referred to one case where the court held: "It is no advantage to reinstate them where there is no money on hand to pay their salaries." Counsel said he did not care about the other men who were appointed; that had nothing whatever to do with this case.

John F. Logan for the petitioners argued in response that it does make a difference; that since the men were removed some of them were reinstated and new appointments made, because it shows that the Police Commissioners acted in bad faith. The purpose in removing them was to put other men in their places. The attorney said: "The offices must be abolished to deprive a man of his employment, under the decisions. Insufficiency of funds would not justify removal, but the abrogation of the office. He falls with it.

Judge Sears—Does the order of the board purport to do away with the offices?

Mr. Logan—No. It just dismisses them.

City Attorney Long admitted the civil service section of the charter, but asserted that even under it the Police Commissioners could remove members of the force when there was insufficiency of funds.

The petitioners' counsel took up this clause of the charter and argued that under it there could be no removal except for the causes named. It was admitted that if the office were abolished the police officer would go with the office, but the office was not abolished. On the question of the tenure of office, counsel said there was a fixed term under the charter "during good behavior."

Regarding the matter of funds counsel said: "They can say today they have not enough funds and remove men, and tomorrow can say we have enough funds, and appoint others." This was according to the argument of the City Attorney, but was not good.

A decision will be reached some time in the near future.

PLEADED GUILTY TO ASSAULT.

Assailant of Captain Johnston Declares He Had No Deadly Weapon.

Charles Tracey, a deck hand, charged with assault with intent to kill W. J. Johnston, mate of the steamer Dalles City, pleaded guilty in the Criminal Court yesterday to assault, not being armed with a dangerous weapon, and will be sentenced Wednesday. Tracey stated that he had no weapon, but knocked Johnston down and he fell between the horses. He did not know if the horses kicked him or not, and District Attorney Chamberlain said the evidence was such that it would be difficult to prove that the defendant had a weapon in his hand when he struck the mate, and he was willing to have the charge reduced with the understanding that Tracey receive the extreme penalty, one year in the county jail. The assault was unprovoked and the mate was in a serious condition at the hospital for some time. Tracey, in explanation of the affair, said that about a year ago, while working under Johnston as deck hand on the steamer Gamecock he was sent to pick up some logs which had broken loose from a raft. When he returned breakfast was over and the chief officer would not let him have any. On the morning when he struck the mate he went to the dock and asked for work. He met with refusal and struck the officer with his fist.

Judge George deferred the passing of sentence to give him time to inquire into the matter.

Set for Trial.

Judge Cleland yesterday set cases for trial as follows:

J. S. Hooper vs. Mary Hooper, January 25.

Helen Watrin vs. John Watrin, February 13.

Rebecca Eastabrook vs. W. J. Eastabrook, February 14.

Judge Sears yesterday set cases on the trial docket as follows:

Fannie Saxon vs. J. W. Thompson; State vs. Ed Bell, Soreitzer vs. Nealond, January 25.

State vs. William Crawston, January 29.

State vs. J. F. Smith, H. Hemme vs. J. W. Wright, Northwest Gun & Bicycle Company vs. H. E. Edwards, January 30.

Pallay vs. Brenner, State vs Barr and Holland, February 1.

State vs. J. S. Long, February 5.

Court Notes.

A demurrer in the gambling case against T. Barr and E. Holland was overruled yesterday by Judge George.

In the United States Court yesterday, Judge Bellinger appointed Charles G. Hicks United States Commissioner at Arlington.

Chester Van Horn, charged with kidnaping the Ditchborn boy, was yesterday given another week to plead, in order to give his father time to get here.

Anna A. Baker has sued George G. Baker for a divorce on the ground of desertion, which she avers occurred in 1892. And she also asks for the legal custody of their child, now in her keeping. They were married in Portland in 1887, and the defendant is said to have gone to England when he went away.

In the suit of John Montag vs. the City of Portland, to recover firemen's claims, a demurrer of the city to the complaint was submitted yesterday without argument, and was overruled by Judge Sears. The points raised in the demurrer have been previously disposed of in another similar case in this same manner. The defendant was allowed 20 days to file an answer. Montag is merely a nominal plaintiff as assignee for firemen who worked under the Pennoyer regime. The amount involved in the case is considerable. After the answer has been filed the case will be set down for trial on its merits.

James Brown was appointed administrator of the estate of Thomas Williams, who died at Skagway in 1898.

In the suit of the Hartford Insurance Company vs. Thomas Connell, the plaintiff was allowed 10 days to file a motion for a new trial.

E. M. Philebaum was appointed administrator of the estate of George M. Fearnside, deceased, valued at $3,000. The heirs are Annie Eastham, Margaret Philebaum, and Helen Smith, children of deceased.

S. E. Paddock has filed suit in the State Circuit Court against Henry Holtgrieve to recover $450 alleged to have been lost by reason of land which he had purchased not having a good title. The land originally belonged to Holtgrieve, and the plaintiff avers that he was forced to give up some of it on account of the defect in the title.

The case of William E. Spicer, charged with selling, shipping, transferring and removing beyond his control and custody 7231 bushels of wheat, valued at $[illegible], which was in storage in a warehouse, was continued for trial in the Criminal Court yesterday until today. Ed Mendenhall was entered as additional counsel for the defendant.

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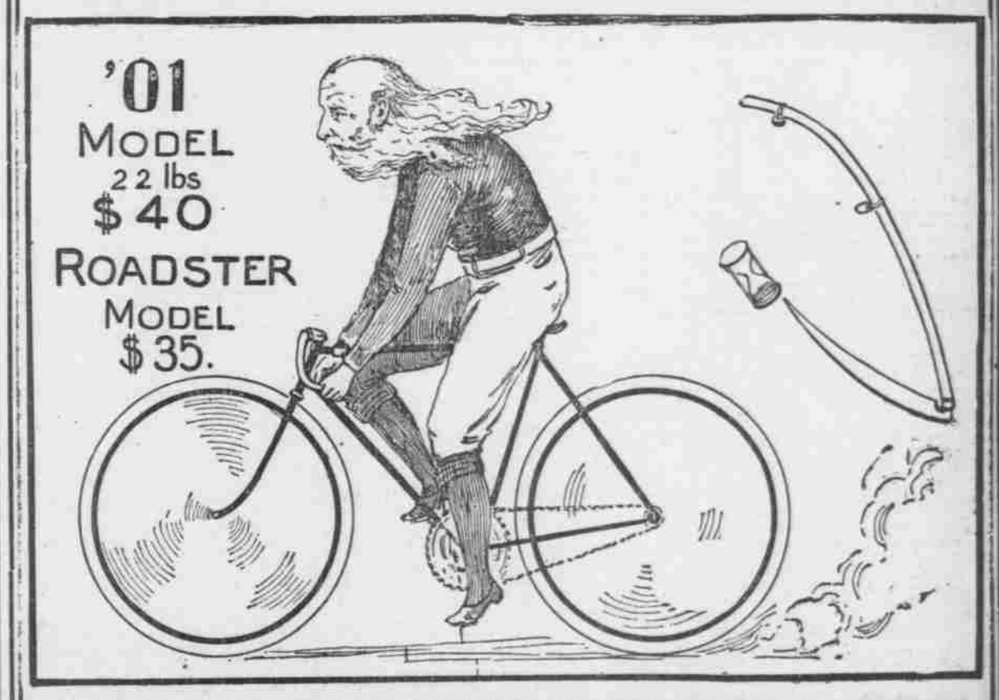

Father Time, the Rambler of old,
Sweeps from the fading past,
Into the century new and bold,
On a RAMBLER light and fast.

Hour glass and scythe are cast aside,
He so MERRILL-Y speeds along:
Into the cycle of years he glides—
And "The Rambler" is his song.

HE GOT IT OF MERRILL THE 'CYCLE-MAN

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GET ONE—AND KEEP UP WITH THE TIMES

No. 1. "For Competition," (by permission) Rev. Geo. H. Bennett, Woodburn, Or., January 15, 1901.