## ITS VALIDITY IN DOUBT

DIRECT PRIMARY LAW PASSED BY LATE OREGON LEGISLATURE.

Poor Not Given an Equal Chance With the Rich, and Free Speech Restricted.

SALEM April 15 - That the Morgan primary election law, enacted by the last Legislature, is unconstitutional, there is little room to doubt. That its provisions impracticable, its purpose beyond province of government, and its main object impossible of accomplishment by dis enforcement, is also clearly manifest. That any attempt will be made to operate under its requirements is scarcely to be

ught of for a moment.

by this act of the Legislature it is provided that "n primary election shall be held in the several election precincts of this state on the first Monday in April. 1900, and blennially thereafter, at which there may be nominated candidates for such offices as are to be filled at the general election next ensuing; that at this primary election may be submitted to the vote of the members of the various political parties, declarations of party principles or policies, and rules of government and organization; also, at this time, the officers, managers and committees of political parties and delegates to tions of political parties may be

In brief, it is required that all party candidates, delegates, committeemen and managers shall be chosen and all platforms adopted, at an election in which all parties participate. The law applies to Multnomah County only, but it is provided that it shall be in force in and apply to any other County when it shall be so resolved by the proper authorities. of each and every political party therein, representing, respectively, their party

within and throughout such county. One Objectionable Feature. It is provided that delegates to a county convention shall be chosen in no other way than at such election, and this seems present the great objectionable feature of the law. Let it be assumed, for the suke of illustration, that in South Portland Precinct the Republicans are enti-

tled to 10 delegates to the Republican county convention. The Simon faction of that party presents a slate of 10 candidates and the names of these are printed on the official primary ballots. The Mitchell faction of the party presents a slate of 10 delegates and this list also goes on the ballot. A large number of Republicans oppose these two slates by putting up a ticket of their own and a third list of 19 candidates goes on the The Democrats make up their ticket, including candidates for the con-vention, in the same manner, as also do the People's Party adherents and the Prohibitionists. Each faction of each on for each office. For example, the Simon Republicans, the Mitchell Re-publicans, and the independents will have candidates for nominations for the Legis-Every man who wants to be a can candidate for the Legislature can get his name on the chicket of five ticket by getting the signatures of five per cent of his party's vote at the last There could, therefore, be 20 election. There could, therefore, be 20 candidates for County Judge on the Republican ticket, and so as to each other party. As Multnomah has five Senators. there might be 100 candidates for the nomon. There never would be this num-but, if past experience is an indicaber, but, if past experience is an indication of what may be expected, it is safe to which this law has to stand is that it say that there would be a half dozen men is authorized by Section 8 of the consti-seeking the nomination for County Judge. it tution, which says: Sheriff, Clerk, Recorder, Assessor, etc. Since "ring rule" would be abolished, candidates for nominations would multiply. on the primary ballot, if five per cent of the party asks it and blank spaces written. A compilation of the number of names that must go on the primary liege of free suffrage, for it requires a payment of a fee before a citizen can be legally nominated for office, it denies to will approach closely to the size of a legally nominated for office, it denies to blanket, especially if the several parties the people the free expression of opinitry to out-do each other in the matter of platforms, for platforms go on the ticket the right to units in the selection of candidate the selection of candidates the selection of ca al we nam This presents, briefly, the impracticable feature of the act.

As to Its Illegality. But now as to its lilegality. It will be remembered that the names of all candi-flates for delegates to all conventions go on the same ballot and the ballots are used at the same election by all parties. There is nothing to prevent the Simon Republicans from securing votes of Democrats and thus defeating candidates of the Mitchell and Independent factions. There is nothing to prevent the saloon element in the Republican and Democratic parties from electing a set of saloon loafers as delegates to the Prohibition con-vention. The law plainly and emphati-cally makes it possible for a few saloon people to vote a high license plank into a Prohibition platform. And after this has been done, it is a crime, by the provisions of this law, for the Prohi-bitionists to promote, publish, report or represent any declaration of party policy or principle, after the first primary election held under this act, as being adopted or established by that party, policy or principle, after the first primary election held under this act, as being adopted or established by that party, when not adopted at such primary election. It is a crime for the Probibitionists to adopt their platform or elect their dele
It was the intention of Miller & Lux to gates in any other manner, and they must find by what has been done for them in a primary in which they are a their hands at the original cost,

great minority.

This act is presumed to overcome ring To think for a moment that the Lake section of Lake County. Supreme Court of Oregon would uphold such a provision, is too absurd to receive

But there is a provision of the primary law which is fiatly a violation of the Oregon constitution. In Section 21 it is provided that each petition shall be in behalf of but a single name. It will therefore take 10 petitions to get a state of delegates on the ticket. If there be three Republican states, there will be 30 petitwo parties represented, there will be some 50 petitions nominating candidates for del-

agains to the county conventions.

But Section 29 says: "Upon the filing of any petition hereunder with the County Clerk, there shall be paid such Clerk a fee of \$10, to be by such Clerk paid over to the County Treasurer for the general fund of the county. These \$6 candidates would therefore be compelled to pay \$500 for the privilege of running for a seat in the county convention. A man could not be a candidate for the nomination for County Judge, Clerk, or Recorder, unless he paid the 50 fee. And then he might not get the nomination. Certainly this is

hard on the poor man. Violation of Constitution.

But the constitution, in the first section and Elections," skys: "All elections shall be free and equal." A reasonable conetion of this short but direct provision is that no man shall be charged or taxed either for the privilege of voting or for running for office. It was the inpoor shall stand upon an equality with the rich; that each should have the same power in the formation, change or abolition of government; that the poorest man within the borders of the state should be free to aspire to the highest office in the gift of the people; that the poorest, as well as the richest, should have a voice in the management of every

branch of governmental affairs. If this new primary law shall stand, no man can go to the county convention, or be a candidate for the county convention without paying the fee of \$10 or having the fee paid for him by some po-litical boss. If this new law shall stand, elections will be neither free nor equal. Section 8 of the constitution says: "No law shall be passed restricting the free

right to speak, write or print freely on any subject whatever." Section 20 says: "No law shall be passed granting to any citizen or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens

Section 26: "No law shill be passed restricting any of the inhabitants of the state from assembling together in a peace-able manner to consult for their common good; nor from instructing their representatives; nor from applying to the Legislature for redress of grievances."

Section 22. "This enumeration of rights and privileges shall not be construed to deny others retained by the

Since the people are secure in their rights to assemble and to speak and write upon any subject whatever, it is difficult to understand how the Legisla-ture can assume the authority to say that a certain number of people shall not assemble, call themselves the Republican party of the State of Oregon, adopt a set of resolutions declaring their principles, and offer before the rest of the people a set of candidates for office who support those principles.

Legislature Not All-Powerful. The Legislature was not given all power. Certain rights were reserved to the peo ple. Among those rights is that of forming political parties and declaring politi-cal beliefs. It was never intended that Democrats and Republicans should be given the power to adopt a platform for Prohibitionists or Socialists which they must not deny under penalty of the law All reforms have had their origin in the breasts of a few people. The opinions breasts of a few people. The opinions these few have been privileged to express have gradually gained in strength by the increase in the number of supporters. In a Republican form of government a man is privileged to vote his opinions. It is not therefore in the province of the state Legislature to enact a law which shall put it in the power of the corrupt to frame, under section of law, a platform which does not represent the opinion of a single adherent of the political party whose name the platform bears.

But, to many, the Morgan law appears unconstitutional in another respect. Section 21 of the constitution provides that no law shall be passed, the taking effect of which shall be made to depend upon any authority except as provided in this

constitution. Throughout 38 sections, the Morgan law is made to apply, apparently, to the whole state. The last section says: "This act shall be in force and shall apply to all countles having a population of 50,000 or more, and shall be in force in and apply to any other county when it shall be so resolved by the proper authorities of each and every political party therein, repre-senting, respectively their party within and throughout said county."

Party Managers Made Dictators. It is thus put into the power of party managers to say when this law shall take effect as to 32 countles of the state. If the Legislature can pass an act, the taking effect of which in 32 countles depends upon the authority of political bosses, why may it not go one small step farther and include the other county If the Legislature can pass an act the taking effect of which in 32 countles depends upon the authority of the party managers, why may it not go farther and say that the law shall take effect upon the authority of a lesser number of persone? If it is legal to place this power in the hands of any number of persons less than all the legal voters, why is it not legal to narrow the limitation down still further and give the power to three men or even one? Is it not class legislation to permit a certain ring or clique of men to say when a law shall take

effect and when it shall not?

tution, which says:
"The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting election, and prohibiting under adequate penalties, all undue influence therein from power, bribery, tu-mult, and other improper conduct."

beliefs. While it prescribes the manner of conducting primary elections, it does not reg-ulate the manner of conducting any elec-tion that was in the minds of the framers of the constitution. It does not pro-hibit undue influence from power, bribery and tumult, but opens the way for the grossest kind of political fraud and trick-ery, in that it enables the members of one party to nominate the candidates and declare the principles of another,

HOMES FOR NEW COMERS. Lake County Lands Selected by

Agents of Ten Families. LAKEVIEW, April 14.-Messrs. Wood-ward and Buhe have been looking over Lake County for a location for ten fami-lies. They have finally decided to settle near Paisiey, and have selected a site for a reservoir to supply water for the land which they have selected.

Miller & Lux, the well-known California restock these ranches this spring, out as Mr. Howard offered to take the leases off was effected. This makes final the retirement of Miller & Lux from the Silver

STREET FAIR AND FESTIVAL. Will Be Held at Hillsboro Next

Month-Is to Be County Meet. HILLSBORO, Or., April 15 .- Prominent dairymen and business men of Washing-ton County have decided to hold a county street fair and festival in this city, May 18. It is proposed to have an exhibit of ns. And since there will be at least dairy products, livestock of all kinds, and a parade of stallions and colts. emiums will be given, as this is the first attempt at anything of the kind here in years. There will also be a splendid exhibit by poultrymen. The officers of the new organization are: Eff. Schieffelin, Centerville, president; Riley Cave, Hillsboro, secretary.

LEGISLATIVE CLERKS.

Late Oregon Session Cost \$22,000, an Average of \$5 50 Per Employe. SALEM, Or., April 15.—Secretary of State Dunbar has compiled a list of the clerks employed by the last Legislature and the amounts paid to each. The House employed 52 clerks at a total cost of of Article 2, under the head of "Suffrage \$10,120, or an average of \$4 86 per day each, The Senate employed 41 clerks, at a total cost of \$6629 50, or an average of \$4 05 per day each. There were also employed 40 joint clerks, at a total cost of \$5240 50, or an average of \$2 28 per day each. The total cost for all clerks was \$22,000 for tent of the learned gentlemen who framed the session, or an average of \$5.50 per day this fundamental law of the state that

> No Site Chosen for Y. M. C. A. SALEM, Or., April 15. — The building committee of the Y. M. C. A. met this vening, but did not decide upon a locathe new building. It seems that several business men are offering large contributions to get the building near their property, and this may enable the committee to make a considerable addition to the fund.

Weinig Got the Decision. HOT SPRINGS, Ark., April 15.-The fight tonight between Jimmy Scanlan and Al Weinig lasted several rounds, when Weinig got the decision, Scanlan, with a expression of opinion, or restricting the dislocated jaw, being unfit to continue.

## KILLED BY AN ASSASSIN

MAN MURDERED ON MAIN STREET OF AN IDAHO TOWN.

Though in Front of Saloon, No Eye-Witness to the Shooting Can Be Found.

WALLACE, Idaho, April 15.—George Fisher was killed in Gem last night by an unknown man. He was on the main street of the town alone when a shot was and passed clear through his head. No eye witness to the shooting can be found, although the man was in front of one saloon, and another was Atvention fired. The ball hit under the left the street. Numbers of men were in each, all of whom heard the shot, but none went out to investigate. Deputy Sheriff Finlay was in his room when he heard the shot. He ran down and was the first man to find the body on the sidewalk. Coming on the heels of the Mullan

tragedy Saturday night, the murder has caused great excitement, and feeling runs high, although there is no evidence of connection between this and the labor martial law troubles. Fisher was a ember of the Western Federation. He had been in Gem between one and two years, but never worked there.

ARRESTED ON SUSPICION.

Two Men in J. H for Attack on Idaho Deputy Sheriff.

WALLACE, Idaho. April 15.—Paddy Rogers and Ben Smith were arrested at Mullan last night on suspiction of be-ing in the party which attacked two deputy sheriffs. Both are in jall here.

HERTZKA CASE DISMISSED. Charged With Practicing Medicine Without License.

OREGON CITY, April 15.-In the Cir-cuit Court today the indictment against W. Hertzka, the Christian Science healer, charged with practicing medicine without a license, was dismissed, on motion of the Prosecuting Attorney. The grounds given for the dismissal were that Hertzka's trial at the November term had been a heavy burden to the taxpayers, and the jury failed to agree on a verdict.
The indictment charging John F. Albright with seduction under promise of marriage, was also dismissed in deference to request from the prosecutrix. The jury excused from further service until Friday morning.

Trouble Over Comic Valentines Elyville, a suburban postoffice, within the municipal boundaries of Oregon City. is considerably agitated over the pos-sible indictment of two of its citizens by the United States grand jury for sending obscene matter through the United States mails. Seven of the residents have been summoned to appear before the United States grand jury in Portland Thursday and give testimony in the matter. It is said that P. D. Curran and young Mr. Frederichs, two highly esteemed cfti-zens, sent some comic valentines to their neighbors, intending the matter as a joke, but it seems that the carlcatures were not received in that spirit, and one of pictures was sent to the Postoffice Department.

GREEN AGAIN AT VANCOUVER.

Condemned Murderer More Cheerful Than Before Trial. VANCOUVER, Wash., April 15.—James Green, the Skamania County murderer, is again incarcerated in the Clark County jail, this time to await the execution of his sentence. He was brought here Saturday evening by Sheriff Totten, of Skamania County. Green appears to be in a much more rational frame of mind than previous to his trial, is less morose and previous to his trial, is less morose and lancholy and talks more freely with melancholy and talks more freely with visitors. He appears to have entirely lost his desire for a speedy execution of his sentence since being removed from the scene of his trial and has confidence that his attorneys will be successful in their efforts to secure a new trial.

POSTOFFICE ROBBED. Burglars Took \$300 While Post-

master Was at Dinner. SALEM, Or., April 15,-Chief of Police Gibson received a telephone message from Turner this afternoon, saying that the postoffice at that place was robbed at noon today, while the Postmaster was at dinner. The burglars secured \$300 in cash and stamps. At last reports there was no clew to the guilty parties. This bold piece of work, taken in connection with the robberies at McCoy and Lincoln last weinesday and Thursday, leads to the conclusion that this section of the Valley is being worked by a gang of professiona

Requisition for Waterbury, SALEM, Or., April 15.—Governor Geer today issued a requisition upon the Govof Washington for the rendition of Schuyler H. Waterbury, who is un-der arrest at Seattle, and is wanted in Portland to answer to a charge of stealing some jewelry.

TEACHERS' INSTITUTE. Three Days' Session at Astoria This

Week. Following is the programme for the Clatsop County Teachers' Institute, to be held at Astoria, April 17, 18 and 19: WEDNESDAY, APRIL 17.

Morning—
16:00. Call to order; enrollment of teachers.
16:30. Narrative of school work. W. W.
Payne, McClure's; O. A. Thornton, Shively's;
A. L. Clark, Adair's; J. C. McCue, Alberbrook; A. Cleveland, Olney; Joseph T. Yee,
Warrenton; T. C. Jøry, Seaside; Mrs. N. D.
Singleton, Hammond, and others.

Afternoon1:30. Music. Singing by pupils of second and
third grades Shively School.
Discussion-Geography. Specimen work from scussion—Geography. Specimen work fron es of Miss Fossett, Mrs. McCormac, Mrs.

Classes of Miss Possett, Mrs. Secondae, Mrs. Krager and others.
"The Science of Geography," Prof. J. Burn-ham, of Portland.
Music (vocal solo), W. W. Payne.
3:00. Drawing-Specimen work from classes of Mrs. Busey, Miss Utninger, Miss Bayles THURSDAY.

Morning— 10:00. Subject-Writing. Specimen work from classes of Miss Sayre, Miss Olsen, Miss Fossett, Mra McCormac, Miss Garner and McCue. eral discussion, led by State Superintend-

General discussion, see by
ent Ackerman.

10:30. "Educational Journalism," Prof. C.
H. Jones, of Salem.
Afternoon—
1:30. Music. Singing by pupils of fourth
grade of McClure's School.
3:50. Subject, "Manual Training," Prof. D.
P. Dyer.
3:15. Subject, "Reading," Specimen readlags from classes of Miss Stockton, Miss Dealman Mer. Lemon. ings from classes of 3 ey and Mrs. Lemon. Evening— Hon, C. W. Fulton, chairman of the evening. 8:00. Music (vocal duet), Miss Shively, O. A.

Chornton.

Invocation, Rev. W. S. Short.

Address of welcome, Prof. W. W. Payne.

Address. "Progress of Education in Gregon,"

J. H. Ackerman, Superintendent of Public Instruction.

Music (vocal solo), Mrs. J. T. Ross.

Address, "Exploration and Settlement Near
Astoria," H. W. Scott, of Portland.

FRIDAY. Morning— Historical excursion. Steamer will leave the elephone dock at 8 A. M. Evening—
8:00, Music (vocal solo), Prof. J. C. McCue.
Invocation, Bev. B. F. Roland.
Essay, "Poets of the Northwest Pacific
Conat." Mrs. Carrie Shaw Rice, Tacoma.
Music (vocal solo), Mrs. Kathryn Shively,
Address, "The Use of Supplemental Literature," President P. L. Campbell, Monmouth,

A SECOND ENOCH ARDEN. Man Reported Dead Returns to Find

Wife Wedded to Another. NEW WHATCOM, Wash., April 15. The City of Blaine, in this county, furnishes the latest parallel to Enoch Ar-den's sad history. When the Klondike fever broke out in 1897, it claimed Syd-

ney C. Hoover, who was then living in Blaine, with his wife and two children as its first victim. That year he wen North and until Friday his family heard nothing from him, but read in newspapers accounts of his death. Investigations

made by his wife's brother tended to con firm the stories. After waiting ris return for three years, the latest one of which his wife mourned him as dead, she married W. H. Shaffner, of this city, July 18, 1900.

Hoover returned to Blaine from the Klondike last Friday, and went to his Hoover returned to Biaine from the Klondike last Friday, and went to his old home, which he found deserted, Neighbors informed him what had occurred and that his wife was living with hes second husband in this city. Hither he came and found her. Her second husband she prefers to her first, and refuses to live with the latter She will therefore within a with the latter. She will therefore within a few days commence divorce proceedings against ber first husband, and after the divorce is granted remarry her second one.

FAKERS HAD IT CIRCULATED. Report of Settlement of Claim of 1776 Fame.

HILLSBORO, Or., April 15. - Early in

March there appeared in several Lastern papers the following dispanda "Washington, March 2.—The Delfaven claim has at last been adjusted. claim is based on a loan of \$50,000 made by Jacob DeHaven, of Susquehanna, Pa.,

to George Washington, at Valley Forge, in 1777. Just prior to the Civil War it was all but settled up, but the outbreak of hostilities in 1861 prevented payment. One of the claimants is Mrs. G. W. Mooney, of Huntington, Ind., whose share s expected to be about \$20,000.

It appears that this notice fell into the ands of E. A. DeHaven, of Orient, Multnomah County, who is an heir of Jacob DeHaven, and he at once wrote Con-gressman Tongue to have alm ascertain the truth of the article. Mr. Tongue wrote the Treasury Department at Washington, and has received the following response from H. A. Taylor, Assistant Secretary:

agents have been bleeding credulous persons who claim to be heirs of one Jacob DeHaven, and a great number of letters from them have been received by this office. If possible, please forward a copy of the paper that published this falsehood, and an effort will be made to find its author. It is supposed that all the alleged heirs of DeHaven in the East are already aware that they have been duped, and the perpetrators of the fraud are now trying to operate in the West."

NORTHWEST DEAD.

Mrs. Hattle Bond, Oregon Pioneer EUGENE, Or., April 15.-Mrs. Hattie Bond, wife of J. W. Bond, died yester-day at her home four miles west of Irving, aged 66 years. Deceased was a wellknown ploneer. She came to Land County in an early day with her husband and settled on the homestead where she had since resided. She was the mother of a large family, who are all grown and well known in that section. funeral will occur tomorrow, services being held at the residence.

Miss S. Lanora Craven, of Dallas. DALLAS, Or., April 15.-Miss S. Lanora Craven, daughter of R. C. Craven, president of the Dallas City Bank, died here Saturday. Death was due to typhold fever. Miss Craven was born in Missouri, October 5, 1879, and came to Or-egon with her parents in 1889. She had made her home in Dallas with her parents almost continuously since. funeral took place today from the M. E. Church, South.

Issue Burson, of Dallas, DALLAS, Or., April 15 .- Isaac Burson died here yesterday of membranous croup, aged 52 years. He was around town all day, but complained of a sore throat. He took suddenly worse in the evening, and died in a few minutes. With his parents Mr. Burson came to Oregon across the plains in the early 60s. In 1876 he married Miss Clara B. Scott. who survives him. The funeral will occur

ALBANY, Or., April 15 .- Mrs. L. Senders, a prominent Hebrew lady, of this city, dled today of erysipelas, aged 62 years. She was born in Bavaria, coming to Linn County about 1864. She was a sister of Sam May, of Portland. She left two sons-Morris and Albert, of this city -and two daughters-Mrs. Phil Lewis and Mrs. Henry Kleinberg, of Ellensburg,

Quotations of Mining Stocks. SPOKANE, April 15 .- The closing quotations

or mining stocks	today were:	
	Ask.   Bid. A 8% Mtn. Lion 22	sk
incktail 8%	9 Morn. Glory . 4%	554 4
rvstal 4	5 Prin. Maud 14	19
eer Traff 1%	2% Ramb. Car 24%	244
lewey 2%	436 Reservation 3%	4
old Ledge., 1% X. L15	135 Ross. Glant 356 21 Sullivan 855	9
one P. Surp 6%	40  Tom Thumb10	23
Iller Creek. 1	1%	

Miller Creek. 1	1361
quotations for minin	April 15.—Official closing g stocks:
Alta	04 Mexican
Chollar Confidence Con. Cal. & Va 2 Crown Point Gould & Curry	13 Sierra Nevada 34 75 Silver Hill 38 45 Standard 400 13 Union Con 10 21 Utah Con 4 22 Vallow Jacket 17

	NEW YORK, April 15,-mining stocks tool	P
3	closed as follows:	
	Adams Con\$0 23 Lattle Chief\$0	1
	Alice 35 Ontario 8	ĕ
	Breeze 1 30 Ophir	ő
	Comstock Tunnel. 6 Potosi	
31	Com Chil 2 1/2 2 20 MRVATE	
	the second of the same 50 Starra Nevada	å
의	Home Ollege. 1 10 Small Hopes	8
34	Iron Silver worstandard	3
	Leadville Con 5	
밁		
1	BOSTON, April 15Closing quotations:	
	Adventure\$ 15 50 Osceola \$ 86	1
	Land Corner 124 DC PRITOLL W	
	Atlantic 33 DO Quincy 100	9
9	Boston & Mont. 424 00 Tamarack 345	ä

 
 Butte & Hoston 113 00 Sarta Fe

 Cal. & Hechn
 30 00 Utah Mining

 Centennial
 28 00 Winona

 Franklin
 18 50 Wolverines

 Humboldt
 25 00
 Sentenced to Be Hanged. SEATTLE, Wash., April 15.-W. Seaton, was today sentenced by Judge Griffin to be hanged for the murder of Dan Richards, the condemned man's un-cle. No date was set. Seaton, in a fit of temper, killed his uncle with an ax

MUNYON'S INHALER CURES



CATARRH Colds, Coughs, Influenza, Bronchitis, Asthma and all Diseases of the Throat and Lungs.

Clouds of Medicated Vapor are inhaled through the mouth and emitted from the nostrils, cleaning and vaporizing all the inflamed and diseased parts which cannot be reached by medicine taken into the stomach.

Hereaches the sore spois—heals the raw places—goes to the restof disease—acts as a baim and lonic to the whole system \$1.00 at druggists or by mail. Munyon, New York and Philadelphia

FISHING SEASON OPENED

NEVER SO MUCH GEAR IN COLUM-BIA ON FIRST DAY.

Catches Indicate There Are Few Fish in the River-Six Cents Per Pound is Price.

ASTORIA, Or., April 15.—The fishing season opened at 6 o'clock this morning, and there was more gear placed in the water than ever before on the first day of the season. The deliveries of fish to of the season. The deliverles of fish to the canneries and cold storage houses during the day were light, which would indicate that there has been little illegal indicate that there has been little illegal individual illegal fishing during the past few days, and also that there are few fish in the river. Reports from up the river are to effect that the fish are more plentiful

The cannerymen and cold storage men have evidently reached an agreement as to the price to be paid for the raw fish. The cannerymen are paying 6 cents per pound, the price fixed by the Fisher-men's Urion. The cold storage men are paying 6 cents par pound for all fish weighing 25 pounds or under, and 7 cents for all over that weight. These prices may be changed at any time.

Cucked Salmon Seized. Water Bailiff Wickman and Deputy Fish Commissioner McReavy made a trip to Westport yesterday and seized 505 pounds of salmon which a fisherman had eached to await the opening of the season. Under instructions from the Master Fish Warden, the fish were sold to a local dealer there, for 3 cents per poun The fish were in poor condition, which was the cause of the small price.

Moved to Diamiss Indictments. The four men arrested by Water Bailiff Wickman on Saturday for fishing during "You request to be informed in the interest of one of the helrs of DeHaven, whether the above is true. In reply I have to state that it is not. For several years a number of unscrupulous claim Attorney. Judge Brower took the matter under advisement, and pending his decision the men were released on their own recognizance.

> ANOTHER OPINION License Sections of New Law

for Regulation of Fishing. ASTORIA, Or., April 15.—At the request of Master Fish Warden Van Dusen, Pros-ecuting Attorney Allen, of the Fifth Judicial District, has delivered an opinion on the sections of the fishing law, relating to licenses. The opinion differs some-what from the position taken by Attorney-General Blackburn, and is as follows: "I think, without doubt, it is the clear

intent of the law that it is unnecessary for a boatpuller, who is working for a duly Reensed fisherman, to take out any individual or gear license, for the reason that the act requires the taking out by the fisherman of an individual license, and also the gear license, and no mention is made that any license is required to be taken out by the boatpuller.

"A boatpuller is the man who handles the oars in the fishing-boat, and is a paid servant of the fisherman who operates the gear, and it requires but one man, to-wit, gear, and it requires but one man, to with the fisherman, to operate the net itself, the boatpulier's business being, strictly speaking, to hold the boat in position for the proper laying out of the net. I think it is sufficient compliance with the law for the fisherman himself, as contra-distinguished from the boatpuller, to take out his individual license, and the license

on his gear.
"The second question is one with reference to which there seems to be a great diversity of opinion. Section 32 of the act provides, after setting out that a person who desires to obtain a license to fish, shall take out an individual license in the manner therein prescribed, that any licensed fisherman desiring to engage in the business of operating a fishtrap, poundnet, setnet, gillnet, fishwheel or seine, or other appliance not prohibited by law, for the purpose of catching fish, shall make application in writing to the said Fish Warden, specifying with convenient certainty the character of applilicense for, together with the nur his individual license, as provided in this act, and upon payment of the license fee as hereinafter provided, said Fish Warden shall issue to said person a license to operate the character of appliance desired in said application, provided that such ill-cense shall be good only in the district

for which same is issued." "Section 37, in part, is as follows: 'Any person owning or operating or using any seine, gillnet or setnet for the pur-pose of taking salmon shall cause to be branded on the corks on each end of the said net or seine and upon the cork nearest the center thereof, the number desig-nated by the Fish Warden at the time of issuing the license for the operation of said net or seine; said number shall consist of figures not less than one-half inch

"Section 52 is as follows: "The term person or persons used in this act shall

be deemed to include partnerships and corporations.

"Perhaps if section 32 stood alone as the only portion of the act necessary to consider in answering question number two, it might be said that no Beense on any gen; including a gilinet, should be issued to any other person than a li-censed fisherman, if it were not for the censed fisherman, if it were not for the language used in that section that the license issued for the gear must be based upon an application 'specifying with convenient certainty the character of the application of the section of pliance (not the particular net or piece of gear) that the applicant desires to ob-tain license for; and the section subst-quently provides that the Fish Warden shall issue a license to operate acter of appliance desired in said appli-

cation. "The act nowhere says that every p any person desiring to obtain a license to take or catch salmon, fish or sturgeon in any of the waters of this state shall present in writing to the Fish Warden his application, which application shall be ac-companied by the affidavit of said appli-cant that he is a citizen of the United States or has declared his intention to become such, and that he is and has been for the six months next preceding said application a bona fide resident of

said application a bona has resident of the State of Oregon, etc.

"This clearly applies to the individual fisherman, but the act does not prohibit the taking of appliance licenses, in any number, by the owner-of genr. I take it that if any person, firm or corporation owns more than one appliance, for in-stance, a dozen gillnets, such owner may apply to the Fish Warden for as many different appliance licenses, and that the Fish Warden may issue to such owner the said appliance ilcenses, upon payment of the license fee and compliance with the other provisions with reference to the

issuance of the same.
"If such were not the law, this act attempts to do either one of two things—either to prohibit a person from owning more than one appliance and to prohibit one but a fisherman who has an individual license from owning or operating more than one gillnet, or to require every person who owns more than one gillnet to license same in the names of different individual fishermen, who have individual licenses. Thus may arise co troversies over the ownership of personal property, and such a construction of the ict seems, to my mind, as unwarranted

by its terms.

"The license required to be taken out upon the appliances used are licenses in rem, and apply only to the particular character of appliance; and I see no pro-hibition in this act against one person, firm or corporation taking out as many appliance licenses as such person, firm or corporation owns appliances. Of course, I do not mean to say that any person has the right to operate such appliance who has not taken out the neces-sary license for the operation of the

"I am also of the opinion that should a person take out, for instance, & gilinet Beense, that Beense applies to the character of appliance to be used, and that a man might substitute one net for another, if he has the required appliance and that his license gives him the right to fish any appliance of the character described in his application and in his license. If such is not the law, then a man who owned a gillnet and had taken out his license thereon, and some man had stolen the net from him, the Grange, who will buy and sell for

TO HAVE AND TO HOLD A BOTTLE OF IS THE FIRST REQUISITE TO HEALTH

er he had unfortunately lost the sam would be required to take out appliance license on the net which he would be required to purchase to take the place of the one stolen or lost. "It seems to me that the proper con-struction to be placed upon this law is such a one as would insure the com-ance with the spirit of the law, and such as to work a hardahip upon those who are seeking to obey It."

Good Catches on Ovening Day. OREGON CITY, April 15.-Fifteen thou sand pounds of salmon were shipped to Portland by rail this morning. They were caught in the Willamette and Clack imas Rivers, presumably since A steam launch from Portland also carried down a full lead this morning. Himler Bros., of Park Place, shipped four the probable weight being 130 .. The catches were very satis-

Astoria Water Frontage Sold.

factory and the quality good.

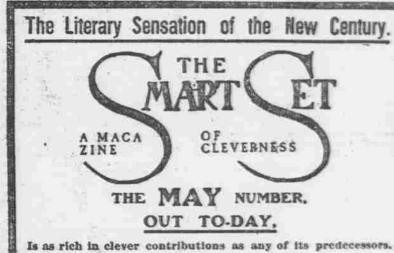
SALEM, April 15.-Deeds were filed for ecord today, whereby Richard Nixon, of Portland, sells to The Astoria Company 975 feet of water frontage and also sev eral lots in Alderbrook. The property is located near the old Scandinavian cannery, and was sold under foreclosure defunct Portland Savings Bank.

OREGON CITY, April 13.-Twenty-three homestead locations were filed in the local land office today, principally on a new survey within the boundaries of the Sliett reservation, filed this morning. The rust for homestead fillings promises to equa

Rush for Public Lands.

· Grangers' Organisation. ALBANY, April 15.-The Linn County ciation was organized here this afternoor It is to be composed of 100 members of

their mutual benefit.



JULIEN GORDON (Mrs. Van Rensselaer Cruger) contributes the leading novelette.
"THE WAGE OF CHARACTER," a brilliant study of social life in New York and
Washington. No woman of the day is writing in a stronger or more intensely interesting voin than this thiented leader of New York acciety. MRS. M. E. W. SHERWOOD contributes "ENGLAND'S PRINCELY KING," an estimate of Edward VII. from the American point of view

EDGAR SALTUS has a scintillating essay, "THE QUEST OF PARADINE." EDGAR FAWCETT is at his best in the story, "DEBTORS TO HERITAGE," A \$100 Prize Poem, "THE DANCING OF SULEIMA," by CLINTON SCOLLARD, is a pleasing feature.

"A MONARCH OF A SMALL SURVEY," by GERTRUDE ATHERTON, IN & SHORE STORY of California life.

There is an abundance of other bright and entertaining stories, poems and wattastatis. If you have not yet become familiar with THE SMART SET buy the May number to day. All book and newsdealers in America, Great Britain and France setts. Price, 22 cents. Annual Subscription, 83.99. Any newsdealer will forward your subscription, or it may be sent direct to the publishers. ESS ESS PUBLISHING COMPANY, 1135 BROADWAY, N. Y.

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