ABUTTING OWNERS LIABLE

PORTLAND STREET ASSESSMENT METHOD VALID.

Recent Decision of the United States Supreme Court in a Missouri Case.

On April 29, the Supreme Court of the United States decided several cases involving the validity of local assessments upon abutting property to pay for street and sewer improvements. The court affirmed the decisions of the several State Supreme Courts which have upheld these assessments, and approved the construction which the state courts have put upon the case of Norwood vs. Baker (172 U. S. 269), and reversed the construction that the Federal courts have hitherto placed upon that famous case.

The extended opinion of the United States Supreme Court was written in the case of French vs. The Barber Asphalt Paving Company, and the other cases were decided upon the reasoning in the opinion written in the French case, and only short, formal opinions were filed in the remaining cases involving local assessments. As this decision is of great importance in this state at this time, The Oregonian prints below an opinion rendered in the French case.

Statement of Facts.

"This was a suit instituted in the Circuit Court of Jackson County, Missouri, by the Barber Asphalt Paving Company, a corporation, whose business it was to construct pavements composed of asphalt, against Margaret French and others, owners of lots abutting on Forest avenue, in Kansas City, for the purpose of enforcing the lien of a tax bill issued by that city in part payment of the cost of paving said avenue. The work was done conformably to the requirements of the Kansas City charter, by the adoption of a resolution by the Common Council of the city declaring the work of paving the street, and with a pavement of a defined character to be necessary, which resolution was first recommended by the Board of Public Works of the city. This resolution was thereupon published for 10 days in the newspaper doing the city printing.

"Thereafter, the owners of a majority of front feet on that part of the street to be improved had the right, under the charter, within 30 days after the first day of the publication of the resolution, to file a remonstrance with the City Clerk against the proposed improvement, and thereby to divest the Common Council of the power to make the improvement; and such property-owners had the right, by filing within the same period a petition so to do, to have such street improved with a different kind of material, or in a different manner from that specified in such resolution. In this instance, neither such a remonstrance nor petition was filed, and the Common Council, upon the recommendation of the Board of Public Works, enacted an ordinance requiring the construction of the pavement.

"The charter requires that a contract for such work shall be let to the lowest and best bidder. Thereupon b ds for the work were duly advertised for, and the plaintiff company, being the lowest and best bidder therefor, a contract was, on July 21, 1894, entered into between Kansas City and the plaintiff for the construction of said pavement.

"The contract expressly provided that the work should be paid for by the issuance of special tax bills, according to the provisions of the Kansas City charter, and that the city should not, in any event, be liable for or on account of the work. The cost of the pavement was apportioned and charged against the lots fronting thereon, according to the method prescribed by the charter, which is that the total cost of the work shall be apportioned and charged against the lands abutting thereon, according to the frontage of the several lots or tracts of land abutting on the improvement. The charge against each lot or tract of land was evidenced by a tax bill. The tax bill representing the assessment against each lot, was, by the charter, made a lien upon the tract of land against which it was issued, and was prima facie evidence of the validity of the charge represented by it. Such lien can be enforced only by suit in a court of competent jurisdiction against the owners of the land charged. No personal judgment was authorized to be rendered against the owner of the land. The right was expressly conferred on the owner of reducing the amount of the recovery by pleading and proving any mistake or error in the amount of the bill, or that the work was not done in a good and workmanlike manner.

"The defendant pleaded and contended that the charter of Kansas City purports to authorize the paving of streets and to authorize special tax bills therefor, charging the cost thereof to the abutting property, according to the frontage, without reference to any benefits to the property on which the charge was made and the special tax bills levied, and that such method of apportioning and charging the cost of the pavement was contrary to and in violation of the Fourteenth Amendment to the Constitution of the United States."

Opinion of Court.

The opinion of the Supreme Court was written by Justice Shiras, and commenced:

"In its opinion in this case the Supreme Court of Missouri said that 'the method adopted in the charter and ordinance of Kansas City of charging the cost of paving Forest avenue against the adjoining lots according to their frontage had been repeatedly authorized by the Legislature of Missouri, and such laws had received the sanction of this court in many decisions.' Accordingly, the Supreme Court of Missouri held that the assessment in question was valid, and the tax imposed collectible. And, in so far as the constitution and laws of Missouri are concerned, this court is, of course, bound by that decision.

"But that court also held against the contention of the lot-owners that the provisions of the Fourteenth Amendment to the Constitution of the United States were not applicable in the case; and our jurisdiction enables us to inquire whether the Supreme Court of Missouri were in error in so holding.

"The question thus raised has been so often and so carefully discussed, both in the decisions of this court and of the state courts, that we do not deem it necessary to again enter upon a consideration of the nature and extent of the taxing power, nor to attempt to discover and define the limitations upon that power that may be found in constitutional principles. It will be sufficient for our present purpose to collate our previous decisions and to apply the conclusions reached therein to the present case."

The court then cites and approves the following cases: Slaughter-house cases (16 Watt U. S. 36, 77, 80), Davidson vs. New Orleans (96 U. S. 97), Murray's lessee vs. Hoboken Land Company (18 How. 272), Walker vs. Sauvinet (92 U. S. 90), McMillen vs. Anderson (95 U. S. 37-41), Springer vs. United States (102 U. S. 586), Missouri vs. Lewis (101 U. S. 22), Mattingly vs. District of Columbia (97 U. S. 687), Kelly vs. Pittsburg (104 U. S. 78), Spencer vs. Merchant (125 U. S. 345), Poulsen vs. Portland (149 U. S. 30), Fallbrook Irrigation District vs. Bradley (164 U. S. 112), Bauman vs. Ross (167 U. S. 548). From the above cases the court announces the following conclusions:

"Certainly it cannot be supposed that, by the fourteenth amendment, it was intended to impose in the states, when exercising their powers of taxation, any more rigid or stricter curb than that imposed on the Federal Government, in a similar exercise of power, by the fifth amendment."

Due Process of Law Defined.

Due process of law is defined:

"Due process of law is process according to the law of the land. This process in the states is regulated by the law of the state. Our power over that law is only to determine whether it is in conflict with the supreme law of the land—that is to say, with the Constitution and laws of the United States made in pursuance therefor—or with any treaty made under the authority of the United States. Here the state court has decided that the proceeding below was in accordance with the law of the state; and we do not find that to be contrary to the Constitution or any law or treaty of the United States."

The following decision in Davidson vs. New Orleans (96 U. S. 97) is expressly approved:

"Neither the corporate agency by which the work was done, the excessive price which the statute allowed therefor, nor the relative importance of the work to the value of the land assessed, nor the fact that the assessment was made before the work was done, nor that the assessment is unequal as regards the benefits conferred, nor that personal judgments were rendered for the amount assessed, were matters in which the state authorities are controlled by the Federal Constitution."

The court reiterates the following definition of legislative power from the decision in Spencer vs. Merchant (125 U. S. 345):

"In the absence of any more specific Constitutional restriction than the general prohibition against the taking of property without due process of law, the Legislature of the state having the power to fix the same necessary to be levied for the expense of a public improvement, and to order it to be assessed, either, like other taxes, upon property generally, or only upon the lands benefited by the improvement, is authorized to determine both the amount of the whole tax and the class of lands which will receive the benefits, and should therefore bear the burden, although it may, if it sees fit, commit the ascertainment of either or both of these facts to the judgment of commissioners. When the determination of the lands to be benefited is entrusted to commissioners, the owners may be entitled to notice and hearing upon the question whether their lands are benefited, and how much. But the Legislature has the power to determine, by the statute imposing the tax, what lands, which might be benefited by the improvement, are in fact benefited; and if it does so, its determination is conclusive upon the owners and the courts, and the owners have no right to be heard upon the question whether their lands are benefited or not, but only upon the validity of the assessment, and its apportionment among the different parcels of the class which the Legislature has conclusively determined to be benefited. In determining what lands are benefited by the improvement, the Legislature may avail itself of such information as it deems sufficient, either through investigation by its committees, or by adopting as its own the estimates or conclusions of others, whether those estimates or conclusions previously had or had not any legal sanction."

Norwood Case Construed.

The opinion concludes:

"We do not deem it necessary to extend this opinion by referring to the many cases in the state courts, in which the principles of the foregoing cases have been approved and applied. This array of authority was confronted in the courts below with the decision of this court in the case of Norwood vs. Baker (172 U. S., 269), which was claimed to overrule our previous cases, and to establish the principle that the cost of a local improvement cannot be assessed against abutting property, according to frontage, unless the law, under which the improvement is made, provides for a preliminary hearing as to the benefits to be derived by the property to be assessed. But we agree with the Supreme Court of Missouri in its view that such is not the necessary legal import of the decision in Norwood vs. Baker. That was a case where, by a village ordinance, apparently aimed at a single person, a portion of whose property was condemned for a street, the entire cost of opening the street, including not only the full amount paid for the strip condemned, but the costs and expenses of the condemnation proceedings was thrown upon the abutting property of the person whose land was condemned. This appeared, both to the court below and to a majority of the Judges of this court, to be an abuse of the law, an act of confiscation, and not a valid exercise of the taxing power. This court, however, did not affirm the decree of the trial court awarding a perpetual injunction against the making and collection of any special assessments upon Mrs. Baker's property, but said: 'It should be observed that the decree did not relieve the abutting property from liability for such amount as could be properly assessed against it. Its legal effect, as we now adjudge, was only to prevent the enforcement of the particular assessment in question. It left the village, in its discretion, to take such steps as were within its power to take, either under existing statutes or under any authority that might thereafter be conferred upon it, to make a new assessment upon the plaintiff's abutting property for so much of the expense of the opening of the street as was found upon due and proper inquiry to be equal to the special benefit accruing to the property. By the decree rendered the court avoided the performance of functions appertaining to an assessing tribunal or body, and left the subject under the control of the local authorities designated by the state.'

"That this decision did not go to the extent claimed by the plaintiff in error in this case is evident, because in the opinion of the majority it is expressly said that the decision was not inconsistent with our decisions in Parsons vs. District of Columbia (170 U. S. 45), and in Spencer vs. Merchant (125 U. S. 345).

"It may be conceded that courts of equity are always open to afford a remedy where there is an attempt, under the guise of legal proceedings, to deprive a person of his life, liberty or property, without due process of law. And such, in the opinion of the majority of the Judges of this court, was the nature and effect of the proceedings in the case of Norwood vs. Baker.

"But there is no such a state of facts in the present case. Those facts are thus stated by the court of Missouri: 'The work done consisted of paving with asphaltum the roadway of Forest avenue in Kansas City, 36 feet in width, from Independence avenue to Twelfth street, a distance of one-half mile. Forest avenue is one of the oldest and best-improved streets in the city, and all of the lots abutting thereon front the street and extend back therefrom uniformly to the depth of an ordinary city lot to an alley. The lots are all improved and used for residence purposes, and all of the lots are substantially on the grade of the street as improved, and are similarly situated with respect to the asphalt pavement. The structure of the pavement along its entire extent is uniform in distance and quality. There is no showing that there is any difference in the value of any of the lots abutting on the improvement.'

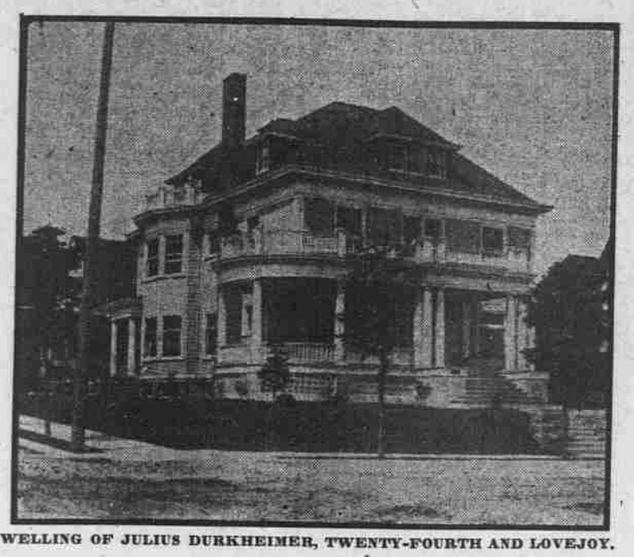
"What was complained of was an orderly procedure under a scheme of local improvements prescribed by the Legislature and approved by the courts of the state as consistent with Constitutional principles."

PORTLAND'S NEW HOMES

BUILDING ACTIVITY IN ALL PARTS OF TOWN.

Dwellings of Julius Durkheimer and J. A. Martin on Twenty-fourth Street.

One of the handsomest of the new dwellings that have been built in the northern part of the city is that of Julius Durkheimer, at the northwest corner of Twenty-fourth and Lovejoy streets. This was completed recently. It is colonial in style, and painted gray and white, with green stained roof. For the interior finish Oregon native fir has been used, and a beautiful effect is produced by the clear-grained wood in its natural texture. Oak in light finish has been used for the mantels and floors, and where heavier woods were desired. The vestibule is in light oak, and from it the entrance is to the large drawing-room, which produces a handsome effect in its spacious, roomy appearance. The room is well proportioned, and its effect heightened by the stairway rising from one side by easy landings. The walls are tinted in water colors of old rose hue, the whole harmonizing admirably with the furnishings and finish of the native fir. The mantel-piece over the fireplace is after the colonial fashion and of oak. Cosy couches and bookshelves are built into the wall. One of the marked characteristics of the house is the great number of articles of furniture that are made a part of the walls.



DWELLING OF JULIUS DURKHEIMER, TWENTY-FOURTH AND LOVEJOY.

Off the main hall, to the right, is the reception-room, finished in the native woods, with the walls tinted to a delicate shade of green. Off the reception-room is the smoking den, the walls of which are tinted a rich red. In the dining-room, which opens from the main drawing-room, the tints are a dark, rich shade of green, which brings out the grain of the natural finish of the fir, and also harmonizes with the oak of the sideboard, which is built into the wall. One of the main features of this room is the flower window, built of oak, into the gentle angles of the bay window. This is lined with tile and is self-draining, and on it rests a number of growing potted plants that add much to the appearance of the room.

The kitchen is neatly arranged, and provided with various conveniences. The walls are lined with tile, and along the whole of one side runs the sink, with drawers and compartments built into the wall, making an exceedingly neat and compact arrangement. The pass pantry, and other pantries, are amply provided with shelves. A cosy breakfast-room is built between the dining-room and kitchen. The stairway leads to the upper apartments by several landings, from which pleasant glimpses through the vistas of the house may be obtained. All the rooms open off the cosy hallway upstairs, and these are provided with every convenience in the way of closets, clothes press and the like. The bathroom has a tile floor and lining, with mirrors and medicine chests built into the wall. This is heated by the same hot water system as the rest of the house, but is always made 10 degrees hotter by an automatic arrangement. The family sitting-room, upstairs, is also a feature of this model house, which was the work of Rolph Miller, the architect, who recently died. A spacious veranda runs around the front and side of the house.

J. A. Martin.

The new dwelling of J. A. Martin, at the southwest corner of Twenty-fourth and Lovejoy, is built in the colonial style, with a large veranda across the front, and painted in colonial yellow and white. The entrance vestibule is finished in white quartered oak and leads into a spacious main hall, finished in dark mahogany, and the walls tinted a rich red. The main feature of the hall is the stairway that rises from one side and divides the room into cosy nooks, one being thus formed around the fireplace, with book shelves and couch built into the wall. The staircase rises with two roomy landings, and windows looking out over a charming view. The reception-room off the main hall is finished in native burl maple that possesses a beautiful satin finish and harmonizes with the delicate light green tint of the walls. The dining-room is finished in white quartered oak, with pale blue walls, and has a colonial fireplace of pressed brick with antique andirons and brass fittings. A wide window seat is a feature of the room. The kitchen is a model of convenience and neatness, being equipped with wood hoist, tiled walls and roomy pantries with ample shelf space. The basement is carefully arranged as to convenience, with a large furnace, laundry and storerooms.

The stairway leads from the main hall with two landings, with window seats, from which fine views may be obtained, and at the head is a cosy hallway leading to all the other rooms. The bathroom is finished in white tile. Plenty of closet room, a cosy sewing-room, and conveniences in the way of a clothes chute to the laundry and a chute to the basement for sweepings are features of the second floor of a house that altogether combines comfort and artistic appearance. The house was planned largely by Mr. and Mrs. Martin. Mr. Martin, who has a practical knowledge of building work, personally superintended the erection of the house and introduced many of the conveniences of arrangement and compactness of structure.

EAST SIDE IMPROVEMENTS.

Large Number of Contracts Awarded for Dwellings.

Contracts for dwellings are being let all over the East Side. George W. Stapleton has begun the erection of a $2000 dwelling on East Sixteenth and East Couch streets. Mrs. Josephine Shaw is building two cottages on East Twelfth and East Ankeny which will cost $3300. The dwelling of H. H. Newhall, on East Ninth and East Couch streets, is nearing completion. It will cost $2500. A $1600 dwelling has been started for D. Powell, on East Seventh and East Burnside streets. All through Central East Portland dwellings costing from $1100 upward are under construction. The vacant ground in this district is being built up. In Albina all vacant ground is being covered with neat cottages. At various points on Williams avenue, between Cherry and Russell streets, half a dozen buildings are under construction. Out to Woodlawn new cottages are springing up. At Sellwood, for the first time in a number of years, several dwellings have been started.

The laying of a double track on Williams avenue, north to Killingsworth avenue, thence to Ockley Green, for the City & Suburban Railway Company, is highly important for North East Portland. The plan is to lay a double tract to Ockley Green and there make connection with the Mississippi-avenue line, which will be extended from its present terminus at Beech street. It is stated that the line to St. Johns will be electrified from Ockley Green. The service by the steam motor is very poor for that large district.

On the Portland City & Oregon Railway repairs are being made all along the line preparatory to improved service. At the Milwaukie shops two electric trolley cars are nearing completion, and at San Francisco four others were contracted for several months ago and will soon be ready for shipment to Portland. These cars are much larger and heavier than those now in service and will use electric motors twice as powerful. A big freight car has been built at the Milwaukie shops which will be provided with 300-horse-power motors. When this rolling stock is completed and the track repaired to carry it, the time between Portland and Oregon City will be reduced to 30 minutes, and perhaps local cars will be run between Portland and Selwood.

Captain A. W. Graham is building a two-story dwelling on East Twentieth and East Taylor streets, which will cost about $5000. It faces East Taylor street, with a wide veranda extending across the front. The veranda is supported by four large wooden piers. Entrance is from the veranda directly into the large hallway. The vestibule, now found in most modern houses, is absent. While the rooms are not yet finished it can be seen that Captain Graham will have an attractive and convenient home. There are eight large rooms.

LOCAL RUSSIAN POSTS.

An Extremely Curious Adjunct to the General System and Its Stamps.

In Russia everything large is loud, and the stamp collector who possesses some of the curious Russian local post labels will be inclined to think so, too, says the Picture Postcard. We are told also that "colors shriek and flame," and our stamp albums on the pages allotted to Russian stamps bear out that statement. Russia's postal system is worked on different lines from ours, owing to the vastness of the land to be covered. It is easy to understand that in a country of Russia's dimensions it would not pay to run the postoffice mail routes into every little nook and corner. The manner in which this difficulty is surmounted is both interesting and novel. The Imperial Post determines a fixed route for its mails. All districts which are not on that route are organized and worked by the local municipal governments, which issue stamps for the purpose. These posts were authorized by an edict (dated September 3, 1870) to carry local letters from one point in the district to another, and also to take letters to and from the nearest office of the government postal service. On account of the great number of these posts there is a big and varied task before the collector who amasses an album of these stamps. With their characteristic fondness for vivid colors, the designers of these rural stamps have made them of many hues, and if they are not particularly artistic they are decidedly highly colored. Some of the results are, in consequence, often absurd in the eyes of a Briton, but it must be admitted that some of them are admirable specimens of the engraver's art.

The stamp of Tiraspol, would, says the writer, vie with a matchbox label in point of size. Two penny English stamps could be laid side by side on the top of this philatelic giant and still not cover it completely. Tiraspol is a district in the Province of Cherson. The stamp is a marvel of the designer's art, and is printed in no fewer than five colors, namely, gold, red, black, green and yellow. In it the Russian eagle is surmounted with a cross prihted in gold, the arms of the Municipality of Tiraspol are shown below the Russian standard, and the inscriptions indicate that it is a "Tiraspol Rural stamp." . . . Anyone learning the Russian language would do well to collect these rural stamps. In a few weeks he would become so interested in Russia and its postal system that the language, with its grammar, would be the only outlet for his enthusiasm. Another educational advantage to be gained from Russian rural stamps is the knowledge of geography of the interior of the country, and the stamps pave the way for a very good knowledge of Russia's numerous provinces, municipalities and small towns. A curiously mystic looking stamp comes from Tikhvin, in the Province of Novgorod. The design shows a sun, printed in gold, and a band of silver on a shield of red and blue. The outer frame is in black. This handsome stamp is printed in five colors. Another illustration is of a stamp from Oustsysolsk, in the province of Vologda. It shows a typical local landscape, in the foreground of which stands a shaggy bear, whose gaze is fixed upon some unseen prey. The stamp is a pretty one, being printed in three colors, red, blue and brown, the last-named color being reserved for bruin, the typical animal of Russia.

DWELLING OF J. A. MARTIN, TWENTY-FOURTH AND LOVEJOY.

WOMAN SCATTERS BANKNOTES

Arrested While Distributing a Big Roll Among Crowd.

New York Times.

The telephone bell in the West Thirtieth Street Station rang vigorously at 5 o'clock yesterday afternoon. Sergeant Todd, who was on duty, picked up the receiver and shouted "Hello." He listened for a moment and then was seen to stagger and rush to the desk. Policeman Ryan was the first bluecoat he saw.

"Ryan, go to Sixth avenue and Seventeenth at once. There's a woman there that is giving one-hundred-dollar bills away."

Ryan started down Thirtieth street at a clip, even faster than it is alleged two policemen went over the same course the night before in the direction of the Haymarket.

At the point designated by the Sergeant he found a mob of howling men and boys surrounding a well-dressed woman who was struggling in their midst like the possessor of the pigskin in a football game. Her clothing was disarranged and she was hilarious over the amusement she was creating. In one hand she clasped loosely a huge roll of greenbacks. With the other she separated the bills from the roll, and without regard for denomination scattered them among the crowd. The newsboys discarded their bundles of papers and the cabmen abandoned their cabs to take part in the scramble. The word was passed along Sixth avenue and the crowd became greater every minute.

"Boy, get me a cab," ordered the woman, and she handed a one-hundred-dollar bill to a newsboy who ran away and didn't return.

"Here's a carriage, lady," exclaimed a cabby.

She separated $200 from the roll and gave it to him. The cabman accepted the money and attempted to lead her to his cab.

"Where shall I drive you?" he inquired of his generous fare.

"Drive me anywhere. No. I don't like you. Here, boy, get me another cab," and again the roll of greenbacks was diminished by several ply. The newsboys ran off and returned with their young brothers, sisters, and friends. The woman was continuing to enrich the urchins and the cabmen when she was taken in charge by Policeman Ryan. The policeman began at once an investigation, and the women shoppers and the clerks from the neighboring stores who had witnessed the woman's exhibition of philanthropy, tried to point to him several boys and cabmen who had accepted the woman's money, but they were not positive, and no arrests were made.

Miss Alice Marcy, a woman clerk in a cloak store near Seventeenth street, told the policeman that the woman had been in the establishment where she was employed and that she was trying to take her to 113 East Seventy-third street, where she had told her she resided. The money the distributor of bank notes still clung to was taken from her and counted by the Sergeant. It amounted to $858. The woman told the Sergeant she had $2000 with her when she left home to buy a pair of shoes. She gave her name as Jennie Smith, 40 years old, and her address at 120 West One Hundred and Forty-eighth street. Then she contradicted herself and said she resided at 120 West Twenty-eighth street. The woman was not known at either address.

Later in the evening the woman, who had been detained on a charge of intoxication, was bailed out by George McQuillan, a saloonkeeper of 216 Seventh avenue. He called a cab, in which she was driven away. McQuillan said that the woman's real name was Jennie Smyth, but refused to tell anything more about her.

"I don't know how she ever got $2000," he said.

CAPTAIN A. W. GRAHAM'S DWELLING EAST TWENTIETH AND TAYLOR.

Indians Had a Feast.

Pendleton East Oregonian.

More than 1000 Indians attended the feast at Thorn Hollow Wednesday, May 8, in honor of the memory of Young Chief, deceased, hereditary chief of the Cayuses. These Indians came principally from the surrounding reservation, but representatives of the Palouse tribe were present from Snake River, Idaho, and others from Flathead agency, Montana; the Colville and Yakima reservations, of Washington; the Fort Hall and Lapwai agencies, Idaho. Chief Joseph, of the Nez Perces, from the Colville agency, a half-brother of the deceased, was present, and in the distribution of presents received one of the war suits of the late lamented, while No Shirt, chief of the Walla Wallas, received the other.

To recall the appearance of Young Chief, a parade was given and Philip Jones and Towa-toi, dressed in the two war suits of Young Chief, rode in the procession. The fancy parade dress of the widow of deceased was worn by Pinpin-a-ches. The feast was spread at 11 o'clock A. M., in a tent probably 300 feet long and 50 feet wide. Reclining around and partaking of the food were between 650 and 700 at one time. Six beeves had been roasted for the occasion, and many other good things, so that all had enough. After the feast, and, in fact, interspersed therewith, for the feast was continual all day and evening, with brief interruptions, 30 minutes were spent in mourning, all the Indians present crying with great show of grief. All the personal property of the deceased, with the exception of a few horses, was given away to friends and acquaintances as souvenirs. The widow remarked that she did not know exactly to whom to give the other horses, but would decide upon the names later and would then dispose of them. Blankets, clothing, trappings, etc., to the amount of at least two big wagon loads were given away. Indian Agent Charles Wilkins was present from the agency, and Mr. and Mrs. Henry Gierlich and Master Edward Gierlich, from Pendleton. These were the only whites present to witness the affair. The selection of a chief to succeed Young Chief as chief of the Cayuses was postponed until next week.

The Japanese Theater.

Academy.

As a rule, the only things that fascinate the tourist in a Japanese play are the quaintness of the stage arrangements and the weird unintelligibility of the acting. The stage is enormous, and the actors reach it by walking through the audience on two platforms extending from the back of the auditorium to the footlights. Properties are removed during the performance by attendants in black cloaks, who are supposed to be invisible. As a rule, two long plays are presented consecutively, with a tableau between, and the performances begin at 10 in the morning. You leave your shoes at one of the many tea-houses around the theater, and enter your box to find it supplied with a tobacco box, tea, and cakes, with luncheon to come. The voices on the stage at once strike you as hard and artificial, and either too shrill or too gruff. But the reason is plain. "The traditional samisen, a three-stringed guitar follows the performer like a curse from start to finish. Unless he pitched his voice above or below its notes he could not be heard." There is no doubt of the effect on the audience. Especially do the wonderful facial expressions of the actors work upon the women. A rush to the "tear-room" during a pathetic passage is quite common. There the susceptible playgoer may weep her heart out in comfort.

As men and women are not allowed to appear on the same stage, the female parts are taken by men; on the other hand, at some theaters, where the performers are all women, you may see male parts sustained by actresses. This is only one among the many conventions and restrictions which hamper the drama in Japan. Another is the extraordinary ascendency of the actor over the author. A successful actor is the darling of the people, purses are thrown at his feet as he walks toward the stage, and love letters are sent to his dressing-room, for "the Japanese matinee girl is very susceptible." He may make £5000 in four weeks. The author is only one member of a kind of committee which devises the play, and his remuneration is trumpery.

Catholicity in Peru.

Catholic World.

To place the sea under the special protection of heaven is the pious custom along the coast of Peru. In fishing hamlets, under the altars of the churches are niches in which are miniature boats bearing flags of all countries with which the natives have dealings. And heaven's special blessing is invoked for the protection of the harbor and the safe guidance of the ships.

It is apparent that Catholicity has so moided the habits and practices of the people that the spirit of religion enters into their daily avocations. So it is that the feast days of the saints become the festivals of the country. Judging from the crowded churches on Sundays and feast days, the Peruvians are a devout nation. This sentiment, especially among the women, shows itself in the often semi-religious character of their dress—the close resemblance which the blue, brown or purple garments bear to the religious orders with which they are for a time associated, either as a fulfillment of some vow or as an act of recognition for some favor accorded by heaven. The last days of Holy Week are observed with great solemnity. From Holy Thursday until Holy Saturday the bells are silent, not only in the churches but in the city as well. All traffic stops, street-cars and tramways cease to run, even the whistles and bells of the steam cars are silent; all persons appearing upon the street are dressed in black, and Lima is a city of mourning and prayer.

Many of the churches are beautiful, although their mode of decorating is distinctively foreign. Their statues of the Blessed Virgin and the saints are dressed in black or purple garments of silk or velvet, and look like Spanish dowagers of centuries ago. The crucifix is often crowned with real thorns.