# **DECISION OF THE COURT**

THREE JUDGES UPHOLD LOCK-WOOD PRIMARY ELECTION LAW.

Beclare the Morgan Direct Primary Act to Be Unconstitutional-Discussion of the Grounds.

The title of the case in which decision was rendered yesterday is "William M. Ladd et al. vs. Hanley Holmes, as Clerk of the County Court of the State of Ore-gen for Multnomah County." The sult was to restrain the County Clerk from was to restrain the County Cierk From proceeding to act under the provisions of H. B. No. 188, known as the Lock-wood law, or of S. B. 191, known as the Morgan law. The former provided for direct primary conventions in countles of 50,000 population, and the latter for the regulation of primary elections in cities of 16,000 population, or over. To the com-plant a demurrer was filed on two grounds: First an improper joinder of causes of suit, in that separate proceed-ings should have been instituted to contest the validity of each of the laws referred to in the complaint. This ground, however, was not seriously urged, and the court was unable to see that it was well taken. Second, that the complaint tute a cause of suit. This involved the constitutional validity of each set, and to this the court directed its attention. There was an argument for plaintiffs

by Wallace McCamant and Edward Bingham, and an argument by George E. Chamberlain, District Attorney, and Charles H. Carey and Charles E. Lockwood, for the defendant, so far as Senate bill No. 191 is concerned, and by Charles M. Morgan, so far as House bill No. 188 is concerned. The trial was before Judges George, Sears and Cleland, sitting in joint session. The opinion of the court ms prepared by Judge George.
After a preliminary statement of the

matter the oninion proceeds as follows: The question how far the Legislature can go in matters of internal management of parties, has of recent years attracted considerable attention, although judicial decisions along the line of these acts are as yet somewhat scarce. It is hard to define the precise limits except in general principles. Reasonable regulation of party action, throwing around each individual member safeguards for the exercise of his right as a member and a citizen elector, will probably be sustained, even if somewhat novel, as yet, legislation. If the elective franchise one so impaired through abuses in party action as to deprive the great maforly of voters of all right of selection of candidates to be voted for and leaves to them only the power of ratification of relections not made by them, and if the practical management of parties is such that the substance of the rights of the people be usurped and the masses left only the shadow, then it would seem that there must be inherent power in the regislature to afford relief; and doubtless the procedure of political parties may be regulated for the public welfare to the extent that the great body of the peo-ple constituting these political parties be not deprived of the right of selection of candidates upon which the right of franchise is to be ultimately exercised in a

"While this is a representative Government and not a pure democracy, and laws are framed not by the people direct, representatives elected there-t there exists a tendency, ter or less, towards more di-legislation and action by people collectively, but whether this is wise or not is for the Legislature and not for the judiciary to determine, urts can only interfere when vestencroached. So, too, we note a modern tendency in party matters to attempt to do away with represesentative conven-tional systems of making party nomina tions, and towards direct nominations in primary elections by members of a party. Legislation to this extent, how-ever, is, we understand, only in force in

for his party ballot. "A vital defect in the Morgan bill, in opinion, is the feature of the law litical party liself to fully control, in whole or in part, its nominative action, but permits members of some opposing party, or no party at all, to secretly par ate in its action and control it, either an whole or in part. The Morgan bill prohibits county nominations or plat-forms, in convention or otherwise, except at primary election, and provides that the official primary ballot used by the elector in the one primary election of all parties shall contain all the nes of all party candidates, and all the propositions of party principle or policy of each party. Each elector takes this ticket of all parties into his booth to vote therefrom in secret. Under this isw, for illustration, a sufficient number of Republicane can vote any part of the Democratic nomination ticket, so as to control, or at least participate in the conof the nominations of the Demo cratic party, and can vote one way or the other on some proposition of Demo-cratic policy, so as to make it appear or not appear to be the principle, policy or proposition of that party, or can vote one set of factional candidates for position as managers or committeemen of the Democratic party, so as to folst on to that party a set of managers or committeemen against the wish of the majority of the members of that party and subject the real majority in the party to punishment if they afterwards promul gate from the stump or in the press any of the principles or propositions voted down. We are forced to the conclusion that this is beyond the pale of constitutional legislation.

"Such are the provisions of this bill (Morgan law), affecting all parties-virtu-ally being destructive of control of any party by its membership and tending di-rectly to the obliteration of all party orgunization. It is contended, however, that woters will not be likely to conspire together to secretly control matters in parties of which they are not members. Pos-sibly this might not follow in practice, but is not any law constitutionally defect ive that allows or permits such to be done under forms of law? The law gives these outsiders legal opportunity and power so to do, and furnishes no relief if they do, and so far as the likelihood of it being all know that almost anything may be expected whenever any political ad-vantage is to be secured thereby. Be-sides, conspiracies of great numbers are not essential to the accomplishment of ch results; a very few votes from outsiders and even a single vote will deterine a mutter when closely balanced. It is, however, urged as one of the reasons why such action will not likely occ irection which the law makes, that there be put at the head of the ticket the words voter can vote but one ticket on this ballot. Votes must be confined to the dumn containing the ticket of the party with which the voter ordinarily affiliates. But the voter can vote all of either ticket and there is no test when so voting, and he may even split up his ticket and vote

worked well, but there is no similarity, are now otherwise by the existing laws physical and mental health,

Under the existing primary law an elector openly visits some one of the party primany elections, as has always been the case from time immemorial. By that open action he affiliates himself with that party. The party judges have, however, more or less to say if he has voted at any other party primary or is otherwise fraudsiently offering his vote. By thus affiliating himself with that party he is but exercising his privilege, and is sure of a cordial welcome in any party, es-pecially where there is a shortage of pecially where there is a shortage of votes. This situation is vastly different from that where a law makes it obliga-tory on one party to submit its nominations or party policies to a secret ballot of all voters of all parties or of no party at all withour any manifestation of party affiliation on the part of the voter or test

of party affiliation whatsoever. Under the Lockwood act, and likewise under the present Minnesota act, a voter is to signify his affiliation with a party by some outward manifestation, either that he is a member or proposes to be a member of the party whose official ballot he desires to use in voting. This open expression of the voter's affiliation with a party, followed by receiving for use in Paxson, in 145 Pa. State, 542, said: 'Three voting only the ballot of that party, is an persons might claim to be a political entirely different thing from being quietly given-no questions being asked-two, three or four party ballots to use from indiscriminately, at pleasure. One is necessarily an open expression of affiliation or a desire to act with a certain party; the other is a quiet and secret slipping into a booth, possibly fraudulently, to vote candidates onto one party ticket with a privilege of claiming membership in any other party thereafter, or no party, and yet given power to control any party, at his own secret will, with no legal means of detection.

"Neither can a voter in this party man be rightly claim a complete cloak of secrecy of voting. The law may well action as a voter at a general electric secret of this general primary of the expense of where all are equally entitled to vote, or for like reasons accord secrecy of selection law and unquestioned to this time, for the of candidates for his own party; but this expense of our city election is now borne is a different thing from claiming secrecy in selecting party tickets or parts thereof, where no one not affiliating, nor proposing to act with the party should vote in or control that party either in whole or in part. Republicans should make their own party nominations, and Democrats should make theirs, and all other parties should the same rights of self-protection and self-assertion. The Morgan act provides for party nominations to office and party declarations of principles and party selection of officers, committees and man-agers, by everybody under arbitrary law, with absolutely no means of ascertaining whether the result is the will of the party or not. No law can say what vote a citizen shall cast other than as he wills to cast it, and no law can say what nomination to office an aggregation of citizens constituting a party shall make, other than the members of that party. . . .

#### As to the Lockwood Law.

"It seems to be conceded that the Lockrood act (S. B. 91) went through the House after the passage of the Morgan act, and it was contended in the argument that it was the last expression of the legislative will. It seems, however, that neither was signed by the Governor, but both were filed by him at the same time. Having arrived at the conclusion that the Morgan act is invalid, it is, however, unnecessary to pass upon this

The opinion deems the application of the act to cities of 10,000 or more popula-tion "as shown by the last state or Federal census," as reasonable and also sufficently clear as meaning the census next preceding the election when the law would be applied, and not merely to the census of 1890. The objection that the act violates section 23, article IV, of the constitution, prohibiting the passing of special or local laws for the punishment of misdemeanors, is discussed and dismissed. Then the test applied by the Lockwood act to a man's right to a party ballot is thus taken up:

This is reasonable. If, however, the man does not affiliate with that party the quesdoes not affiliate with that party the ques-tion arises whether such are his intenmesota (excepting, however, state tions from that time on to the election good citizen is equally concerned that all that care has now been taken to that is to result. If so, well and good, the best elements in any party likely to eliminate the objection that by it one party can control the nominations of another party. There the voter calls now be one not excluding, in itself, the voter, but is a reasonable regulation, essential to a proper election procedure in due or-der, a mere rule of election procedure as it were, we see no reason why it may not be applied even in 'general elections' under section 8, article II, of our constitution. In joint party primary gatherings, even if they be deemed to arise to the grade of a 'general election,' the keeping separate of each party, and the protection from each of the improper conduct of the members of the other, would justify this law, for, under our constitution, under the foregoing section pre-Legislature to enact all laws necessary to protect elections. The Lockwood law does not undertake to provide the 'qualification for voters' at primaries of the everal parties in any unconstitutional ense; it simply makes a necessary declaration from the very nature of the proceeding, namely and practically, that only party members can participate in party internal selections, leaving the qualifica-tions of those who can vote at all just as the constitution and the law has already provided. The underlying true democratic principle of all such laws as this must certainly be to permit only the members of the party associating themselves together as a party to have a deciding voice in that party, and then that the unfettered will of a majority of the members be controlling, and construct from the bottom upwards rather than manage from the top downwards. "It is sought by the plaintiff in this

case to draw a distinction between an 'election' under the Lockwood bill and a primary 'election' under our existing law of 1891, to the effect that the Lockwood act selection of delegates would be an election authorized by law under our enstitution while the election under our ormer primary law was merely an election authorized by party machinery and regulated by laws under the police power of the state—the point sought to be made in this being that plaintiffs McKercher nd Bain are, when tested by party affilifrom voting, and therefore are each unnstitutionally barred from voting at an ection authorized by law.' But is not the primary election under the act of 1891 an 'election authorized by law' as much so in principle, though not quite so much in degree? And is not the present bjection practically as applicable to the id existing primary law? Mr. McKercher, if asserting himself to be a Prohibition. st, and Mr. Bain, if asserting himself to belong to no party at all, would and could be each barred out under the existing primary law from voting, and why can they not equally be barred out by provisions in the Lockwood law?

'It occurs to us that the contention of the plaintiffs overlooks the fact that the so-called elections under the Lockwood act, equally with the so-called elections nder the existing primary law, is only a the entire wheat and barley, including party election, or a party nomination, and not an 'election' within the meaning of our constitution. In our opinion, our former primary law and the Lockwood law are equally free from the sound criticism plaintiffs urge against the Morgan act, namely, that other than party members are admitted to party primaries. Outsidof the ticket of the opposing ers, like Mr. McKerchner and Mr. Bain, purty, and have that majority ticket have no right to compisin. The conten-counted under the law, and certain it is tion of plaintiffs in this particular, under that such control of the nominations of their view of the Oregon constitution, one party by the members of another is we fear, proves too much, and logically very easy in any special election, as, for goes further than they seem to think, and Senate or House of Representatives, and present primary law in Oregon. Mc-starch in the food, and that is very com-Senate or House of Representatives, and present primary law in Oregon. Me-often might operate in particular offices in Kercher and Bain can, according to section 3 of the Lockwood act, have their "It is, however, contended that this full right to nominate, not in primaries or two weeks and the discontinuance of same feature has existed for the last 10 of parties, but through 'assemblages of ordinary white bread, is very marked.

provided. They are not disfranchised nor deprived of voting for nominations, nor to make nominations, and should they desire to affiliate with any party polling over 3 per cent of the electors, they may do so equally with any and all other good citizens, and enjoy all the privileges of members of parties polling that percent-

age. . . . "It is also claimed that this act violates section 20, article 1 of our constitu-tion, providing for equality of privileges and immunities of citizens in discrimi-nating against the smaller political parties and members of no party affiliatio whatever, principally in not allowing any party nomination unless the party amounts to enough to entitle it to make ominations under the Australian ballot law. This quarrel also must be with ex-isting and prior laws of this state whose validity have never before been attacked. Such classification of parties has been, we believe, generally permitted as a reasonable regulation of the privilege of a party to nominate and have its nomina-tions rank on the official ballot as that of a party. As party action can only be ex-ercised by some reasonable number of vot-ers acting together, and, as Chief Justice persons might claim to be a political party just as the three tailors of Tooley street assumed to be "the people of England."' It follows, then, that if an offi-cial ballot is to be used, party nominations must be regulated in some way, otherwise the scheme would be impracticable and the official ballot become the size of a blanket. The Lockwood act follows the Australian ballot law in this particular and prescribes the same law to all persons placed in like classes or circumstances, and all may enjoy the same privi-leges who bring themselves within the terms, and for these and reasons hereinafter given, we fall to see that this objec-

all parties. Here, again, we find prac-tically the same feature in our general by the county. This is a matter relating ultimately to county affairs—a matter of general interest, not merely local in this county. It is true that heretofore the expenses of primary elections have rested upon the parties themselves, and this act extends the county election machinery over them and puts the expense on the county. Mr. McKercher, one of the plaintiffs, who is a member of the Prohibitionist party, which at the last election did not poil the necessary 3 per cent of the entire vote cast, is denied by this Lockwood act, the same as by the Australia belief and the refer to a suitable and the same as t trailan ballot act, the right to participate in a Prohibition primary that can put its nominations on the official ballot as that of a party, and he and Mr. Bain, another plaintiff, who affiliates with no party at all, are each taxpayers, and they each complain herein that it is unconstitutional to tax them for general and pri-mary elections. Our attention is cited to Simon vs. Northup, 27th Oregon, 487. There a distinction was made between ex-isting bonded indebtedness of the City of Portland and the future expense in the matter of bridges in the city. No existing debt, however, is being sholudered upon the county by this law. It, as the bridge matter, simply provides for the operating expenses of the primary election to be paid by the county. This seems to be a matter really concerning the county at large as much as any city election under our present law, where city ballots, costs and city election expense are permitted to be laid upon the county at large. Expenses are a necessary evil, and must be borne for the public good by the community in general, or by a particular section thereof. (Cook vs. The Port of Portland, 20th Oregon, 580.)

"The plaintiff complains that under the Lockwood act the Prohibitionist must en-dure taxation in order that the state may assume the expense of the primaries of assume the expense of the primaries of the Republican and Democratic parties. The law applies only to parties polling such votes as are at all likely to enable them to carry the election following, or at least to be a deciding factor in deter-"The Lockwood bill test of a man's right to a party ballot is, first, whether he affiliates with that party. If so, all right.

mining the general result. A Prohibition-ist belonging to a less than a 2 per cent party in the county, and therefore not likely to decide the result at the succeeddominate shall control such dominant party and through it the resulting election of public officers, and that these dominant party tickets be uncontaminated by party fraud. A false primary may make a gen. being merely a succeeding ratification of the fraud at the primaries, party spirit being relied on to carry it through. In such cases the effect on the public is just the same as though the matter of selection had stopped with the primaries, the public money spent on the general election by the taxpayer being the same as wasted. It can hardly be claimed that the general taxpayer and citizen interested in the selection of good public offi-cials are not financially concerned, as clais are not financially concerned, as litizens or taxpayers, in the lawful, orderly and fair management of primaries of the leading parties who are to furnish

the public officials of the county. "It must be remembered that these laws are not passed purely for the sake of the Republican or the Democratic or any other party, but because the regulation of these large parties by public law is deemed for the general welfare of all the people. All good government is expensive on taxpayers at best. Perfection—that is, omplete and exact justice in the case of each and every citizen taxpayer—is never entirely practicable under general laws. Many, very many, who can't vote at all are and must be taxed to support good government. While the aim of the law is toward perfect equality, yet burdens can-not always be exactly and proportion-ately distributed without the possibility

of theoretical or practical unfairness."
The decision concludes as follows:
"This, we think, completes the legal points urged against the constitutionality of the law known as the Lockwood act. With its wisdom or purpose, we have

## BREAD DYSPEPSIA.

The Digesting Element Left Out.

Bread dyspepsia is common. It affects the bowels because white bread is nearly all starch, and starch is digested in the intestines, not in the stomach proper.
Up under the shell of the wheat berry Nature has provided a curious deposi which is turned into diastase when it is subjected to the saliva and to the pancreatic juices in the human intestines. This diastase is absolutely necessary to digest starch and turn it into grape-sugar, which is the next form; but that part of the wheat berry makes dark flour, and the modern miller cannot readily sell dark flour, so nature's valuable digestor is thrown out and the human system must handle the starch as best it can, without the help that Nature intended.

Small wonder that appendicitis, perionitis, constipation, and all sorts of trouble exist, when we go so contrary to Nature's law. The food experts that perfected Grape-Nuts Food, knowing these facts, made use, in their experiments, of all the parts, and subjected them to moist, ure, and long-continued warmth, which allows time and the proper conditions for developing the diastase, outside of the hu

man body. in this way the starchy part is trans formed into grape-sugar in a perfect natural manner, without the use of the icals or any outside ingredients. The little sparkling crystals of grape-sugar can be seen on the pieces of Grape-Nuts, This food therefore is naturally pre-digested and its use in place of bread will quickly correct the troubles that have been mon in the human race today.

The effect of eating Grape-Nuts 10 days years in our state primary law, and has electors' or as 'individual electors,' as The user will gain rapidly in strength and

nothing to do. Unless it appears that the act in question is contrary to constitu-tional privileges we must deckare it to be a law. The primary system is at the head of our political system, and if lawful safeguards are thrown around to prevent abuse, it is our duty to declare the law. Whenever the County Clerk may be proposing to operate under the Morgan act he should be restrained. As to the provisions of the Lockwood act, it is our opinion that the restraint on the Clerk should be denied."

#### IN THE SEVERAL COURTS.

Captain Shatton's Answer to Colfelt's Suit for Damages.

In the damage suit of Charles Colfelt against W. Shatton, master of the steam-ship Oceano, an answer was filed yes-terday by Williams, Wood & Linthicum, attorneys for the defendant. The facts in the case as detailed in the answer are that on August 30, at 10:30 P. M., Captain Shatton came aboard of his vessel, which was lying at the North Pacific Lumber Company's wharf, and as he did so saw two men emerging from the fore-castle carrying a bag of clothing and a pair of sea boots. He called and told them to leave the property on the ship, but instead of doing so the men jumped over the rail to the wharf. Captain Shatton followed and demanded the return of the clothing to the vessel, whereupon Colfelt pulled a revolver, used abusive language and threatened to kill the mas-ter. He called his officers and crew, who surrounded Colfelt and the other person, and police officers were sent for. When they arrived the circumstances were explained and Colfelt was taken to the City Jail and the captain was told to report at the Municipal Court the fol-lowing day. The act of causing the arrest of Colfelt, it is alleged, was done without malice and it is charged that he had no lawful cause or object to be on the vessel, but was there without permission, and the defendant was justified in doing what he did, and Colfeit suffered no damage. Captain Shatton admits that he swore to an information against Colfeit for unlawfully boarding a vessel, and avers that it was done in good faith and upon the advice of the District Attorney. It is also acknowledged that the accused was discharged after a hearing by Acting Police Judge McDevitt. The captain, up-on information and belief, denies that Colfelt has always borne a good reputation, and asserts that he does not know that the fact of the arrest was extensively advertised. He denies that Colfelt was injured in his good name and is en-titled to \$5020 damages, or any other sum. and asks that the complaint be dis-

United States Court of Appeals.

The United States Circuit Court of Appeals convened in the United State Court room in this city at 10 A. M. yes terday, Judges Gilbert, Ross and Morrow on the bench and Clerk Monckton in attendance. The four cases set for hearing were continued to the foot of the calendar for the October term, to be held in San Francisco. In the case of P. H. Anderson, appellant, vs. O. Jose Comptois, appellee, in the matter of the contempt of Dudley

Dubose, the following decision was ren dered by the court; "Upon a rehearing of this matter and a consideration of the additional testimony introduced, we are of the opinion that the findings of fact and judgment heretofore entered herein are in all things cor-rect, and are hereby reaffirmed and the United States Marshal for the Northern

District of California is hereby directed to execute the judgment heretofore entered herein forthwith." This is one of the cases arising out of the Noyes-McKenzle scandal, in which Judge Noyes, of the United States Court for the District of Alaska, McKenzie, a receiver appointed by the court, and Dudley Dubose, an attorney, were implicated. McKenzle was sent to prison for contempt of court and was pardoned by President McKinley. Dubose advised 0. Jose Comp-tols to disregard and disobey a writ of supersedess of the Court of Appeals, for which he was arrested and sentenced to imprisonment in the County Jall of Ala-meda County, California, for six months. After serving two months of this sentence Dubose applied for a rehearing and was admitted to ball pending the rehear-ing. The above decision of the court denies the rehearing and directs the rear-rest of Dubose and he will have to serve

The court then adjourned out of respect to the memory of the late President.

Judges Ross and Morrow and Clerk Monekton left over the Southern Pacific for San Francisco last night. Judge Gil-bert will leave for San Francisco about

the remainder of his term.

## Court Notes.

The following cases were set for trial by Judge Frazer yesterday on September Bronson vs. Brown, Hanson vs. Han son, Conlin vs. Conlin.

The will of Henry M. Dittmer, deceased was admitted to probate yesterday in the County Court. Katherine Dittmer, the wife, is bequeathed all of the estate, consisting of \$500 in cash, and she is named executrix.

The escheat proceeding of the State of Oregon, in the matter of the estate of S. W. Simmons, deceased, was called to be set for trial by Judge Frazer yesterday, but no move was made. The attorneys interested were not present.

Rosco Bridges has filed an answer to

the suit of his wife, Margaret C. Bridges, for a divorce, denying that he struck her and that he did not support her. He aileges that he provided her with a home, nd asserts that she deserted him July 1900. He asks for the custody of their

In the sult of L. L. Langley against E. Cullison & Co., grain and stock brokers, who recently failed, a demurrer to the complaint was overruled by Judge Frazer yesterday. Langley sues on assigned claims, as follows: Leo Fried, \$8576; N. Bourgeois, \$1736; J. C. Robinson, \$392; W. P. Adams, \$234. The demurrer was on the ground that the suit was im-properly brought as an equity proceeding, and that the only remedy against Cullison & Co, was in an action at law. This was an attempt to have the case tried before a jury, which falled.

## GOLDEN WEST PREMIUMS.

Every Saturday night during the carnival, Closset & Devers will make a dis-tribution of cash and other prizes to those who use "Devers Golden West" goods. All "Devers Golden West" goods contain coupons, and everybody present-ing coupons at their booth will participate in this weekly cash and other prize distribution. Save your "Devers Golden

Glucose Sugar Plant Resumes. PEORIA, Ill., Sept. 16.—The plant of the Glucose Sugar Refining Company, which was closed down a week ago, as it was then supposed indefinitely, will

start up today with a complement of 1000

CARBERRY AND STANTON, Operatic Duet-ists. PEARL WARD, a Coming Favorite, ROUSELLE AND HOWARD, Famous Aerial Bar Jugglers. HATTIE WARD, Portland's Pavorite. MISS NELLIE BRUCE, the Clever Contortion Dancer. WIGGIN AND RAYMOND, direct from Chute's Theater, San Francisco ARNELDO, the Equilibrist Marvel. With a steady increase in its production for the past 40 years, Cook's Imperial Ex-tra Dry Champagne now takes the lead.

#### NEW TODAY. FINE FARM FOR SALE

is the Section Line road (which is one of the lest roads out of Portland), only 9 miles from win: a fine farm of 32 ACRES, all in cultration, with a good house of 8 rooms, fine rn, wind mill, abundance of fruit; improvents alone cost over \$7000. For sale at \$7500, a terms, which may be made with The Title Guarantee & Trust Co., 6 and 7 Chamber of Commerce, Ground Floor, Fourth-Street Side.

FOR TODAY

Ripe tomatoes, for canning, 25c box; pears, Bartlett, 60c box; good cooking apples, 65c box; big watermeions, 10c each; cucumbers, by the sack, for pickling; bulk lard, 10c lb; No. 1 hams 14c lb; bacon, 15c lb; No. 1 butter, 45c voll. Oregon Cash Grocery, 232-234 N. 14th.

# Portland~ Rusiness

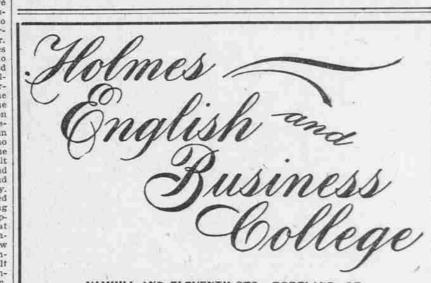
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DAILY METEOROLOGICAL REPORT.

PORTLAND, Sept. 16.-8 P. M.-Maximum

river reading at 11 A. M., 3.9 feet; change in

tion since Sept. 1, 1901, 0.70 inch; deficiency,

0.27 inch; total sunshine Sept. 15, 12:36; pos-

hine Sept. 15, 12:36. WEATHER CONDITIONS.

No rain has fallen in the Rocky Mountain of

Pacific Coast States during the last 24 hours,

and, except that it is warmer in Western Ore-gon, the changes in temperature have been

Frosts occurred generally throughout Eastern

Oregon, Eastern Washington and Idaho Mon-day morning, but they were not heavy enough to do any damage of consequence.

The indications are for fair weather in this

district Tuesday, with probably light frosts again in the early morning east of the Cas-cade Mountains. It will be cooler Tuesday afternoon in Western Oregon and warmer

WEATHER FORECASTS.

Forecasts made at Portland for the 28 ho

nding at midnight Tuesday, September 17

Portland and vicinity-Fair; cooler during the

fternoon; northerly winds. Western Oregon - Fair; cooler during the

Western Washington-Fair; northerly winds.

Eastern Oregon and Southern Idaho-Fair; probably light frost in early morning; warmer during the afternoon; southeast to northeast

Eastern Washington and Northern Idaho-

Fair; light frost in early morning; warmer in south portion during the afternoon; southeast

AMUSEMENTS.

MARQUAM GRAND THEATER—
CALVIN HEILIG, Mgr.
Week of September 16-Matinees Wednesday
and Saturday at 2:15 P. M.
MR. JAMES NEILL
And his Lecomographic Company in a choice

MR JAMES NEILL
And his Incomparable Company, in a choice
repertoire of high-class plays.

Evening prices—Entire lower floor, \$1: balcony, first 6 rows, 75c; last 8 rows, 50c; gallery, first 2 rows, 35c; rear of first 2 rows, 25c
Boxes and loges, \$7.50. Matinee prices—Lower
floor, except last 3 rows, 75c; last 3 rows, 50c;
balcony, first 6 rows, 50c; last 6 rows, 25c.
Boxes and loges, \$5.

CORDRAY'S THEATER-One week, commencing Sunday, Sept. 15, and

One week, commencing Sunday, Sept. 16, and
Saturday Maxinee.
THE SEASON'S BIG SUCCESS,
CHAS. A. TAYLOR'S BEAUTIFUL SCENIC

"DAUGHTER OF THE DIAMOND KING."
"DAUGHTER OF THE DIAMOND KING."
"DAUGHTER OF THE DIAMOND KING."
LA BELLE LAURETTE, supported by MR.
W. A. WHITECAR.
The famous Lenten Trio and other big

METROPOLITAN THEATER— Big Opening Attraction. Saturday Matines. Week starting Sunday, September 15. Saturday Matines. The Latest Musical Comedy Suc-

cess, "THE QUEEN OF HAYTI."

And her 48 Ladies and Knights of Fun. Pretty girls. Beautiful costumes. Special scenery. Bewitching music. Comical Climaxes. Electrical effects. 10—Big vaudeville novelites—10 Introducing the Famous Sherrah Quartet, Kirk, the Musical Tramp; Grundy Trio; the Gillams; KRATON, the Marvelous Hoop Twirler. Usual prices.

FREDERICKSBURG MUSIC HALL— SEVENTH AND ALDER STREETS

REOPENED. REOPENED.

NEW TODAY.

\$500.00 to \$50,000.00

For loans on most favorable terms. Municipal and school bonds purchased. W. H. Fear, 306-7 Failing building.

MORTGAGE LOANS

On Portland real estate at lowest rates. Titles insured. Abstracts furnished.

Title Guarantee & Trust Co.

J. W. OGILBEE, ROOM 11, 1454 FIRST ST.

\$1250
5 acres, quite all in cultivation, 5-room house, stable, chicken yard, etc.; fine cement ed cistern, orchard; 4 miles from Morrison etreet bridge, 3 blocks from Mount Scott electric line, One-half cash, balance time,

vaudeville acts. Prices 25c, 50c, 75c. Seats now selling.

emperature, 79;

mall and unimportant.

Tuesday afternoon in Idaho

afternoon; northerly winds.

to northeast winds.

# **Electricity in Your Home**

Works wonders, and has become invaluable. It lights, cooks, calls your servants, and keeps away the enterprising burglar. Any of these appliances will be arranged and fitted in your home by skilled electricians. Hotels are fitted with bells and indicators, telephones, etc., at bed-rock prices. We have everything in the line of electrical supplies made.

# WESTERN ELECTRIC WORKS

305% WASHINGTON STREET. PORTLAND, OR.

NEW TODAY.

# the past 24 hours, 0.1 foot; total precipitation, 5 P. M. to 5 P. M. 0.00; total precipitation since Sept 1, 1901, 0.43 inch; normal precipita-

The seat of the Columbia University is situated on the high tableland between the Willamette and Columbia rivers and inside the city boundaries of Portland. It has city water, city schools, city telephone service, electric street lights, graded streets, sidewalks, boulevards, cycle paths, and streetcar service to any part of the city for a five-cent fare. It is high, sightly and healthful. The owners of this property have decided to sell one-half of the lots for the purpose of Inducing homebuilders to locate there. Improvements and population bring values. The reserve blocks will not be sold

till 1905 when we shall expect to get \$500 each for our cheapest lots. While our reserve lots are advancing, your lots must also advance. The Lewis and Clark Centennial Exposition will surely be held at University Park. Factories that will give employment to thousands of people will soon be built within easy walking distance of University Park. The better class of these people will seek homes at University Park. You can double your money in a short time by investing it in University Park lots. Buy now before the advance. Prices are from \$100 to \$225 per lot, one-tenth cash, balance \$5 per month. No Interest on deferred payments. No taxes. Abstract free with every deed, Encourage your

Glisan street, between 7th and 8th streets, with old buildings, yielding 13 per cent on price of \$250%. Street is passed with Salgian blocks and owner agrees to put down concrete walk and curb, full width. Russell & Blyth, \$25, 3d street.

MAKE OFFER TO OWNER: GOOD HOUSE and quarter block, East 10th and Burnside sts., S. W. corner, house and lot, with stable, N. E. cor. East 10th and Ankeny, house and lot, East 13th, between Pine and Oak; quarter block, East 17th and Yamhill. O 26, Oregonian.

FOR SALE - THE LOTS IN HIGHLAND Place are being sold. The owner does not want to sell to any person until they have examined every bomestic for sale in Purt-

VEW 10-HOOM HOUSE; FURNACE, GAS, electric light, modern in every particular; good barn and large grounds; \$4500; one-third cash, balance to sait at 6 per cent. Ad-

dress Owner, care Oregonian.

# CLASSIFIED AD. RATES

"Rooms," "Rooms and Board," "Housekeeping Rooms," "Situations Wanted," 15 words or less, 15 cents; 16 to 20 words, 20 cents; 21 to 22 words, 25 cents, etc. No discount for additional insertions.

UNDER ALL OTHER HEADS except "New Today," 30 cents for 15 words or less; 16 to 28 words, 40 cents; 21 to 25 words, 50 cents em.first insertion. Each additional insertion, onshalf; no further discount under one month,
"NEW TODAY" (gauge measurs agais), 15

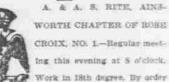
cents per line, first insertion; 10 cents per line for each additional insertion. ANSWERS TO ADVERTISEMENTS, addressed care The Oregonian and left at this of-fice, should always be inclosed in sealed envalepes. No stamp is required on such letters.

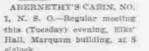
The Oregonian will not be responsible for errors in advertisements taken through the tele-

#### AUCTION SALES TODAY.

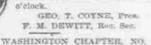
At Gilman's salesroom, 411 Washington st., t 10 A. M. S. L. N. Gilman, auctioneer. At 10 A. M., at 140 East 17th st., cor. East forrison. J. T. Wilson, auctioneer. At Central Auction Rooms, cor. Alder and Park. Sale at 10 A. M. Geo. Buker & Co.,

#### MEETING NOTICES.





WISE MASTER.





COLUMBIA LODGE, A. F. & A. M. — Stated communication th Tuesday) evening Masons cordial nvited. By order of the Master, S. R. HARRINGTON, Sec.

COLUMBIA REBEKAH DESIREM LODGE, NO. 3, I. O. O. F.—The members will assemble at Odd Fellows Hall, cor. East Pine at and Union ave., tonight at S o'dock, for the pur-pose of paying Omega Rebekah Lodge a visit. FANNIE CRAWFORD, N. G. DESSIE MARTON, Sec.

NAVAL BATTALION will assemble at the Armory Tuesday, Sept. 17, at 1 o'clock P. M. sharp, to attend the funeral of our late chipmate, Henry L. Early.

W. T. BIRD, Librat.

CASTLE LODGE, NO. 13, K. OF P. will meet in regular convention this (Tuesday) evening in castle hall, Auditorium building. Work in Knight rank. Visiting Brethren wel-come. N. POLSON, C. C. J. M. MANN, K. R. & S.

#### FUNERAL NOTICES.

EFIELD—John J. Osfield, aged 75 years, 8 months and 5 days; father of H. J. Osfield, F. E. J. C. Mrs. W. L. Green and Addie Osfield, Funeral at 10 o'clock Wednesday.

HART-At North Yakima, Sept. 15, of trobold fever, Frederick Robert Hart, aged 14 yours, 3 menths and 3 days. Foneral today at 2 P. M. from First Baptist church.

EDWARD HOLMAN, Undertaker, 4th and Yambill sts. Rena Stinson, lady assistant. Both phones No. 507.

Finley, Kimball & Co., Underinkers, Lady assistant. 275 Third st. Tel. 9. F. S. Dunning, Undertaker, 414 East Alder, Lady assistant. Both phones.

# NEW TODAY.

TO THE TAXPAYERS OF MULTNOMAH County-Notice is hereby given that on Mon-day, October 7, 1961, the Board of Equaliza-tion of Multnomah County will strend at the office of the Clerk of the County Court of said county and publicly examine the asses-ment rolls for the year 1901, and correct all errors in valuations, descriptions or qualities at the time and place appears of Equalization that there are any lands, lots or other property ascrassed twice or in the name of a person or persons not the owner of the same, or assessed under or beyond its value, or any lands, lots or other property not assessed, and for property not assessed, said Board of Equalization shall make the

BARGAIN FOR SALE—TWO LOTS, litteom modern house, good condition, Sant 17th and Division sts.; terms, \$160 cmsh, \$700 f months, \$2000 l5 months, 7 per cent; insmediate possession. Furniture for sale, inquire on premises, 9 to 12 A. M., Woodstock and Richmond cars, one block.

## MORTGAGE LOANS

n improved city and farm property, at lower grent rates. Building loans. Installmen ans. MacMaster & Elirrell, 311 Worcester blk

## MONEY TO LOAN

farm, city or suburban property; of interest; no commission; guaran racts of title of real estate in Multino SECURITY ABSTRACT & TRUST CO.

## FOR SALE-REAL ESTATE.

OR SALE—TO WHOM IT MAY CONCERN—
Take notice, that Highland Place, better
known as Haight's Orchard, on Union ave.,
this side of the atoren, fire engine house, etc.,
is now platted. There lots have large, choices
bearing fruit trees, and every one of these
beautiful lots are going to be sold for \$175
and up. Every investor, homeseeker or speculator, in fact, everyhody, is cordially invited to see this property. Do not despise
the day of small things. True, our prices
are small, but this property ranks with the
very best. It has all of the requisites for
healthful and beautiful home sizes, among
which are ventilation, drainage and view.
The Highland School, with the view it affords its scholars, ought to produce some
great artists. This property is cost in fire
protection and plenty of water. It is
in a choice neighborhood, and stuated only
10 minutes from Third and Washington siz,
it is on Union-avenue car line; also 2½
hlocks from Williams-avenue cars. The title
is perfect; a general warranty deed given OR SALE-TO WHOM IT MAY CONCERN-

\$1300-DESIRABLE HOME IN HIGHLAND Park 7 rooms; price less than cost of im-provements. \$2500-6-room modern cutage, nearly one, acre; convenient to car. A bargain. \$1500-6-room house and quarter block, close in, near two car lines. \$5000-10-room modern house and quarter block; fine locality, Essa Side. \$1500-Small cutage and two lots in Sun-nyide; easy terms. nyside; easy terms.
DAVIDSON, WARD & CO.
408 Chamber of Commerc

We offer for sale the Jack residence and quarter block on 21st and Flanders att. at the reduced price of \$13.500, a reduction of \$15.00 on the former price; easy terms if desired.

BUSSELL & BLYTH.

82% Taird at.

REAT BARGAIN-FOR SALE-50x100 ON

examined every homesite for sale in Port-land. E. J. Haight & Co., room 212 Abing-ton building.

IRVINGTON—Beautiful building lot on 13th, near Tillamook, \$595. Lot on Tillamook, near 10th, \$655. All city improvements. See owner, 620 Marquam bik. Phone Grant 92L.

PORTLAND, OREGON. MORTGAGE LOANS wed city and farm property.
R. LIVINGSTONE, 224 Stark st.

Room 403, Marquam Bldg.,

sons to Invest in this property.

It will teach them good habits

and they will learn to save what

they would otherwise squander.

UNIVERSITY LAND CO.,

Francis I. McKenna, Mgr.

Call on or address