F. Bowman.

Precinct No. 58 (one set)—Judges, S. A. Fulton, C. H. Thayer, C. J. Anderson; clerks, C. H. Glos, J. Henry Smith, Robert Catlin.

Precinct No. 59—Judges, J. S. Rathbun, Miller Murdock, N. A. Peery, O. F. Botkin, D. W. Walker, Ira Dennis; clerks, Frank Fields, A. E. Hacker, Percy P. Dahney, F. W. Morris, F. Prasp, Willis Potter.

Precinct No. 60 (one set)—Judges, W. S. Falling, W. M. Patterson, George C. Johnson; clerks, George Hammond, Woodstock; Albert P. Vall, South Mount Tabor; Joseph McMahon, Richmond.

Precinct No. 61—Judges, Williams

son:
Precinct No. 69 (one set)—Judges, T. H.
Prince, H. Hanson, J. D. Keily; clerks, H.
Hewitt, O. F. Cooke, R. H. Love,
Precinct No. 70 (one set)—Judges, Fred
Brandes, D. Legger, C. E. Ladd; clerks, H. A.
Diedricks, Jesse Helam, L. A. Leger,

CANNOT ACCEPT BOND.

City Has No Authority, Says City At-

torney Long.

Rowe, City Attorney Long rendered an opinion yesterday to the effect that the

city is without authority to accept the maintenance bond offered by the contract-

originally brought up by W. D. Fenton, attorney in fact for Ida M. Church, who

owns a piece of property on Fourth and Salmon streets. In his remonstrance Mr. Fenton said:

se of a surety company that the improvement would last for 10 years. A first-class improve-

of Mayor Rowe, and he referred it to City

Attorney Long, the forme of his inquiry

Will you kindly advise me, at your earliest

convenience whether or not, in your opinion, a bond can be given by the contractors in main-tenance of the proposed improvement for a period of 10 years, which will fully protect the

To secure the information wanted, Mr.

Long examined the charter, and the de-

cisions of various courts, stated the rights of the Common Council and the Board of

Public Works, and then said;

The Supreme Court of this state in Portland va. Bituminous Paving Company, holds that the Common Council is not authorized to make repairs until there is a present necessity for them; that entering into a contract for repairs in advance is ultra vires, and that assessments against property to meet the expenses of such repairs as are required by an illegal contract are vold.

This question was again before the court in Allen vs. Portland, and was argued by myzelf.

Allen vs. Portland, and was argued by myself. In this case, we distinguished between a repair bond and a bond guaranteeing the quality of material and character of the work as provided in the contract, and the court in the latter case distinguished the former bond case and held the bond in the Allen case good; but the court says distinctly that a bond of that character is only a bond guaranteeing the character of the work and the quality of material, and that to undertake to provide for

terial, and that to undertake to provide for anything further is void.

Fenton and several others-the theory upon

which people were induced to sign the petition

such a bond.

There have been two sessions of the Legisla-

Dr. Sanford's Liver Invigorator

The best liver medicine. A vegetable cure for ver fils, billiousness, indigestion, constipation,

Public Works, and then said:

being:

In response to an inquiry from Mayor

ROOT IS IN EARNEST

Determined to Sell Pacific Transports.

GOOD OUTLOOK FOR PORTLAND

This City's Chances of Getting Gov. ernment Business Are Fully as Good as Those of Seattle.

According to the telegram received Mon-day from Senator Mitchell by the Cham-ber of Commerce, the Secretary of War does not intend to urge the sale of the Government transport ships at this time. But the Washington correspondent of The Oregonian says that Root desires to carry out his project as soon as possible. It is given out from other sources that the purpose of Secretary Root is to get a bill passed which all authorize the Government to sell the transports when neces-sary. This procedure would in a degree pacify the opposition to Secretary Root's plan, and at the same time enable him to carry out his project at once if he desires, or as soon as convenient. Such an ap-parent concession would soothe the San parent concession would soothe the San Francisco interests that are fighting the proposed system.

But us the plea is that the proposed sys-

tem would save money to the Government, the plan would save more money if carried out now than in the distant future. Hence it may be inferred that Secretary Root means immediate business. It may be further interred that he means business further inferred that he means business from the fact that the ships would bring more money now than they would later. The vessels can be sold on this Coast for better money than can be obtained on the Atlantic seaboard, owing to the surplus tonnage that has accumulated on the Atlantic. Steam tonnave is also accumu lating on the Pacific Coast, and it will not be long before ships will be going abegging on this side of the world, unless there shall be a large development of commerce. This development, however, seems to be anticipated by shipowners, as fast as it

Not all of the transports are first-class vessels. Many of them were decrepit with age when they were loaded off on the Government, and have not grown younger since. These vessels will probably se sold to the highest bidder, and will be readily absorbed by the steamship com-panies on the Pacific. The steamship lines are already preparing to get control of the vessels when the sale is made by

he is quoted as having said:

It is out of the question that any other port on the Pacific than San Francisco should be used. The Gorrament has its complete establishment at San Francisco, and any one taking the contract to transport troops and supplies to the Philippines would have to meet the situation as it is. The party that undertakes to figure on this contract will have some hard problems to solve, which he cannot afford to complicate by trying to move the service to ports where all the facilities are lacking.

What we want is the permission of Congres What we want is the permission of Congress to contract with private corporations to transport roldiers and supplies to the Philippines; second, we want Congress to grant American registry to the transports owned by the Government, so that we can sell the vessels readily. If we sell them now they would have to return to foreign registry, where they were before they were purchased by the Government, and this would render them unsaliable to an American steamship comisany. There to an American steamship comisany. ment, and this would render them unsalible to an American steamship company. There will be no change in the present arrangements for some time, but I have hopes that during the present session Congress will give us authority to enter into contracts with private companies to transport troops and supplies. The troops would have to go via San Francisco on account of the facilities that the Presidio offers, including hospital accommodations. Freight, of course, would have a tendency to follow the troops.

Sentitics dream of setting the Army

Seattle's dream of getting the Army Sound appears, therefore, to be in danger of a rude awakening. But as the oGvernment has grounds at Vancouver, the best on the Cost for a transport depot, cretary Root's argument will not apply as to Portland.

Although the transport business has been distributed in the past by favoritism at Washington or somewhere in the serv-ice, Portland is getting better recognition ers in forage in this city are now recogernment engaged the Algon, from Puget Bound agents, at 75 cents more per ton than was bid here. The excuse in the case is that the Government needed a spot ship. Likewise this city had an equal chance with Scattle to bid on the contract which the Adato secured for trans- 1-ay Mrs. Fiske more than \$2000. E. and porting forage, only in this case was suc-

OWNED A SLOT MACHINE

But M. S. Cohn Was Nevertheless Acquitted.

M. S. Cohn was tried and acquitted in Judge George's court yesterday, on a charge of operating a money nickel-in-the-slot machine, in the saloon of John city on legal business, was for Fuog. An information sgainst Fuog for the same offense was dismissed, on mo-tion of Deputy District Attorney Spencer. in order that Fuog could appear as a witness against Cohn. Fuog testilien that Cohn is the owner of the machine, and with the road. made regular trips to the saloon and counted out the winnings, of which he. Fuog. received a percentage.

A. N. Moores and R. B. Duncan, of Salem, manager and foreman of the Capitol. Lumbering Company, are in the city, look-

ber of nickel-in-the-slot machines, which pay money prizes, in this manner. Police Officer O. P. Church testified that he saw the machine in the saloon, but did not malaria. He hopes to be out again in a

see any one playing it.
M. L. Pipes, who, with Alex Bernstein, appeared as attorney for the defense. Elks, has been invited to attend the intaked the court to instruct the jury to return a verdict of not guilty, on the ground that Fuog was an accomplice and that under the statute, the testimony of that, under the statute, the testimony of an accomplice must be corroborated, and

in-the-slot machines, provides that the presence of a machine in a place of business shall be considered sufficient proof that it is in use. Fuog it would seem, could have been convicted under this section. Express wagons were seen yesterday afternoon carrying nickel-inthe-slot machines to various saloons. This is said to have been the result of Cohn's

ADVICE HE WOULD NOT GIVE.

Mr. McGinn Never Told Any One to Refuse Money.

The taking of testimony in the \$55,000 damage suit of Max Reiter against Stewart & Powers was concluded yesterday, and the arguments will be commenced

Mr. Stewart testified concerning the ac-cident, which he said was not due to the negligence of his firm. He told of visitnegligence of his firm. He told of visiting Relter at the hospital, and said he felt very sorry for him and offered to assist him. He said Beiter thought he From Seattle—P. Hedra at the Imperial.

would be able to run a lodging-bouse; that he could manage to make the beds with one arm. Reiter wanted him to pay one or two months' rent for him, and Mr. Stewart said he agreed to. The witness testified further that the men at the logging camp took up a collection for Reiter, and to get rid of the money he had to donate it to the hospital, as Reiter would not accept it.

Mr. Paxton, for the defense, asked Mr. Stewart if Reiter did not refuse the mon-

Stewart if Reiter did not refuse the mon-ey because his lawyer told him not to take it. Some of the jurors and others glanced in the direction of Mr. McGinn, who ap-

pears for Reiter, causing that gentleman to remark: "It wasn't I. I never advise any one to refuse to take money." Mr. Paxton hastened to say: "No; it was not you, Mr. McGinn; it was another

There was some further testimony that Reiter declined to receive the money cause he contemplated bringing suit.

FOR DEFICIENCY JUDGMENT. Petition Filed by Mortgage Company in Portland Savings Bank Case. The United States Mortgage & Trust Company yesterday filed a petition in the State Circuit Court, in the Portland Savings Bank receivership matter, asking for the payment of a deficiency judgment for \$1999 obtained at the time of the sale of the Commercial block. This was previously known as the Portland Savings Bank building. The United States Mortgage & Trust Company heid a mortgage for \$140,eral weeks ago, amounted, including in-terest, etc., to \$153,764. The mortgage company bid in the building at Sheriff's sale for \$151,765. This is where the de-ficiency judgment for \$1969 comes in. The sale was confirmed by Judge Frazer yes-terday. If this judgment is ordered paid by the court, it will take most of the baiance which Mr. Nixon turned over to the court when he was discharged as receiver. J. Thorburn Ross signs the petition as the representative of the United States Mortgage & Trust Company, and W. A. Munly and E. B. Seabrook appear as at-

JUDGE ORDERED HIS ACQUITTAL.

torneys in the case

Evidence to Convict Janitor Woodruff of Larceny. Judge Frazer yesterday instructed a jury to try A. Woodruff, the former jan-itor of the Brown building, on a charge of inreeny, to return a verdict of not guilty. This was done at the request of Deputy District Attorney John Manning, who prosecuted the case. Mr. Manning stated that the evidence was not suffcient for a conviction, and he also informed the court that he had been asked to try the case, but had nothing to do with it previously and did not know that

the evidence was so weak. Woodruff was charged with stealing two id valises and a trunk, the property of W. R. Williams. The stuff is worth very little. The valises were found in a cigar stand, where Woodruff left them, and the trunk was discovered in his room. There was nothing in it except some advertising matter. Woodruff said he took the property after the fire, for safe keeping, There was no evidence to the contrary. the Government,
Secretary Root is represented as being opposed to removing the Army transport depot from San Francisco to Seattle, In a dispatcu to the San Francisco Chronicle

Clinton C. Palmer, attorney, yesterday filed a somewhat peculiar suit againt William MacMaster and Alexander H. Birreil to recover rents of property at the foot of Madison street, situated on lots 2, 3 and 4, block 72. The complaint sets forth that two years ago David Brand prosecuted an action against John D. and C. H. Baker. Brand lost the case, and a judgment was entered up against him, and the property here described was sold by the Sheriff at execution sale for \$42. This occurred on April 28, 1990, and Mr. Palmer was the purchaser. Brand re-decemed the property on December 21, 1901, MacMaster & Birrell, it is alleged, collected the rents from the tenants, and Mr. period between April 28, 1900, and December 31, 1901, or from the time he bought the property at Sheriff's sale until the date of redemption. He avers that he does not know what the rents during this time amounted to, but he wants the sum

Petition in Bankruptcy.

sawmili man, yesterday filed a petition in bankruptcy in the United States Court. transport business moved in part to Puget His liabilities amount to \$3914; assets,

Court Notes.

Fred Fritz has filed an attachment suit in the State Circuit Court against W. A. Engle to recover \$412 for goods sold.

Articles of incorporation of the Culliso Company were filed in the County Clerk's office yesterday by J. E. Cullison, G. F. Brice and L. A. Cullison; capital stock, than heretofore. Marine agents and deal- \$30,000. The objects announced are to buy and sell upon exchange and boards of When the Government desired to engage a steamship to convey lumber to Manila from Puget Sound, Portland agents submitted hids and it was evidently because 1500 on an insurance policy issued in her husband, William H. Fiske, Portland has no spot ships that the Gov- favor to her husband, William H. Fiske,

deceased. The complaint recites that William H, Fiske died on September 24, 1901, and that all premiums due had been fully paid to the association. It is further stated that the defendant has admitted the payments, but has refused to A. R. Mendenhall appear as attorneys for the plaintiff.

PERSONAL MENTION.

Senator B. F. Mulkey, of Monmouth, is at the Perkins. N. L. Butler, of Monmouth, who for-

T. H. Crawford, of Union, who is in the city on legal business, was formerly Cir-cuit Judge of the district in which he re-John McGuire, superintendent of the

with the road.

A. N. Moores and R. B. Duncan, of Sa-

Cohn, according to common report, has t different times operated a large number of nickel-in-the-slot machines which

Ralph E. Moody, district deputy of the

probably accompany him. Lafayette Williams, formerly of Salem, an accomplies and the second of the statute is very plain on this point.

The statute is very plain on this point, and Judge George allowed the motion and a ranch and also owns a valuable copper mine on the Clearwater, is in the city.

Moscow, Idaho, near which place he has a ranch and also owns a valuable copper mine on the Clearwater, is in the city.

land in 10 years. He is accompanied by his wife, and they are visiting his parents, who have been residents of this city for several years.

Mrs. Benjamin Young, wife of Hon. Ben-

jamin Young, of Astoria, is at St. Vin-cent's Hospital. She underwent an op-eration yesterday, which it was thought would be a simple one, but the physiclans discovered she was suffering from a severe attack of cancer, and went no further with the operation. The patient is in a precarious condition, and recovery is doubtful. The aliment is regarded in-curable. Mr. Young and Miss Caroline Young are attending her. At a late hour last night the patient was resting as easy as could be expected under the circum

stances. NEW YORK, Jan. 21.-Northwestern people registered at New York hotels to-

JOB PUT

(Continued from First Page.)

larities among Republican voters. He will have all he wants to do looking after his own party. All parties vote at the The judges and clerks are as follows:

Same primary.

The judges and clerks are as follows:
Precinct No. 1—Judges, J. J. Englehardt, H.
C. Frisbie, Jere Bronaugh, Colonel James Jackson, F. F. Freeman, T. J. Concannon; clerks, F. Wagner, A. L. Pike, Thomas Carlson, S. Jordan, H. O. Kapus, Edward Maher.
Precinct No. 2—Judges, Peter M. Schriner, J. P. Crowson, S. A. Murtard, O. Munson, Charles B. Hand, Jacob Krimble; clerks, R. R. Richardson, E. Harold, M. C. Davis, N. Jacobson, J. Stanton, Frank Smith.
Precinct No. 3—Judges, O. J. Groce, E. Gordon, Charles Petraln, H. H. Rayburn, J. W. Todd, C. W. Brune; clerks, William Ellwanger, F. L. Young, P. G. Nealond, R. B. Jacks, H. B. Stont, J. Beatty, Precinct No. 4—Judges, George Wilson, Charles O. Sigglin, George Walters, S. M. Barr, George Hartness, P. Crowley; clerks, T. S. Wella, C. G. Cran, Frank Kiernan, F. J. Peterson, Ira Cooper, George W. O'Farrell, Precinct No. 5—Judges, A. L. Hassler, George W. Hoyt, Thomas Whalen, R. J. Hendrie, Robert O'Nellt; clerks, John S. Roice, W. C. Lawrence, Henry Hickey, Clyde Rills, R. S. Howard, Jr., J. B. Ryan,
Precinct No. 6—Judges, T. E. Wallace, L. P. W. Quimby, F. Dresser, Dr. J. B. Roth, M. Reinstein, D. J. Maher; clerks, Edward Sweeney, W. E. Francis, John J. Casparay, Louis Wise, Joseph Schade, Matt Foeller.
Precinct No. 6—Judges, R. Glisan, A. L. Mills, J. F. O'Shea, Henry W. Fries, Walter, Precinct No. 5—Judges, J. H. Woodward, O. B. Stubbs, Mark W. Gill, D. W. Crowley, Robert Lewis, Walter B. Honeyman, Henry Teal.
Precinct No. 8—Judges, J. H. Woodward, O. H. Anderson, W. L. Brewster, Raiph Feeney, J. Minninger, J. N. Teal; clerks, T. H. McAllis, R. C. Hart, J. T. Concannon, Joseph Barrett, John D. Carison, A. King Wilson, Precinct No. 9—Judges, Peter Eales, William Kuckenberg, H. Case, Louis Coulter, John McKennie, T. J. Uhlman; clerks, M. M. Burdick, W. F. MoGlivray, John McEntee, Harry Sheridan, H. C. Bohiman, George Dunning, Precinct No. 11—Judges, D. Cavansugh, John McRonie, C. A. McCale, E. G. McKay, Phil J.

William M. George A. Holman, Al Moserty.
Precinct No. II—Judges, D. Cavansugh, John Clark, C. A. McCale, E. G. McKay, Phil J. Kerrigan, William Foley; cierks, W. L. Bentley, A. H. Griswold, George Tuttle, Harry E. Day, Alfred E. Freedman, M. Dougherty.
Precinct No. 12—Judges, C. S. Mortimer, Charles Bannield, Isaac, Lawler, Fred Hamilin, P. E. Brigham, L. Stark; clerks, A. O. Jones, P. F. Du Flon, W. E. Thayer, E. B. Hyatt, A. T. Smith, William Maher.
Presinct No. 13—Judges, John McCraken, R. O. Gilliand, E. J. Jeffery, Walter J. Honeyman, Frank Townsend, Paul Wessinger, cierks, C. B. Tempieton, W. B. Streeter, Otto Stark, R. Frager, H. C. Eckenberger, B. L. Norden, Jr. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessinger, C. P. Presinct No. 14. Ludges, O. H. Wessing, L. N. man, Frank Townsend, Paul Wessinger; clerks, C. B. Templeton, W. B. Streeter, Otto Stark, R. Prager, H. C. Eckenberger, B. L. Norden, Jr. James, H. B. Compson, J. H. McKibben, John E. Sisson, F. T. Berry; clerks, W. A. Alger, C. L. Gather, G. J. Blodgett, Ralph Crysler, E. M. Graves, G. W. Ryan.

Precinct No. 15—Judges, G. E. Holman, T. W. Cuthbert, M. J. Clobessy, C. F. Pearson, L. B. Seeley, John Klernan; clerks, George M. Healey, E. F. Riley A. E. Keith, Leslie M. Scott, Oscar Cox, Henry Gray.

Precinct No. 16—Judges, G. F. Paxton, B. B. Beekman, John M. Gearin, C. B. Farleman, L. S. Rathbun, Frank Schlegei; clerks, A. J. Marshall, W. H. Dedman, Jr., G. I. Smith, A. Graham, W. H. Carler, John Cole, Freelnot, No. 17—Judges, E. Everett, David Goodsell, F. W. Whitwell, J. B. Slemmons, Enos Swan, T. T. Struble; clerks, Henry Austin, V. A. Fryer, J. H. Jones, E. R. Chamberlain, J. A. Arment, J. S. Morgan, Precinct No. 18—Judges, R. S. Farreil, H. Sutcliffe, John Burke, S. Humauer, Jr., G. E. Withington, John Garnold; clerks, H. F. Esten, E. W. Quismby, Frank Effinger, Charles Franklin, G. M. Frazier, Dr. T. L. Nicklin, Pracinct No. 19—Judges, H. H. Northup, John Dukehart, J. W. Grussi, Jolius Krasener, George T. Myers, B. G. Whitehouse; clerks, F. S. Bennett, Walter Wolf, George F. Holman, E. G. White, F. G. Buffum, Seth Catlin, Frecinct No. 29—Judges, Pierre de S. Olney, Wallace Hollingsworth, E. King; clerks, C. T. Lindsley, A. M. Haradon, Rabeigh Trimble, Precinct No. 29—Judges, P. Frener, John Mathlesen, James Wagner, Phillip Streib, F. M. Gidas, J. C. Duprec; clerks, J. M. Graves, John Ahlatedt, Leo Havelink, Jesse L. Walter, J. H. Clarke, Henry Gurr.

Precinct No. 29—Judges, R. F. P. Cardwell, Pracinct No. 21—Judges, R. F. Romey, John Montag, Precinct No. 22—Judges, R. E. Walter, J. H. Clarke, Henry Gurr.

Precinct No. 23—Judges, R. F. Cardwell, Pracinct No. 24—Judges, R. B. Benner, C. E. Kloh, Rudolph Canuto, John Montag, Precinct No. 25—Judges, R. B. Watten, C. E. Kloh, Rudolph Canuto, John Montag, Precin

Fenton said:

First—In my opinion, no adequate and sufficient bond can be given by the contractors that will inure to the benefit of the abutting property holders, for the reason that the law does not contemplate a maintenance bond, and for the further reason that it is always an easy matter for sureties to escape liability upon some alleged waiver or violation made by the city, and for the further reason that the property holders cannot themselves become perties to such bond, and would be in no position to enforce its obligations if there should be a breach. The protection is merely theoretical. to enforce its obligations if there should be a breach. The protection is merely theoretical, and not efficient or practical.

Second—The contemplated improvement, supplemented by the so-called surety bond, is an experiment which in this climate will be doubtful and expensive, in my judgment. Representing a taxpayer expected to be called upon to pay practically the cost of a first-class asphalt pavement, I think it is a grave mistake upon the part of the suthorities to be tempted by a maintenance bond to put in a second-class improvement, especially when such maintenance bond is, in my judgment, a mere inducement, and not actual protection.

Third—I own property on Sixth street. That improvement has been there for several years, and at an expense of about \$3000 was repaired about 15 months ago from Morrison street to the Union Depot, and is today in as good condition as it was when it was first constructed, excepting where it may have been neglected or misuade in the next to the contracted.

Woodward, N. Clausenius, F. H. Ainston,
R. Kaser, Thomas Greene: clerks, C. Smith,
W. J. Corcoran, C. H. Labbe, Alots Harold, G.
S. Jackson,
Pracinct No. 26—Judges, R. Williams, E. C.
Burns, W. W. Jagues, W. C. Duniway, Thomas
O'Day, clerks, W. L. Murray, W. S. Holman,
Joseph Gibson, L. Gerlinger, Jr., M. Bloch,
Precinct No. 27—Judges, J. C. Sauvain, L. F.
Chemin, A. Noltner, W. C. Seachrest, William
Sinciair, Thomas Duffy, clerks, R. Martin, Jr.,
W. H. Chapin, T. G. Harkins, R. H. Hurley,
W. E. Day, Fred Noltner,
Precinct No. 28—Judges, J. C. Bayer, J. Barbey, Sensea Smith, Dr. F. I. Ball, W. T. Muir,
Dell Stuart; clerks, G. Anderson, C. H. Gay-

Precinct No. 20 June 19 June 1 as.

Precinct No. 30—Judges, N. Ciark, G. S. tvingstone, D. W. Taylor, L. L. Hawkins, P. eu, B. D. Sigler; clerks, M. Pratt, W. I. Cotell, B. Fink, J. A. Boyce, C. L. Fay, Charles

olas.
Precinct No. 20-Judges, N. Ciark, G. S.
Livingstone, D. W. Taylor, L. L. Hawkins, P.
Neu, B. D. Sigler; clerks, M. Pratt, W. I. Cottrell, B. Fink, J. A. Boyce, C. L. Fay, Charles Baxter.
Precinct No. 21-Judges, William Fliedner, G. L. Precinct No. 22-Judges, Uniliam Fliedner, G. Precinct, Const. Const.

There have been two sessions of the Legislature since the bituminous paving case, one at which the charter was amended, but the same provisions, in substance, were left in as were in the old charter under which the bituminous paving case was decided. There has been one session since the Allen case. There has been one session since the Allen case. There has been one offort on the part of the Legislature to modify these decisions, and the re-enactments are the same as the old laws.

Therefore, it seems to me that there can be no responsibility upon any officer of the city for this condition of affairs, and that the only protection that the property owner has is the for this condition of affairs, and that the only protection that the property owner has is the elemal vigilance of the inspector, who must see that the pavement is laid down according to contract. A bond of maintenance is no pro-tection, because it is void. I, therefore, advise you that the city is without authority under any circumstances to take the bond. It would be ultra vires and void; and that, as the signa-tures to the petition were secured under such a representation, the ordinance should not be passed. For if it is, it will certainly involve the city in serious litigation, in which it will lose, Steele, H. S. Tuthill, H. La Dow, G. G. MaySer.
Precinct No. 49—Judges, Robert Warwick,
James Shaughnessy, L. R. Houfton, Frank La
Dow, James Rogers, Archie Trites; clerks, F.
W. Funk, A. F. Gordon, Fred Beuche, James
Burch, Chaffes Rogers, H. A. Steldt,
Precinct No. 55—Judges, James M. Crider, C.
E. Hill, J. M. Farmer, A. C. Bachrodt, W. P.
Hickam, W. F. Barn: clerks, J. H. Davis, H.
D. Carnines, Ernest Kroner, J. M., Pittenger,
James Handian, George W. Britler,
Precinct No. Si—Judges, E. E. Miller, A. M.
Brown, F. A. Watta, Charles Ort, L. B. Cottingham, W. A. Rideout; clerks, William Denny, R. E. Menefee, John Bartosch, Edward
Woodard, F. C. Drews, F. T. Davis,
Precinct No. 52—Judges, W. G. Woodard,
W. N. Jones, M. G. Munly, B. E. Lippincott,
J. T. Whislley, A. F. Velguth; clerks, E. C.
Masten, O. N. Plummer, R. P. Graham, W. H.
Braden, W. H. Walker, Newton McCoy,
Precinct No. 53—Judges, J. T. Thompson, Petar Hanson, J. C. Thomas, O. D. Wolfe, W. M. city in serious litigation, in which it will lose, and tie up the street for several years. The Spokane flyer leaves Portland daily at 6:15 P. M.; arrives Spokane following morning at 9:50. This is the favorite train with everybody for Eastern Washington and Coeur d'Alene points. Ticket office Third and Washington streets, O. R. & N. Co.

Killingsworth, E. J. Haight; clerks, E. W. Rowe, R. Whiting, C. P. Haight, J. F. Hill, H. Manson, V. S. Ogle. Precinct No. 54—Judges, A. J. Freeman, W. M. Tuttle, George Esteroll, J. R. Truman, W. H. Goddard, Louis Stopper; clerks, F. W. Moore, Carl Applegreen, R. L. G. Wiser, E. C. Blackwood, William Roland, E. S. Eller, Precinct No. 55—Judges, J. R. Swinton, A. E. Cadwell, W. T. Vaughn, Samuel F. Scott, M. Billings, M. L. Duff; clerks, George S. Hamilton, A. H. Burton, R. H. Connall, Henry Fleckenstein, Charles M. Morgan, J. H. Richreds. TO WORK FOR OPEN RIVER

THE CHAMBER OF COMMERCE DIS. CUSSES SENDING DELEGATE.

Prustees Consider Choice of Oregon Representative at Washington-President Authorized to Act.

The question of appointing a representa-tive of the Portland Chamber of Commerce to work for an open river at Washington came up before the meeting of the oard of trustees at the meeting yesterday morning. President Mears was given full authority to appoint the Oregon delegate. A letter was received from E. H. Nibley, president of the Commercial Club, of Lewiston, Idaho, in regard to the proposal. Said Mr. Nibley in part:
"With reference to the matter of a citi-

cieres, George Hammond, Woodstock; Albert P. Vall, South Mount Tabor; Joseph McMahon, Richmond.

Precinct No. 61—Judges, William Deveny, W. G. Smith. D. W. Butler, L. R. Lewis, Iraliantendry, Thomas J. Pedlock; clerks, Henry Freeborevech, E. E. Hull. E. I. Barnes, Frank Higgins, F. E. Burdick, J. D. Henry; Precinct No. 62 (one set)—James H. Douglas, G. R. Shaw, John Brown; clerks, I. M. Burton, George Bamford, G. L. Curry, Precinct No. 63—Judges, Charles Cleveland, W. Hamilton, John Buckley, G. W. Kenny, J. D. Rigner, Charles Merrill; clerks, H. R. Winchell, D. W. Metzger, James Ritchey, James Dixon, E. L. Thorp, W. J. Wirtz, Precinct No. 64—Judges, H. H. Wright, J. S. Otis, John Sleret, F. E. Harlow, D. D. Jack, C. E. Edwards; clerks, P. H. Roork, R. Larson, W. M. Hillgard, W. S. Woods, George Blackburn, H. B. Chapman, Precinct No. 65 (one set)—Judges, E. D. Chamberlain, H. B. Perkins, Sylvester Evans; clerks, F. N. Lasley, Albin Floss, L. H. Rickert, Precinct No. 66—Judges, R. F. Preston, H. A. Latoursille, W. R. Maffett, M. F. Dixon, Henry Thompson, D. O'Keef; clerks, H. H. Bradley, George Haines, Newton Courter, F. Flos, W. R. Hutchinson, William Wash, Precinct No. 68 (one set)—Judges, James Thomas, H. C. Edmanson, John Sharp; clerks, S. T. Elliott, Summer Smith, S. Kinsman, Precinct No. 68 (one set)—Judges, James Thomas, H. C. Edmanson, John Sharp; clerks, Cita Hoffman, Chris Zerbrook, Samuel Johnson, Precinct No. 69 (one set)—Judges, T. H. zens' delegation in Washington, D. C., to work for the open-river movement, we have not yet been able to persuade Mr. C. F. Adams, if Boston, to take the mat-ter up this Winter. I know he is very busy, and I know also that he will do this if he can. If the representatives of Oregon and Washington be of similar prominence, it might have a favorable in-fluence in deciding Mr. Adams. Therefore, was you inform me as soon as pos-sible who are to be such representatives. Mr. Adams has a very high opinion of Mr. H. W. Scott, and also of Mr. Corbett. I would be glad to know that either of these gentlemen is to represent you."
In a general discussion which followed, W. B. Ayer said the Chamber of Com-merce should send delegates to Washing-ton, D. C., if other bodies in Washington and Idaho would do the same. He moved that the matter be referred to

President Mears, with power to act.
In reply to questions, Henry Hahn, expresident of the board of trustees, said
Mr. Scott and Mr. Corbett were desirable
men as delegates, but he did not know if the former had time to attend to the work. C. W. Fulton, of Astoria, was a very good man, and if asked to go to Washington he might consent and might do good work for the state. Put to a vote, Mr. Ayer's motion was

carried. The proposed amendments to the interstate commerce law were brought up be-fore the Board of Trustees of the Chamber of Commerce yesterday, in the form of letters from Secretary Bacon, of the Interstate Commerce Law Convention, and Secretary Barnard, of the Pacific Coast Jobbers' Convention. Mr. Bacon's letter was a cool answer to the Chamber's proposition. Mr. Barnard said there proposition. ors for the proposed improvement of Fourth street, Mr. Long held that the bond would involve the city in litigation, "In which it will lose, and the up the street for several years."

The question regarding the bond was rejet and the proposed to the bond was rejet and the proposed to the bond was rejet and the bond was proposition. Mr. Barnard said there were some reasons for not pressing the amendments at present.

The interstate commerce matter was taken up by the Chamber some time ago. The executive committee of the Interstate Commerce Law Convention asked the trustees to indorse some of the proposed imendments to the interstate commerci laws. In reply the Chamber requested the Oregon delegation in Congress to support the amendments only so far as they benefited the Pacific Coast, and recommended that the country be divided into five districts—the Atlantic Coast, the Pa-cific Coast, the Great Lakes, the Gulf of Mexico, and the Missouri and Mississippi Valleys-and after getting the President to appoint one member of the Interstate Commerce Commission from each district Word to this effect was sent to the Pacific Coast Jobbers' Association. Bacon said in reply:

"The bill has been so drawn that it is equally applicable to all sections of the country, and its passage is of equal inter-est to all, and it is meeting with general support from the entire country. If the influence of the various commercial or-ganizations is brought continuously to bear upon members of Congress from their respective localities, the early passage of the bill can be confidently expected, and I hope each organization interested in the movement will see to it that its influence continues to be exerted in this direction

in every possible name.
"If is certainly unfair to the Pacific Coast and detrimental to the effective working of the commission itself that there should have been no appointment hitherto made on the comm that important section of the country. Secretary Barnard's letter was as fol-

dition as it was when it was first constructed, excepting where it may have been neglected or misused in the northern extension of the street. I have no interest in any controversy between any rival contractors, or the promoters of any special class of improvements, but speaking for the owner of the lot on Fourth street mentioned, I seriously object to being compelled to pay as much as a permanent improvement would cost and to take the promise of a surety company that the improvement "I am instructed by the executive comwould last for 10 years. A first-class improve-ment with reasonable repairs ought to last an indefinite length of time, and we ought not be compelled to rebuild a street every six or seven years, especially when we are asked to pay for a doubtful improvement under a doubtful bond—\$1 80 per square yard, when a tried improvement, under proper construction, would only cost \$1 90 per square yard.

The matter was brought to the attention of Mayor Bows and he referred it to City mittee to state that while they favor some amendment in the interstate commerce act, shown by experience to be advisable, they would prefer that no amendment be made during this session of Congress, until the traffic conditions affecting impor-tations to the Orient, and particularly to our new insular possessions, are better understood, as there is every probability that foreign competition to our new pos essions will develop interests that may require large discretion in the commis sion, so that the freight rates may be clastically treated. It is assumed by our executive committee that no harm can posed bill until the next session of Congres, when it will no doubt be possible to operate on amendments working with equal advantage to the Middle West and

> The letter was placed on file. A letter was received from H. M. Cooper, of Independence, stating that he knew of a mountain of glass rock within easy distance of Portland. The rock, he said, was fit for glass manufacture, and could be melted by rolling a burning log over it. The letter was referred to the committee

on manufactures. A communication was received from Commander W. R. Day, Lighthouse Inspector, United States Navy, stating that the Lighthouse Board at Washington had authorized him to discontinue all buoys that are constantly being dragged out of position by rafts. He will carry out his orders in the future. He suggested that in the interests of all persons engaged in shipping, laws be passed by the Legisla-ture regulating the length of rafts and the motive power; also that regulations be made that the masters of towing vessels will respect.

anything further is void.

The proposition narrows itself down to the question as to whether such a bond can be taken as a part of the original transaction, and I am of the opinion that such a bond would not be legal, the property owners would not be protected, and that the obligators would escape liability. As I understand from you, and quite a large number of property owners who have appeared before me—Mr. Ladd, Mr. Fenton and several others—the theory upon New members were elected as follows: The G. Heltkemper Co., the Fred T. Merrill Cycle Co., Alvin S. Hawk & Co., the Smith & Watson Iron Works, Otto Scau-mann, J. A. Melton, Pacific Tent & Awning Co., the California Powder Works, J. which people were induced to sign the petition for this improvement was that a maintenance bond could be taken under which they would be protected and the street kept in repair for 10 years; that otherwise they are not in favor of this class of improvement. I have to advise your honor that to me it is free from doubt, and that the city is without authority to take such a bond. The committee on navigation was not prepared to report, and, in order to re-ceive and consider this report at the earliest possible moment, the board adjourned

STATION A WILL REMAIN.

So Reported to Push Club Last Night -President Fenton's Remarks.

An interesting meeting of the East Side Improvement Association was held last night in the office of Justice Vreeland, East Morrison street. president, presided. C W. D. Fenton. Owing to of other important matters the business



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for the evening was light. It was reported that the express office would be retained on the East Side with added facllitles, in response to a petition from the association and business men.

W. L. Boise made the important announcement that postal station A, which there has been talk of abolishing, would not only remain, but would be enlarged and removed to Grand avenue. The present quarters would be retained till October, at which time new quarters would be provided, negotiations same having been opened. Mr. Bolse also reported that good progress had been made in the preliminaries to making fills west of Union avenue. At the next meeting of the association some definite information would be had. Mr. Boise said that the filling of the streets was highly important.

Dr. Josephi called attention to the bad condition of the crosswalks on the East Side. He thought that something should be done toward having them kept rea-sonably clean. The matter was referred to H. H. Newhall, chairman of the street committee

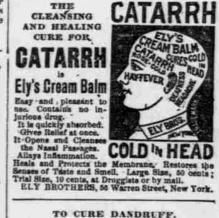
ommittee.

It was reported that the matter of the widening of Hawthorne avenue between East Tweifth and East Twenty-first would be accomplished, as the Ladd es-tate had consented to the widening. When widened Hawthorne avenue will be 70 feet wide straight through from Madison bridge to Mount Tabor, and will be one of the finest streets in the city. Mcmbership of the association was re-

Mr. Fenton said that as far as his observition goes, there was great good coming from the work of the association and from all the organizations that had been started in the city. These are some of the means that are helping the city. He said that already the proposition to hold a Lewis and Clark Exposition has made known the fact that Portland is on the map. Tons of printers' ink has been scattering the information far and r. The Southern Pacific will new families in the Willamette ley this year, and has made a \$25 rate from the East for this purpose. The advertising, said Mr. Fenton, that Portland and the state has received this year is worth more than \$500,000, and he looks for an extraordinary increase Northwest in point of population.

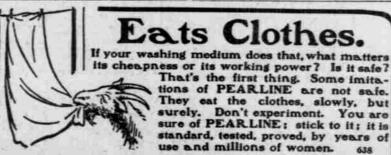
Becquerel finds that radium rays destroy the germinating power of seeds.

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