

of the provision of the Constitution or the Gov-ernor's proclamation, it is the "General Assem-bly" of the state, in which the full and ex-clusive legislative authority of the state is vested. Where its hustness at such essions at his house. The guests arrived, and, vested. Where its nature constitutional pro-vision, the General Assembly may enact any law at a special or extra session that it might at a regular session. Its powers, not being derived from the Governor's proclamation, are not confined to the special purpose for which it may have been convened by him. after an evening of galety, Peterson arose to propose a toast. He said: "Here's to our dear fatherland, to which my spirit will fly." Peterson drew a revolver as he concluded, and, before his horrifled friends could interfere, he fired a bullet through

It will be noticed that there is no au thority conferred upon the Governor by the Constitution to limit by proclamation the measures to be considered by the Legislative Assembly when convened. is made the duty of the Governor to state to both houses, when assembled, the purpose for which they shall have been con-vened, but whether the Legislative As-sembly shall direct its attention to the suggestions of the Governor is for the two houses to determi

Judge Cooley, in his work on Constituanal Limitatio 5th edition, says:

me the Legislature in extra He may co

ms, p. 187, star page 155, fore the Supreme Court on a bill of exceptions.

his brain and fell dead.

ning to feel dubious about being able to secure any one building which will hold all the departments of the Postoffice,

all the departments of the Postonice, which has 300 employees on the payroll, to say nothing of the courts and officials to be provided for. The idea of having the departments of the Postoffice scattered around, with, say, the registry department at one end of the town, and the money-

SUES FOR THE DIFFERENCE. Owner of Steamer Strathgyle Claims Demurrage and Short Freight. A suit was filed in the United States District Court yesterday by C. T. Bow-ring & Co., of London and San Francisco, against the Portland & Asiatic Steamship Company for \$17,847 50. The complaint alleges that in March the defendant chart-ered from the plaintiff the steamship Strathgyle to sail from Hong Kong to Portland and to return. A full return cargo was to be provided, and any delay

Bingham.

beyond the period contracted for was to be charged for at the rate of \$200 a day. It is alleged that the steamer was delayed seven days, and its return cargo fell short to the amount of \$31,947 50. The

mension whenever extraordinary occasion seems to have arisen; but their powers when con-rened are not confined to a consideration of the vened are not confined to a consideration of the subjects to which their attention is called by his proclamation or his message, and they may legislate on any subject as at the regular sessions. An exception to this statement ex-ists in those states where, by the express terms of the Constitution, it is provided that, when convened in extra session, the Logislature shall exception to not for the the terms and the terms. consider no subject except that for which they were specially called together, or which may have been submitted to them by special mes-mage of the Governor.

The Oregon Constitution contains no such provision as that referred to. On the contrary, the State of Oregon, having adopted the provisions of the Constitution of Iown, construed by the Supreme Court of Iowa in June, 1850, it may be presumed that the construction of the Iowa Constitution is the construction which the courts would place upon the like clause in the Oregon Constitution. Such is the rule.

It follows, therefore, if a special or extra session shall be convened, the Legislative Assembly will be free to consider all matters of legislation which may be deemed proper or expedient. It is also said to be a mistake that the

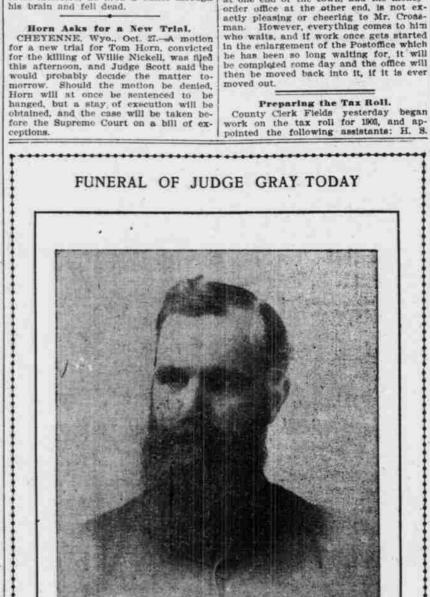
initiative and referendum amendment to the Constitution adopted by a vote of the people at the last general election is not operative until there shall be some legis lation upon that subject. The last sentence in the amendment (see page 1129, Session Laws 1899, and page 478, Session Laws 1901) reads: "Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be specially provided therefor." This amendment was submitted to be voted upon by an act of the Legislative Assembly approved June 25, 1901 (pages 4 and 5, Session Laws 1901). By that act it was the duty of the Secretary of State to canvass the votes and publish the result, and nothing further remains to be This amendment also contains this don: "All elections or measures reprovision: ferred to the people of the state shall be had at the biennial, regular general elec-tions, except when the Legislative Assembly shall order a special election. Anv measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise." It seems clear, therefore, that section 1, of article 4, of the Constitution, as thus amended, is operative and in effect, and whatever may be the merits or demerits of the endment, all legislation is subject to its provisions.

NEW WAY TO DEFEAT GATES

Colorado Fuel Fight Will Be Transferred to St. Louis.

DENVER, Oct. 27 .- The Times this afernoon says: The fight for control of the Colorado

Fuel & Iron Company will be transferred to St. Louis next week, when an applica-tion will be made to the Circuit Court of Appeals for a writ of supersedeas which will have the effect, if granted, of staying all proceedings until the case can be heard on its merits. The action will probably be brought in the name of George F. Bartlett, who intervened in the previous case, and prevented the holding of the annual meeting. If the court grants the annual meeting. If the court grants the writ, it will have the effect of preventing whit, it will nave the effect of preventing the holding of the annual meeting of the company fixed for December 10, by Judge Caldwell. The case will then be taken to the Court of Appeals and heard on its merita. It will probably be several months before it can be reached. In the meantime, the present management will re-



JUDGE J. H. D. GRAY,

ASTORIA, Oct. 27 .- (Special.)-The funeral of Judge J. H. D. Gray, who died at his residence in this city Sunday evening, October 26, 1902, will be held Tuesday afternoon, under the auspices of Seaside Lodge, No. 12, A. O. U. W., of which lodge he was a member.

Judge Gray was born at Lapwal, Idaho, then part of Oregon, March 20, 1839, and was the first white male child born west of the Rocky Mountains, his father, the late W. H. Gray, Oregon's first historian, having come from New York as assistant missionary with Dr. Whitman in 1836. Judge Gray went to Fraser River in 1858, and there engaged in the steambost business as mate and pilot until August, 1861, when he returned to Oregon and enlisted in the Washington Guards, expecting to be sent to the front during the Civil War. The Governent not wishing troops from this Coast, as they would have to be sent East via Panama, the regiment was disbanded, and he entered the employ of the Oregon Steam Navigation Company in March, 1862, as mate on steamboats, serving until September of the same year, when he was given command of a steamer running from Ceillo to Lewiston, Idaho, and from Olds Ferry, now Huntington, to Owyhee Crossing, on Snake River. While hunting prairie chickens with Colonel W. H. Hunt, of the United States Engineers, in 1867, his right hand was so badly shattered by the premature discharge of his gun that it was afterwards amputated at the wrist. In May, 1868, Judge Gray returned to Astoria, and has resided here continuously since that time, first engaging in the transportation business on the lower river, under a contract with the Government, and later conducting a general merchandise store. In 1886 he was elected a member of the Oregon State Senate, representing Claisop, Columbia and Tillamook Counties, and served in that capacity for four years. Among the measures which he succeeded in having pussed was one giving Cintsop County two Representatives and one Senator in the State Legislature. In 1804 he was elected County Judge of Ciatsop County, and was re-elected in 1898, his last term expiring on July 1 of the present year. He also held several other positions of public trust, and filled each in an honest and capable manner.

The deceased left a wife and eight children-Mrs. Augusta Fox, Harry D., William J., Charles E., Mary Allos, Sarah and Louise Gray, of this city, and Mrs. R. C. Wright, of Portland. He was a member of Seaside Lodge, No. 12, A. O. U. W., and of the Oregon Pioneer and Historical Society.

plaintiff demanded a settlement, but all the defendant would offer was \$16,500. plaintiff asks judgment for the full

MAY HOLD BUILDING SITE. Holder of Mechanic's Lien on Burned

House Has Remedy. Judge Sears held yesterday that, where

there is a mechanic's lien against a house, and the house burns down, the lien will still hold against the property. This decision was rendered in the suit of E. W. Baugham against Mrs. H. W. Taylor and Mrs. Eleanor Taylor to foreclose a mechanic's lien for \$460 on a building erected on a 15-acre tract. Mrs. Lohman holds a mortgage against the property. The attorneys for Mrs. Taylor asked leave to file a supplemental answer stating that the fire did not occur through the connivance or fault of the defendant,

HE CLAIMS COMMISSION.

Hitchings Says He Found Purchaser for Ferriss' Property.

J. H. Hitchings yesterday filed suit against Margaret A. Ferriss and her husband, C. S. Ferriss, to recover \$750 com-mission on account of the sale of some houses and lots in Couch's Addition. Hitchings in his complaint alleges that he found a purchaser in the person of Frank Klernan, and that he had certain agree ments which he mentions with Ferriss and wife concerning commissions. It is stated that the sale to Kiernan was completed by others, but Hitchings neverthe less thinks he ought to be paid,

Cases Set for Trial.

Judge Sears set cases for trial yesterday as follows: W. B. Kiernan vs. Pacific Mercantile Company, November 17. Marion E. Taylor vs. Richard Busteed, November 21. Samuel Bloom & Son vs. G. N. W. Wilcon, November 11. C. F. Petch vs. Oregon Water Power & Railway Company, November 13. George Good vs. W. K. Smith, Novem-ber 11.

Two Bankruptcy Petitions.

Petitions in bankruptcy were filed in the United States District Court yester-day by M. J. Foster, of Pendleton, and H. W. Miller, of Roseburg. Foster's liabilities amount to \$2015, and his assets, consisting of a section of land in Umatilia County and some exempt property, to \$650. Miller, who is the manager of the hotel at Myrtle Point, states that his liabilities amount to \$1963. He has no asiets.

Must Be Tried in State Court.

The motion to remove the suit of H. E. Stemler against the Tontine Savings Association was denied by Judge Sears yes. sociation was denied by Judge Sears yes-terday. Stemler sues to recover certain certificates held by him. Judge Sears said there seemed to be no good reason why the case should be transferred to the United States Court. It would probably be sent back again to the State Circuit Court, if the transfer was made

Cases to Be Decided Today. Judge George will announce decisions today as follows: Funk & Groener vs. Weisensee, motion or a new trial. State vs. Baldwin, same.

BUSINESS ITEMS.

If Baby is Cutting Teeth, Be sure and use that old and well-tried remedy, Mrs. Winslow's Soothing Syrup, for children teething, it soothes the child, softens the gums,



In the mines, upon the ranch, in the woods, Dr. Price's Cream Baking Powder can be trusted. Keeps fresh and of full strength through rough usage, in damp and heat, until used, and always turns the food out just right. Dr. Price's Baking Powder renders the food more eatable, wholesome and nutritious.

These great qualities are peculiar to Dr. Price's Baking Powder and make it valuable and best for use in the household everywhere.

PRICE BAKING POWDER, CHICAGO, U. S. A.