Under Referendum, When Will People Vote on Fair?

PUZZLING QUESTIONS RAISED

Doubt Is Expressed as to Constitutionality of Special Election Act Which Might Postpone Vote to June, 1904.

If the Lewis and Clark appropriation is to be submitted to referendum, can the people vote on it before June, 1904?

Some persons believe that the appropria-tion would be held up that long.

Other persons believe that it would not, because the Legislature at the last ses-sion passed an act for a special election. should a referendum be required. But the question arises, is the act constitutional?

Again, if the act is constitutional, may it not be submitted to referendum as well

as the appropriation bill?

Again, can a petition for referendum be filed with the Secretary of State before

All the above questions are fraught with All the above questions are fraught with immense interest and concern to the Lewis and Clerk Fair. If the state appropriation cannot be made available until after the general elections in June, 1904, less than one year will be left to prepare the state's part of the Exposition. Manifestly, this work cannot be done in so short a time. Besides, the directors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the factors of the Exit will not so about 40 the Pair will not go shead with their part of the Exposition because of the uncertainty of the election. All their plans have been formed on a scale toward which the state

formed on a scale toward which the state was to co-operate.

Therefore, if the election on the appropriation is not to be held until June, 1904, and if the Pair is to be held in 1905, nearly all the preparatory and construction work will probably have to be done in less than one year. This would be manifestly impossible, and postponement of the Exposition until 1905 might be necessary.

The Leuislature meant to avoid such

The Legislature meant to avoid such delay by enacting a law for a special election on the appropriation, should a referendum be required. The act directs the Governor to call, within 36 days after the Governor to call, withir. 30 days after the petitions for referendum have been received, a special election to be held within 30 days after the proclamation. The constitutionality of this act was in doubt when the bill was prepared, and now the doubt is revived. Referendum on the portage road, the Eddy corporation tax or any other act would not be held until June, 1904, because the act for a special election applies only to the Fair.

Is the Amendment Invalid? All the questions at the lead of this ar-ticle are based on the constitutionality of the initiative and referendum amendment. If that amendment is invalid, they will melt away like fog before the sunshine. And many lawyers believe that the Su-preme Court will shed the sunshine if called upon to do so. Their belief is based chiefly on the fact that the initiative and referendum amendment was adopted while other amendments were pending, and also on other inconsistencies between the amendment and the constitution

W. S. U'Rea, of Oregon City, father of the initiative and referendum, believen that the Governor is inhibited from calling a special election on the Fair appro-priation. Mr. U'Ren is father also of the act passed at the last Legislature session, prescribing the method of procedure for the initiative or referendum. He believes that no petition for the referendum can be prepared and filed with the Secretary of State until 90 days after the close of the Legislative session; that is until May

is this: The power to order a special elec-tion for referendum is vested in the Legslature alone; therefore, the Legislature cannot delegate this power to the Gov-

Mr. U'Ren's reason for his second opin ion is this: The Government "shall be guided by the general laws and the act submitting this amendment until legislation shall be especially provided therefor, was passed making effective the initiative and referendum; this act will not becom operative until May 21; therefore, peti-tions cannot be prepared and filed until after the act becomes operative, because legislation has been especially provided

The response to the argument that the Governor cannot call a special election is

Special Election Argument, The Legislature has ordered a special election should a referendem be required. That body has ordered an election under a certain contingency, and has delegated to the Governor the power merely to fix the date of the election. The grant of a power to the Governor is a Legislative

"There is no constitutional reason," says the American and English cyclopedia of "why Legislative functions which are merely administrative or executive in their character, should not be delegated by that branch of the Government to other departments or to bodies created by it for that purpose." A number of prominent lawyers took this view yesterday, including F. V. Holman, who referred to the above suthority. the above authority.

"A distinction is drawn," the cyclopedia continued, "between a delegation of pow-er to make the law, involving necessarily a discretion as to what it should be and grant of authority relative to the adminof the law or its discretionary

The opinion that no petitions can be prepared or filed until May 21 is met with the following argument: No "legislation has been especially pro-

vided" because the act passed at the last Legislative session has not yet passed through all the processes necessary for a law. Therefore, the initiative and refer-endum is just as operative as it was before the Legislature met, because the amendment contains provisions for mak-ing it effective, as follows: "In submitting the same (petitions and orders for the ininitiative and the referendum) he Secretary of State) and all other officers shall be guided by the general laws and the act submitting this amandment until legislation shall be especially provided

## VIEWS OF W. S. UREN.

Father of Initiative and Referendum Explains His Measure.

OREGON CITY, Or., May 5.—(To the

Editor.)-I beg to suggest, through The Oregonian, to those voters who want any act of the last Legislature referred to the peeple, that before spending time or ranchey in circulating petitions, it will be worth their while to consult counsel on the following questions, if they have not Can the Governor legally call a special

Can the Governor regally call a special election on the appropriation bill for the Lewis and Clark Fair?

Can any petition for the referendum be prepared and filed with the Secretary of State until after the period of 90 days from the close of the last session of the Legislative Assembly?

I believe the constitution, including the provisions of the hillstive and referenders.

visions of the initiative and referendum

iment, answer No to both questo be ordered "either by position, signed by 5 per cent of the legal voters, or hy the Legislative Assembly, as other bills are enacted," and provides that "all elec-tions on measures referred to the people of the state shall be had at the regular

HOW LONG HOLD UP? | general blennial elections, except when the Legislative Assembly shall order a special election." The Legislative Asthe Legislative Assembly shall order a special election." The Legislative Assembly did not order a special election, but tried to authorize the Governor to do so, if 5 per cent of the voters should file a referendum petition. The Legislature cannot delegate this power either to the Governor or to the people. The question of special elections was carefully considered by the direct legislation committee at the time the amendment was drawn. It was estimated that a special election would cost from \$5,000 to \$0,000, and it was unanimously agreed that the Legislative Assembly alone should have the power and bear the responsibility for such an expense. One of the 'principal objections urged against the referendum was the expense of elections. The authors of the amendment sought to avoid any extraordinary expense, unless it should be ordered by the Legislature, and it seems to the writer that the language used expresses that intention very clearly.

If this is the true construction of this provision, no special election can now be called without a special session of the Legislature. There is a very great difference between the power of the Legislature fo do a thing itself, and the power to allow somebody else to do it, if still another somebody else to do it, if still another somebody else asks to have it done.

As to the second question: The amend-

another somebody else asks to have it done.

As to the second question: The amendment provides that the Secretary of State "and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor" in submitting measures to the people. Legislation has been especially provided for the operation of this amendment (see general laws of 1960, page 244) by "an act making effective the initiative and referendum provisions of section 1, of article IV of the constitution of the State of Oregon, and regulating elections thereunder." The fact that this act does not become operative until May 21, because the constitution holds it up until that date, it seems to the writer does not alter the other fact that legislation has alter the other fact that legislation has been "especially provided therefor" as the amendment contemplated. If the Legislature had not provided any

If the Legislature had not provided any legislation especially for the operation of the amendment, we should have a very different question to answer. But the legislation having been provided, it seems very clear that no petition for the referendum or the initiative can be prepared and filed until that law goes into operation on May 21. W. S. U'REN.

## UTOPIA FOR NEGRO:

Tale Student Asked to Become Head of Republic in Hayti.

NEW YORK, May 5.-William Pickens, a negro who won the junior exhibition prize at Yale, has been asked to become the head of a new Afro-American republic to be established in Hayti, says a World dispatch from New Haven, Conn. In his oration, which won the prize, Pickens dis-cussed Hayti's freedom and declared The scheme is to effect a conquest of the

Island of Hayti by American negroes an up a government utopian in char-The junta of the movement is at Sturgis, Ky., and the correspondent of the society is N. L. Musgrove. He asks that Mr. Pickens act as secretary and board member in this section, and says that the Yale man would eventually be chosen as president of the society. It is also sug-gested that he take the lecture platform and raise funds for the organization. Mr. Pickens, when seen, said that he had the matter under consideration and would seek advice before enlisting his services in the movement.

the movement.
In discussing the pian he said:
"Innovations and noveitles in the methods of government are proposed after Hayti has been overcome. While the government would be republican in its political formation, it would be administered as a gigantic corporation, of which all members of the society would be stockholders. All land titles and franchises are to be vested in the state. All dangerous and incorrigible criminals will be provisioned and set adrift on the sea to seek other shores. eek other shores.

"Agriculture, manufacturing and all other profitable industries are to be encouraged. Public schools are to be established, and liberty is to be widespread, but the rights of each individual are to be bounded by the equal rights of every

### TO ASSIST WORTHY POOR Philanthropic Pawnbroking Enter-

NEW YORK, May 5 .- Thomas M. Mul. president of the St. Vincent de Pau ety; the Rev. Dr. David James Bur rell, of the Marble Collegiate Church; the Rev. Alex. P. Doyle, of the Paulist Fath ers; E. F. Cragin, Robert B. Miller, and others, are backing a philanthropic pawnbroking enterprise, in which they hope to embark soon, after a bill incorporat-ing the Personal Property Loan Company shall be signed, with a capital of \$10,000. One hundred thousand dollars has been pledged to start the business.

The incorporators aim to establish a system of pawnshops, nonsectarian in character, but in touch with church interests, so that the worthy poor may be assisted. The company is to charge only \( \frac{1}{2} \) of I per cent interest a month on loans. In view of this low interest charge, the says the city officials sh cord all chattel mortgages, bills of sal and the like free of charge.

## YALE BREAKS TIE AT LAST Defeat Princeton on Debate After Nine Years of Argument.

NEW HAVEN, Conn., May L. Yale broke her tie last night with Princeton in debate, making the score, after nine years of argument, stand: Yale 5, Princeton 4. At last night's debate Yale had the affirmative on a resolution de-claring that the Senate should adopt the cloture rule. The Yale speakers were: Waiter M. Adriance, St. Louis; Rohert S. Hinkers, Brooklyn, and J. N. Plerce, Brockton. The Princeton debating team was: Thomas R. Good, Denver; Arthur P. Scott, Chicago, and A. J. Byles, Titus-

President Arthur T. Hadley, of Tale, presided. The judges were John G. Carilale, of Kentucky, a former Speaker of the House of Representatives; Francis L. Stetson and Charles G. Burlingham, prominent New York lawyers. It is the first debate Yale has won in two years. debate Yale has won in two years.

## NEW PATENT TIME FUSE German Watchmaker Sells His In

BERLIN, May 5.-A watchmaker named Frits has sold a mechanical time fuse for projectiles to the Krupp Company for \$60.000 and a royalty of 25 cents for each device used. The Schneiders of France have acquired the rights for Latin countries, acquired the rights for Latin countries, and Vickers' Sons and Maxim have secured the rights for the United States and Great Britain. The mechanism can be adjusted so as to explode in an astonishingly short time, at long distances and immediately penetrating a resisting substance, such as a ship's armor plate or a fortification wall. The new fuse is regarded as being especially useful in exploding shrapnell shells.

## LOW-RATE OCEAN TRIP.

0. R. & N. Does the Handsome Thing O. R. & N. Does the Handsome Thing for Big Presbyterian Assembly.
Those who expect to attend the Presbyterian General Assembly at Los Angoles, May 23-June 2, will be interested in knowing that the O. R. & N. has made the low round-trip rate from Portland by steamable of 18 cabin passage. Tickets will be sold for the steamship Elder, sailing May It, and for the steamship Elder, sailing May It, imited for sailing from San Francisco not later than July IS. Particulars can be obtained by asking at the C. R. & N. city ticket office. Third and Washington streets, Fortland.



## A. C. PALMER IS INDICTED

CHARGE IS PRETENDING TO BE A UNITED STATES COMMISSIONER.

Defense is ignorance of Wrong-Doing-No Indictment Returned Agninst Miss Marie Ware,

A. C. Palmer, ex-United States Comm sioner at Prineville, will have to be tried on the charge of falsely pretending to be a United States Commissioner. He was indicted on that charge by the United States grand jury yesterday, having been

The facts on which Paimer's indictment is based have been stated already in The Oregonian. His commission as United States Commissioner at Prineville expired on October 4, 1962, but he continued to do business in that capacity without authority. John H. Hall, the United States District Attorney, has a list of 256 land cases in which he has taken the oaths of locators on Government land

since that date. since that date.

The penalty for the offense with which
Palmer is charged is not more than \$1000
fine or not more than three years' imprisment, or both, at the discretion of the court. The law under water he is and dicted was passed April 18, 1884, and pro-The law under which he is in

vides:
"That every person who, with intent to defraud either the United States or any person, falsely assumes to be an officer or employe acting under the authority of the United States or any department, or any officer of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person, or from the United States, or any depart-ment, or any officer of the Government thereof, any money, paper, document or other valuable thing, shall be deemed other vanualle thing, shall be deemed guilty of felony and shall on conviction thereof, be punished by a fine of not more than \$1000, or imprisonment not longer than three years, or both said punishments, in the discretion of the bourt."

The people who made oath before Palmer will probably not suffer in the

Palmer will probably not suffer in the end, although all his official acts subsequent to the expiration of his commis-sion are legally void. The law makes pro-vision for the validation of oaths taken under such circumstances, and in all prob ability those persons who have adver-tised that they would make final proof be-fore him can do so before any other qualifled officer in the district in which the lands are located. This point is still un-der consideration. The people affected came from all parts of the country, some from as far away as Pennsylvania, but the majority came from Oregon, Washing-ton. California and Idaho. Mr. Palmer claims to be perfectly inno-

cent of any intentional wrongdoing. His explanation is that he was first appointed commissioner at Mitchell for four years. When his term was three years old he moved to Prineville and obtained a new moved to Pripeville and obtained a new commission for four years. About a year ago his office was repapered and he wet sight of his commission after it was taken down from the will. He forgot that he had lost a year of his first term through his removal, and, under the impression that he had another year to serve from last October, he continued to officiate. last October, he continued to officiate.

The grand jury was discharged yester-day without having taken any action in the case of Miss Marie Ware, the ex-United States Commissioner at Eugene When asked whether any action was con

"I have no information about the or any case connected with that of Miss

"Have the charges against Miss Ware been dropped?" was asked of A. R. Greene, the special inspector for the In-terior Department, who has been connor Department, who has been con testing the Investigation. "By no means," he answered. "Evident

ly the department could not act on it in time for this grand jury. I sent my re-port to the Secretary on March 21. He would submit it to the Assistant Attorney-General for the Interior Department, who General for the Interior Department, who would indorse his recommendation on it. If he thought there were just grounds for prosecution, the Secretary would transmit it to the Attorney-General for action. It is not unusual for important reports to lie in the department two or three months, or even longer, before they are taken up for final determination."

## CHARLES HOUGHTON ON TRIAL, Admissions He Made in Previous

Hearing Allowed to Stand. The second trial of Charles, alias Chick Hougton, on a charge of robbing Steve Balch a young man from Prineville, was commenced yesterday morning before Judge Frazer, and a jury, and will be concluded today. Balch visited Portland last Winter, and one night fell in with Hougton in a saloon at Fourth and Everett streets. He states that they came out of the saloon logether, and that

trial by the Supreme Court.
Yesterday Houghton did not take the
witness stand in his own defense, and
on motion of Deputy District Attorney Spencer, Judge Frazer allowed the evi-dence given at the former trial by Houghton, to be read by the official court reporter, so far as it related to any ad-missions made by Houghton. The court ruled that Houghton at the former trial took the witness stand voluntarily, and any admissions which he made were in the nature of a voluntary confession, and

admissible as evidence now.

The court marked such portions of the transcribed testimony as should be read.

These admission concern Houghton's account of his association with Balch on the night the alleged robbery occurred.

## Suit Decided in Favor of Cornella

Burkhart and Elizabeth Cadwell, In the suit of Cornella Burkhart and Elizabeth Cadwell against Alfred P. Wat-son, Ona Watson Sloan et al., to de-termine the ownership of 874 acres of land near Lents, valuel at about \$500, Judge George yesterday rendered a deci-sion in favor of plaintiffs. The defendants are the heirs of An-

Gates and Cynthia Gates owned 175 acres of land, including the 87½ acres in dispute, and deeded the same to Demoval Talbot and J. A. English. On January 13, 1872, English executed a deed to an undivided one-half of the 175 acres to Alexdivided one-half of the 175 acres to Alex-ander P. Ankeny. On May 14, 1872, Ankeny made a deed of his interest to Taibot, and on the same day Taibot deeded the whole 175 acres to Cadwell. The deed of Ankeny to Taibot was not recorded until June 24, 1896. In the meantime, on April 24, 1886, Judge John H. Woodward obtained a judgment against Ankeny for \$15,000 on account of indebtedness by the latter to his partner, Andrew J. Watson. Woodward levied on the one-half inter-est of Ankeny in the 175 acres, supposing he still owned it, and bid it in at execution sale. On May I, 1894, Woodward transferred his interest in the property to Ona Watson Sloan, administratrix of the estate of her husband, Andrew J. Watson, deceased. The testimony showed that the Cadwell heirs always paid the taxes on the land. Judge George decided that Woodward when he levied the execution on the land had notice that Ankeny did not own it.

## HUGH TRAYNOR IS FREE,

Judge Sears Decides That Witnesses Must Testify Orally.

Judge Sears resterday directed the jury to return a verdict of not guilty in the case of Hugh Traynor, who was on trial on a charge of stealing \$40 from Henry Louth by means of a bunco game. The court was compelled to pursue this course because of a statute which provides that in a criminal action the testimony of witnesses must be given orally, except that a deposition may be taken by consent, and also a constitutional provision which pro-vides in a criminal action the defendant shall be permitted to meet the witnesses

Henry Louth and his brother, Ed Louth, who are the principal witnesses against Traynor, have gone away, and the District Attorney was unable to locate them. Their testimony, taken by the official court reporter at former trials, was offered to be read, but under the statute and constitutional provision referred to Video

to be read, but under the statute and con-stitutional provision referred to, Judge Sears decided this could not be done. Traynor's accomplice was convicted last December and sentenced to three years in the pentientiary. He has appealed to the Supreme Court, and, pending a de-cision on the appeal, is still confined in the county jail. Traynor was once con-victed, but was granted a new trial for the reason that the jury was not drawn in a legal manner. He is now at liberty.

### BANKRUPT IS INDICTED. Louis Robinson Accused of Making

Louis Robinson, a Portland merchant, was indicted by the United States grand jury yesterday for making false statements under the bankrupt act. One charge is that he falled to state in his petition that he was in possession of \$65 which he had just received from A Benjamin; another charge is that he concealed this asset from Alex Sweek, referee in bankruptcy, and R. L. Sabin, truetce in bankruptcy, and R. L. Sabin, truetce in bankruptcy.

reptcy.

There is a further count that Louis Robinson turned over goods to Lazer Robinson valued at \$1518; that he received \$1500 from Lazer Robinson and desied it, that he falsely stated that he betrowed \$757 from H. Benjamin and repaid it to him, and also committed perjury in

Houghton and another young fellow took about \$30 cash from him.

Houghton denies that anything of the kind occurred, but he admits that he met Balch. At the previous trial Houghton was convicted of assault with intent to rob, and was sentenced to eight years in the penitentiary. He was granted a new trial by the Supreme Court.

FREE BATHS SOON TO OPEN which he owed him. There is still a further charge that he testified falcely to having stored \$1200 worth of goods with Laxer Robinson. Some of these statements are conflicting and the reason given in the case is that the defendant, when his creditors became suspictous that he had not reade a two statements in the when his creditors became suspicious that he had not made a true statement in the first instance, tried to explain things away, and only made bad matters worse.

> Patterson Wants Damages. In the replevin suit of L. M. Julien against R. W. Patterson for the possesagainst R. W. Patterson for the posses-sion of a plano, Patterson yester lay filed aion of a piano, Patterson yesterlay filed an answer denying that he only paid \$135 on the purchase price, which was \$286. He says that he had several plano deals with Soule Bros. & Johnston, who assigned the claim to L. M. Julien, and also that he paid \$219 more than the various plano purchases on the installment plan amount-ed to. According to Patterson's story he traded in a second-hand plane to the firm ed to. According to Patterson's Story he traded in a second-hand plano to the firm, returned one he did not like, got another one, and so on. He alleges that there is \$219 coming to him, and that the plano firm has injured his credit and standing by creating a suspicion in business cir-cles because of the suit to the amount of \$500. Patterson formerly conducted a sa-loon and dance hall.

A sult of Albert Huber against B. B. arbuckle to determine the boundary line between their property at Third and Hall streets, was on trial before Judge George and a jury yesterday. Huber alleges that Arhuckle is over on his (Huber's) line 18 The defendants are the heirs of Andrew J. Watson, deceased, and the plaintiffs are the heirs of A. V. T. Cadwell, deceased.

At the time of the trial the litigants offered considerable testimony, and also consented to agree to the following statement of facts: On October 6, 1871, T. W. buckle is compelled to move off 18 inches it will interfere with a fence and perhaps with one well of his house. A jury was sent to view the scene yesterday after-noon, and the trial will be concluded to-

## Charged With Horse-Stealing.

John Parr, alias John Bushman, an Indian, was taken to Pendleton yester-day by Sheriff T. D. Taylor, to answer to a charge of horse stealing. He sold the horse to a farmer and came to Portland to have a good time on the proceeds. Carr attended the Chemawa Indian School for about four months and his excuse to the officer for coming to Portland, was that he intended returning to the school. Some time ago he was arrested for stealing a suddle and the court let him go on his promise to return to the school and stay there, but he did not keep his

The United States grand jury yesterday returned indictments as follows: James Patterson, selling liquor to John Logsden, an Indian, at Toledo on De-cember 1, 1992.

Indicted for Federal Offenses

John Logsden, selling or giving away a quart of whisky to Ellen Watts and Caroine Johnson. Gus Olson, giving a quart of whicky at

Toledo to Coquille Thompson. Stewart Rooney, selling whisky to William Martin White, an Indian on the Slietz reservation on March 3.

Alvin Baxter and Robert Herman, two boys indicted yesterday by the Federal grand jury for robbing the postoffice in the village of Springwater, pleaded guilty before Judge Bellinger yesterday, and were sentenced to serve a term of two years each in the Colorado State Industrial School. The crime was completed. trial School. The crime was committed on December 2, of last year, and the amount stolen was 85 cents. Robberies by boys of postoffices in small

country towns which are located in stores have been numerous of late, and the au-thorities are compelled to take measures to stop the practice.

Says Husband Threw Things at Her, Sult for a divorce on the ground of cruel treatment was commenced yesterday by Veronica Mohsmer against Mathias Mohsmer, in the State Circuit Court. In her complaint Mrs. Mohsmer sets forth that they were married in Brownsville, N. Y., November 7, 1855, and have no children. She alleges that two months after. A. I., November 1, 125, and have no chil-dren. She alleges that two months after their union her husband struck her in the face, and again in May, 1896. On another occasion she states that he threw a wooden water spout at her, and says that his conduct finally became so brutal that for her personal safety she was compelled to leave him.

Mary Armeden has sued L. E. Armeden for a divorce because of desertion al-leged to have commenced in 1896, They were married in Fortland in 1887. Were married in Fortiand in 1881.
Otto Links, indicted for passing postal orders issued in favor of Johannes Weinberg, and forging Weinberg's name to to the same, and Larry Kelly, for smuggling optium, were arraigned before Judge Beilinger yesterday and given until Thursday to plead.

Plans Are Made to Have the Bath-House Ready by the Close of Public Schools.

The free baths will be open to the public about June 1, and will be kept open throughout the swimming season. Edward Holman said yesterday that while nothing had as yet been toward getting the parts of the bath to-gether, steps would be taken at once. At the close of last year's season there was \$300 in the treasury, but there has been considerable expense taking care of the pontoons. A watchman has been looking after the bath-house plant, which is moored at the foot of Belmont and East Yamhill streets. This has cost about \$5 per month. The pontoons and other parts have come through the Winter without any material damage so far as

Mr. Holman has not lost his interest in the movement for providing free swim-ming baths here, and may be depended on to do all in his power to keep them going. He and Mr. L. Samuels spent much the work again, although it is felt that their management could not be improved on. No accident happened, and Mr. Mur-ray was helpful in teaching the novices

how to swim.

It is probable that the baths will be placed in the same location at the foot of East Yamhill street. Mr. Holman's plan is to have everything in readiness by the close of the public schools, which is about the time the youngsters take to the water. The usefulness and popu-larity of the free baths were fully attested last year by the hundreds who used them, young and old.

### MAY ABANDON ENTERPRISE. Doernbecher & Holbrook May Not Build Sawmill at St. Johns,

What effect the action of the St. John Council in refusing to vacate streets may have on the plans of Doernbecher & Holbrook for the erection of a large sawmill there will be settled today. Mr. Hol-brook said yesterday that there had been brook said yesterday that there had been a conference on the subject, but it was not decided whether the enterprise would be abandoned or not, but that this would be decided today. Mr. Holbrook, however, remarked that the parts of streets asked to be vacated were of no value to any one except for manufacturing purposes. It was desired to drive piles for the foundation of the mill at once, The petition and remonstrance read be-fore the Council contained about an equal number of signatures. Those who got up the remonstrance are of the opin-ion that St. Johns will some day be a great city, and that all of the 13 extending to the river will be need accommodate the great traffic that is coming. They also say that Doernbecher & Helbrook have 14 acres of land and have plenty of room for a sawmill outside of the streets they asked for. Howside of the streets they asked for. However, the petitieners urged that the street should be vacated as an encouragement to the establishment of the large sawmill, which otherwise may not be built. The plant under contemplation was to have a daily capacity of 50,000 to 75,000 feet of lumber, and would employ about 50 men. about 50 men.

East Side Notes.

Ex-Mayor C. H. Hill met with an accident at his home this week. While trying to descend from the steps in front of his house on Russell street. Albina, he fell and was considerably shaken up, but not seriously hurt. Mr. Hill, while confined to his home most of the time, drives out every day when the weather will permit. will permit.

The Guy Howard, Govern The Guy Howard, Government tender, was taken out in Supple's boatyard yesterday to replace the propeller scrow which was recently unshipped. The yard is now cleared. The steamer Cascades was the last to leave the ways. Under a shed a small propeller is being built for Everding & Farrell, and will soon be completed. Mr. Supple said he had no new work in sight at present.

Hey G. W. Plummer, master of the

new work in sight at present.

Rev. G. W. Plummer, pastor of the First Evangelical Church, East Market and East Sixth streets, and Rev. P. J. Green, of Memorial, were both sent back to those charges by the conference just closed at Salem, and they have returned. Mr. Plummer enters on his fourth year. The Pirst Church is now self-supporting. Its debt of \$150 is nearly all provided for, and will be paid off in a short time. Mr. Green enters on his third year at Memorial Church.

# IN BED OF FLOWERS

President Will Stand When Laying Cornerstone

DERRICK WITH FLORAL CHAINS

Plans for Founding of Lewis and Clark Monument Contemplate Unique Features-Children Will Do the Work.

When he speaks at the City Park, President Roosevelt will stand upon a carpet of roses and under a canopy of the most beautiful flowers the committee in charge of the work of decorating his stand can find. Not a trace of the woodwork used in erecting the stand will be seen, and from all sides it will appear to the pub-lic that the President is standing in a bed of flowers. The effect will be unusually striking and vastly different from anystriking and vastly different from any-thing attempted elsewhere upon the Pres-ident's trip. The outline of this decora-tive feature has already been made by. Oskar Huber, superintendent of the Lewis and Clark Fair work, who is in charge of the details for erecting the stand from which the President will speak when he-lays the corner-stone for the Lewis and Clark monument. The full details of the scheme of decoration will be worked out later.

Not only is a lavish use of flowers planned for the speaking stand, but the derrick which will actually lift the corner-stone into place will be concealed by roses. The big chains will be garlands of beautiful flowers and the dogs of the derrick will present the appearance of an engle formed of roses.

In order that the flowers may appear at their best it is proposed that this

at their best it is proposed that this decorative work shall be completed on the morning of May II. The President arrives in Portland at 2:15 P. M. on that day, and the parade features of his re-ception will occupy time enough to give the decorators all the opportunity for completing the stand that is required. There will be sprinklings, here and there, of evergreen and other decorative plants which can well be placed in position the night before and the completion of that work on May 20 will aid the workers the following day. The stand is to be erected under the

direction of the Lewis and Clark board of directors. Oskar Huber, superinten-dent, has the details in hand. He will not cent, has the details in halo. He will not commence construction work for several days, but the platform will be erected in plenty of time. It is to be built in a most substantial manner to obviate all possible danger of collapse, and will have a probable seating capacity of 150.

That portion of the stand reserved for the President and his party will naturally receive the most attention. A wire

ally receive the most attention. A wire trellie is to be erected over the speak-ing stand and this will be covered with flowers to form a beautiful canopy. Every board and every bit of wire used

herey board and every bit of whe used in the construction of the platform will be hidden from view with flowers or greens. It is planned that the platform shall represent nothing less than a magnificent bed of flowers, seemingly solid. On the floor of the platform roses and other flowers will be spread so as to form Mr. Huber plans that the national col-

ors shall be preserved in the decorative features. That means he will call into play flowers of red, white and blue, play flowers of red, white and blue, using roses wherever possible to secure them. From Portland and vicinity Mr. Huber believes a sufficient supply of such flowers should be obtained. The stars which are naturally shown with the national colors are to be woven into the general decorative scheme with violets. This, it is believed, will afford a striking contrast and a most beautiful

a striking contrast and a most beautiful expected, and, in fact, are absolutely necessary to insure the success of the

undertaking.
A request for the services of fully 109 school children will be made to the school authorities. It is probable the principals of the different school buildprincipals of the different school build-ings will be called upon to delegate ten children, aged not less than 12 years, to assist the committee in decorating the stand at City Park. These children would be used, at least on the morning of the day the President arrives, and possibly on the previous afternoon. The his corner-stone that is to be laid. The big corner-stone that is to be laid under the President's direction is rapidly assuming its shape and will be ready in plenty of time. The work of excavating for the monument will be undertaken this morning, and the work pushed as rapidly as possible. The work will be undertaken early, so that all possible canger of a slip at the last moment may

Powers Case Goes Over. FRANKFORT, Ky., May 5.—The case against ex-Secretary of State Caleb Powers, as accessory to the murder of William Goebel, three years ago, was called today for a third trial, when attorneys for Powers renewed their motion for Judge Cantrill to vacate the bench. The Judge took the motion under advisement, The cases of Harian Whitaker, "Tallow Dick" Combes and J. W. Davis, as accessories to the Goebel murder, were continsories to the Goebel murder, were continued. As another murder case was called, it is conceded that the Powers case will not be heard at this term of court.

VANCOUVER, Wash., May 5.—(Special.) On rural route No. 1, running out of this died during April. On route No. 2 about half this amount was baselled

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