

ATTACK THE LAW

Validity of Sailor Boarding-House Statute Questioned.

SAID TO BE UNCONSTITUTIONAL.

Suit to Have Legislation Set Aside Entered by White and Smith, Who Would Have Peace Officers Enjoined From Arresting.

Suit to have the sailor boarding-house license law declared unconstitutional and to enjoin the various peace officers from enforcing it was filed in the State Circuit Court yesterday by Harry White and William Smith.

The defendants named in the complaint are B. M. Meare, Herbert Holman and Edward W. Wright, comprising the Board of Commissioners for Licensing Sailor Boarding-Houses; District Attorney John Manning, Sheriff W. A. Storey, Constable W. E. Jackson and Constable A. D. Keenan, Ben Biglin, Harbor-Master; Charles Hunt, Chief of Police, and William Reid and Waldemar Seton, Justices of the Peace.

The court is asked to restrain and enjoin the defendants from molesting Smith or White in their business of conducting a sailor's boarding-house or hotel in Portland for the purpose of boarding, lodging or harboring sailors, seamen or apprentices or persons seeking employment as such, without first having obtained a license from the Board of Commissioners, and from pursuing Smith and White therefor or causing them or their employees to be arrested or criminally prosecuted.

Smith and White further pray that if they are not entitled to this relief a writ of mandamus will be issued by the court compelling the commissioners, Meare, Holman and Wright to issue a license to them authorizing them to carry on their business of keeping a sailor boarding-house.

The complaint recites that the license law passed by the Legislature and states that on July 2, 1903, Smith and White applied to the Board of Commissioners for a license, presented satisfactory evidence of their respectability and competency, and of the suitability of their boarding-house accommodations, offered to file a bond in the sum of \$500, but that the commissioners refused to grant the license.

The act of the Legislature Assembly to license sailor boarding-houses is alleged to be unconstitutional and passed in violation of section 25, article 1, section 22, article 2, section 26, article 4, of the bill of rights.

It is alleged that the act grants to certain citizens privileges and immunities which do not apply equally to all citizens of Oregon and that Harry A. Holman is not qualified to act as a commissioner because he was a member of the State Senate at the time of his appointment.

The business of keeping a sailor boarding-house is asserted to be legitimate, and Smith and White say they have invested large sums of money in it and established a substantial and profitable trade. They allege that if they carry on the business without a license they are threatened with arrest and prosecution.

The case was set for hearing before Judge Cleland on Thursday.

NO MONEY FOR THEM.

Chicago Commission-House Wants Back Money Loaned Sheepmen.
Suit to recover \$22,530 on a sheep deal has been commenced in the State Circuit Court by the Mallyory Commission Company, of Chicago, against J. E. Sherar and Charles H. Shurtz, doing business at Ellensburg, and Shurtz, John A. Little, of Antelope, and the First National Bank of The Dalles.

Sherar & Shurtz since 1899 have been engaged in buying and selling sheep in Oregon, Washington, Idaho, Montana, Minnesota, Illinois and elsewhere, and became indebted to the Mallyory Commission Company, so it is alleged in the complaint. This indebtedness on December 5, 1901, amounted to \$30,000, which was afterwards reduced to \$22,530. The money advanced by the company, it is asserted, was used by Sherar & Shurtz in the purchase of sheep in Montana, of which all but 2547 were afterwards sold and the money remitted to the Mallyory Commission Company, and credited. The remaining sheep were brought into the State of Washington and a chattel mortgage was executed by Sherar & Shurtz in favor of the company, covering the flock, increase and all wool. The mortgage was recorded in Kittitas County, Washington.

Notwithstanding the mortgage and in violation of the confidence reposed in them, it is alleged that Sherar, who was in charge of the sheep, without any notice to his partner, Shurtz, the entire band of sheep to John A. Little, of Antelope. This was done in March, 1902, before lambing time, and before the wool was clipped. The purchase price was \$2250.

The expense account against the sheep at the time was \$1718, and it is alleged that the sale of the band before lambing and clipping was contrary to good business judgment, and that the price paid was grossly inadequate. The complaint further recites that Sherar and Little both knew of the existence of the chattel mortgage and of the claim of the Mallyory Commission Company, and that they conspired to defraud the company.

Little, it is alleged, executed to the First National Bank of The Dalles a chattel mortgage on the sheep to secure \$1250, and it is further asserted by the plaintiff that Sherar has deposited \$1250 in the bank, which he alleges to be the net proceeds of the sale. In this connection, however, the Mallyory Commission Company says the money was borrowed from the bank by Little for the purpose of lending apparent bona fides to the purchase, and it was not intended that the money should be used by Sherar as his own, except as security to Sherar for his part of the profits which he and Little should derive from the fraudulent transaction. But Sherar, having become alarmed by demands upon him, intends to claim the sale of the sheep was genuine and withdraw the money from the bank, and use it as his own.

The wool clipped by Little, stored at Ellensburg, and the money in the bank, has been attached by the Mallyory Commission Company, and the appointment of a receiver is asked for. The bank's only part in the transaction is that it loaned, or has in its control, the money referred to. O'Day & Parpley, and Williams, Wood and Lathrop appear as the plaintiffs' attorneys. Judge O'Day states that he received a letter yesterday stating that Little acted honestly, and is willing to turn over the property on the return of the money which he put up.

LOW RATES CERTAIN

Railroads Will Favor Lewis and Clark Fair.

SELLING DATES TO BE CHOSEN

Round-Trip Rate From Chicago of \$50 Is Probable—Transcontinental Passenger Association Will Act at Its Next Meeting.

Though the Transcontinental Passenger Association did not act upon the recommendation of a special committee for low rates to Portland during the Lewis and Clark Exposition, there is a reasonable certainty that the question will receive favorable consideration at the next meeting of the association. In any event, the round-trip rates from Eastern points will be as low as any rate ever granted for a Pacific Coast meeting.

This broad assertion is made by railroad men who are familiar with the situation, and is made with a knowledge of the fact that a rate as low as \$50 for a first-class round trip from Chicago has been given to Coast meetings.

The directors of the Lewis and Clark Fair who appeared before the meeting of the Transcontinental Passenger Association held in Portland a short time ago asked for a round-trip rate equal to the one-way fare between Portland and Eastern points. They are apt to receive a much better offer.

The special committee which has had the matter in charge has been composed of the general passenger agents of the Northern Pacific, Great Northern, O. R. & N. Oregon Short Line and Southern Pacific. Charles S. Foe, chairman of the committee, will come to Portland before the next meeting of the passenger association is held, to confer with the directors of the fair relative to special selling dates.

The railroads, will not, as a matter of course, throw the low round-trip rates open for the entire low selling dates. This will be in progress. This, it is held, would be a policy that would have a ruinous effect upon general passenger traffic, and the roads will insist upon certain limitations to special rates.

While it is not stated that this is true, it is believed by passenger officials on the Coast that one of the reasons why the Transcontinental passenger Association did not act upon the Lewis and Clark rates at its Chicago meeting was because selling dates had not yet been arranged, and there was no one in Chicago who could give a correct idea of the number of days when it would be advisable to put the low rates into effect.

The Western lines intend to give cheap rates for the Lewis and Clark Exposition was made apparent yesterday. Assistant General Passenger Agent A. D. Charlton, of the Northern Pacific, received positive assurances that the concessions would be granted. He was handed a copy of the proceedings of the Chicago meeting, and the Northern Pacific rates on the Lewis and Clark Fair will be accorded all it desires.

Mr. Charlton authorized the statement yesterday that General Passenger Agent Peck would take up the question of Lewis and Clark rates when he visits the Coast, and that it was the intention of the Northern Pacific at least to give as cheap rates to Portland and other points as has been granted for a Coast celebration or meeting. This assurance covers the rates given for the Midwinter Fair at San Francisco, as well as other railroads circles that the northern lines are hoping to be able to put in a \$50 round-trip rate from Chicago, and \$45 from St. Paul, with other rates graded to meet the corresponding haul. The \$50 rate is the one which has recently been granted the Trans-Mississippi Commercial Congress for its Seattle meeting, and the assurance of Mr. Charlton that the Northern Pacific plans to give as low as any other city has ever received would seem to indicate that the Northern Pacific intended to guarantee a \$50 round-trip rate from Chicago.

The immense advantage of the \$50 rate can be understood when it is considered that the regular first-class fare between Portland and Chicago is \$62.50. The rate war between Portland and Chicago lines has cut \$2.50 off this figure, making the one-way rate now in effect \$58. The round-trip fare that will probably be given the Lewis and Clark Fair is \$3 better, therefore, than the directors had anticipated and asked.

The disposition of all the Western lines is toward granting the low round-trip rates during the Lewis and Clark Fair. This feeling is so strong that it is declared some of the roads would put the low fares into effect if the Transcontinental Passenger Association withheld its approval. The possibility of the passenger association's objection is, however, very remote. With more information at hand the rates are very apt to be authorized at the next meeting of the passenger association.

GARDENS WIN FLAGS.

Highland Improvement Association Awards Prizes to Contestants.
Last Spring the Highland Improvement Association, through the liberality of George M. Hyland, offered two flags as prizes for the best flower or vegetable garden, the competition to be open to boys and girls to be awarded a flag.

A committee from the improvement association inspected the gardens on that date and found two of them so nearly alike in merit that they decided to give first prize to both of them. The fortunate recipients were Frank Lillburn, 49 Prescott street, and Harry Stokes, 45 Prescott street, each of them receiving a flag and a certificate of commendation.

The second prize was awarded to Frank Taylor, of 42 Prescott street. Frank is only 8 years old, but had worked diligently and succeeded in producing a very creditable flower garden.

While the girls were not mentioned Edna Murray, of East Fourteenth and Wagon streets, tried her hand and did so well that the committee decided she should not be disappointed. A special prize, consisting of a beautiful silk flag, was provided for her.

All of the boys and girls now see that it pays them to compete and there is no doubt that a much larger number will enter the lists next year.

TRIED TO SELL A HORSE

Detectives Block the Game of John Carroll and John F. Murphy.

John Carroll and John F. Murphy were arrested by Detective Simmons on a charge of horse stealing. The case they attempted was a daring one, and but for the prompt actions of the policemen they would have netted \$15 in good cash for their venture.

The horse was the property of Charles Tilden, of Vancouver, Wash. The two men had gone to his livery stable Sunday night and hired a horse and buggy. As soon as they were out of sight they whipped up the animal and drove directly to Portland. They drove to a North-East livery stable, and there offered the horse and buggy for \$15.

The horse was a fine one, and worth much more money, and the owners of the stable became suspicious at once. One of them slipped away and telephoned to the Police Station of the occurrence.

"Tell them you will take it but have not the money on hand," said Detective Simmons, who answered the phone. "Tell them that they will have to call tomorrow morning at 10 o'clock." The stable men acted as advised, and the animal was being taken to call around the next day for their money.

Meanwhile Tilden had become alarmed at the prospect of his horse and buggy being stolen and telephoned to the police to look out for the men. Yesterday morning the men called around for their money, but they were met by the owners of the horse and buggy and Detective Simmons, who promptly placed them under arrest.

Collides With Wagon.
R. W. Cusick Receives Serious Injuries Beneath the Wheels.
Serious if not fatal injuries were sustained by R. W. Cusick, an employee of the Union Meat Company, as he was going to his work yesterday morning. While riding down Morrison street on a bicycle he collided with a delivery wagon and the car struck him beneath the wheels. His jaw and shoulder blade were broken, his ear ground to a pulp, and it is feared that his skull was injured. He was still last night, but was suffering intense pain, and was so restless that the strongest drugs failed to quiet him.

Just how he fell beneath the wheels is told differently by all witnesses, but the general opinion seems to be that it was entirely accidental. Cusick was riding near the street-car track, and went to turn out on account of an approaching car. In crossing the rail of the track his wheel caught and caused him to fall. The delivery wagon coming along at a good speed caught him beneath the wheels, and it is regarded as almost a miracle that he was not killed instantly.

The patrol wagon was summoned as soon as the accident happened, and the injured man was taken to the Good Samaritan Hospital. Dr. A. J. Gleay was called and every possible attention was given the injured man. It was thought last night that he had chances of recovery, but his condition was pronounced as critical.

BOY PLEADS GUILTY.

Chester Searle Is BOUND OVER TO APPEAR BEFORE GRAND JURY.
Chester Searle, the dime-novel hero in real life, who has made such an impression at Long Beach during the past few weeks by posing as the son of a wealthy gentleman, and stealing during the night to keep up appearances, was arraigned before Judge Hogan yesterday morning and entered a plea of guilty to the charge of larceny.

Chester had none of the bearing of the millionaire boy of a few days ago. His clothes were shabby and he had been taken away from him and returned to their owners, and the old suit in which his Portland friends used to know him again adorned his form.

"Guilty," he said, in meek tones, as the Judge read the charge against him, and he was quietly led back to the jail, where he will be confined to await his appearance before the grand jury.

TRIES TO END HIS LIFE.

F. H. Taylor Swallows a Bottle of Acetone.
F. H. Taylor, junior member of the firm of Younger & Taylor, building contractors, attempted to end his own life Sunday night by swallowing the contents of a bottle of acetone.

When seen yesterday he said that he was sorry his attempt had failed, and that he would yet take his own life. It was supposed at the time that he had done the deed in a fit of drunken frenzy, for he had been drinking for several days. His statements yesterday seem to show that the deed was premeditated.

Taylor is well known in Portland, having lived here for a period of about 12 years. He is married, 33 Corbett street. Prior to entering business for himself last January Taylor was employed by the City & Suburban Railway Company as bridge construction foreman, at a salary of \$125 per month.

Making Thorough Repairs.
The repairs that are under way at Eagle No. 7, located on the corner of East Third and East Pine streets, are most thorough, and will leave that building in condition so it will not have to be touched for several years. The floor where the horses stand is being renewed and the quarters both below and above are being enlarged by appropriating the vacant space at the east end of the building.

From the back end of the building, formerly used as a stall, the steel cage has been taken out to make room for the enlargement. New doors will be placed in the front. Yesterday work was started on the Belton block sidewalk at its front entrance. It is considered cheaper to make these permanent repairs than to do patch work, much of which had been done before.

Meier & Frank Company

Sole Portland agents for "Vudor" Porch Shades—Better than bamboo and cost less—3d floor. "Ostermoor" Patent Elastic Felt Mattresses in all sizes—Most satisfactory made—Third floor. Trunks and Traveling Bags—Every good style and size—Rightly priced.



There isn't a household within trading distance of Portland but what should benefit materially by today's bargain roster from the notion and lining store. To be sure, we can't save you a dollar when a dime is the price, but relatively the difference between value and selling figure is large and you need so many of these little things that in the aggregate the saving is a very considerable amount. Dependable, too, every article, and that counts for a good deal in a day when altogether too many "Yankee notions" are Yankee cheats. Sale continues through the week with every article reduced.

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| Tracing Wheels | 4c, 5c, 12c, 22c | Fancy Silk Waist Supporters | 47c |
| Kid Curlers | 6c, 7c, 10c, 12c | Bone Hairpins, card | 8c, 12c, 15c, 22c |
| Needle Books, each | 12c | Large Bone Hairpins | 10c, 15c, 22c |
| Silver Thimbles, each | 4c, 8c | Bone Hairpins | 2c, 3c, 4c |
| Aluminum Thimbles, each | 1c | S. H. & M. Velveteen Binding. | |
| Steel Thimbles, each | 2c | Ball-and-Socket Garment Fasteners, dz | 10c |
| Belt Pins on cards, card | 3c, 4c | 200-yard Spools Linen Thread | 7c |
| Dressmaker's Pins, half-pound box | 22c | Fancy Silk Pin-on Supporters | 43c |
| Tape Lines | 4c, 7c, 10c | Hook-on Cotton Supporters | 22c |
| Darning Eggs | 4c | Hook-on Silk Supporters | 43c |
| Steward Safetypins, card | 6c, 7c, 8c | Venus Silk Supporters | 43c |
| Cap Sheaf Safetypins | 5c, 6c, 7c | Venus Cotton Supporters | 22c |
| Dress-Shield Safetypins | 7c | Straight-front Supporters | 22c |
| 100-yard Spools Linen Thread | 4c | Rubber Sleeve Protectors | 22c |
| 500 yards Geneva silk-finish Thread | 8c | Long-wash Adjusters | 25c |
| Desk Pins, cube | 4c | Fancy Cotton Elastic, yard | 12c |
| Eagle Pins, package | 4c | Omo Dress Shields, pair | 12c, 22c, 26c |
| Puritan Pins, package | 8c | Stockinet Dress Shields, pr | 15c, 20c, 21c |
| Black Pins, assorted, package | 4c, 8c | Feather-weight Shields, pr | 12c, 15c, 17c |
| Curling Irons | 4c, 12c, 8c, 18c | On-and-Off Shields, pair | 20c, 21c, 26c |
| French Darning Cotton | 3c | Olympian Washable Shields, 17c, 22c, 26c | |
| Wire Hairpins, package | 1c | Manhattan Braid, 5-yard piece | 15c |
| K. & B. Hairpins | 3c, 4c | Angora Braid, 5-yard piece | 8c |
| Asstd. Wire Hairpins | 4c, 6c, 8c, 10c, 12c | Etc., Etc., Etc. | |

Excellent Lining Bargains

Every line at decided reductions—Never before have you bought the best linings at such low prices.

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| Popular K Silesia, yard | 8½c | Coutille at the low price of, yard | 21c | Sleeve Linings, values from 15c to 75c, per yard, 12½c, 17c, 25c, 35c, 40c | 65c |
| French Twill Silesia, yard | 10c | Padding at the low price of, yard | 11c | Silk Crinoline, yard, 7c, 8c and | 10c |
| Gold Crown Silesia, yard | 12½c | Bargains in Percaline, 10c to 35c values, yard, 8½c, 10c, 12½c, 17c, 21c | 26c | Moreen, per yard, 25c and | 35c |
| Landowne Silesia, yard | 16½c | Nearsilk, per yard, 17c | 20c | Farmer's Satin, values from 50c to \$1.25, yard, 42c, 65c, 52c, 58c, 76c, 85c and | \$1.10 |
| Satin La Reine Silesia, yard | 21c | Mercerized Sateen, values from 20c to 45c, at, yard, 16c, 21c, 26c, 31c, 35c and | 40c | Cambrics at the low price of, yard | 4½c |
| Double-face Silesia, yard, 16½c, 21c | 25c | Holland, yard, 21c and | 25c | Canvas, values 10c to 30c yd, yard, 8c, 10c, 12c, 16½c | 21c |
| Drilling at low price of, yard | 8c | Wire Cloth, per yard, 21c, 25c and | 35c | | |
| Drillings, yard, 8c, 10c, 12½c and | 15c | | | | |

GREAT SOAP SALE

The Drug Sundries Store is almost buried this, Tuesday, morning beneath great piles of all kinds of Soaps marked at the lowest prices of the year. The 1903 Summer Soap Sale is ready—More varied and greater quantities than ever before and we shall be just as generous in cost concessions. By laying in soap supplies this week you save nearly half on regular prices—Of course you'll improve the opportunity.

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| Pears' Unscented, cake | 11c |
| Pears' Scented, cake | 13c |
| Witch Hazel Soap, cake | 1c |
| Olive Oil Toilet Soap, cake | 1c |
| Tar Soap, cake | 3c |
| Palmetto, Elderberry, Oatmeal and Windsor Soaps, per cake | 3c |
| Wild Flower, three cakes in box, per box | 7c |
| Pansy Blossom, three cakes, per box | 8c |
| 1839 Geraniums, 3 cakes, per box | 17c |
| And many other bargains. | |
| Violet, Rose of Persia and Witch Hazel Toilet Soaps, three cakes in box, per box | 11c |
| All 25-cent Box Soaps, 3 cakes in box, per box | 17c |
| Curative Medicated Soap, three cakes in box, for | 18c |
| Cuticura Soap, cake | 15c |
| Woodbury's Facial Soap, cake | 16c |
| Packer's Tar Soap, cake | 14c |
| Benzoin Cosmetic, cake | 14c |
| Pine Tar Soap, three cakes | 17c |
| And many other bargains. | |

CASTILE SOAPS

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| Four-in-One Castile Soap, bar | 4c |
| Cameo Castile, 1 dozen in box, box | 40c |
| Italian Castile, 3-lb bar | 17c |
| Model Castile, cake | 7c |
| Imported Castile, 3½ lbs., bar | 34c |
- English Glycerine, 3 cakes 10c
Pompadour Glycerine, 6-inch bars 7c
Jap Rose Glycerine, cake 8c
Famous 4711, cake 11c
Colgate's Shaving Soap, 2 cakes 5c
Fairy Soap, cake 3c

GLYCERINE SOAPS

Arrested for Vagrancy.
Fear of imprisonment with all its horrors will not keep the negro population of Whitechapel from stealing. Even though Judge Hogan recently sentenced two colored women to serve terms of one year each on a charge of larceny, Charles Rogers reported to the police yesterday that he had been robbed of \$20 in a negro dive. It was a dark, dingy den, and Rogers, who took his money, all the inmates were promptly taken to the jail on charges of vagrancy.

ROUND THE STORE

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| Ladies', Misses' and Children's Bathing Suits, Shoes and Caps—Second Floor. |
| Screen Doors and Windows—Many sizes—Basement. |
| Crockery, Tinware and Kitchen Goods for coast use at special low prices. |
| Tan Bare-foot Sandals for children, \$1.00 pair. |
| Trunks and Traveling Bags, every style and size—Third Floor. |
| Baby Carriages and Go-Carts—Third Floor. |
| New White Pique Hats for women and children—Second Floor. |

Summer Reading
The paper-covered volume is inseparably associated with the leisure hours of Summer. As usual at this season the book store has a big counter section devoted to reading matter for Summer's idle hours. Selection is only restricted by the limitation of publishers' presses. Anything which you would be likely to inquire for, which has been published in paper form is here at **10c, 15c, 25c.**