COOL AT GLADSTONE

Chautauquans Do Not Suffer From the Heat.

POSTMISTRESS IS VERY BUSY

Lon J. Beauchamp, an Orator From Ohio, Makes Principal Address and Appeals for More Sunshine in Daily Life.

Today's Programme.

Morning—
8-12—Classes.
Afternoon—
1:30—Band concert.
2—Lecture, "The Age of the Young Man," Hon. Lou J. Beauchamp, of Columbus, O.
3:30—Baseball.
7:30—Band concert.
8—Special programme given by Mrs. Harriet Colburn Saunderson and her assembly pupils, assisted by Miss Jennie F. W. Johnson, contralto, and Miss Veda M. Williams, accompanist: Piano solo, Miss Veda M. Williams, of Oregon City. Physical culture exercises, members of assembly class. "Behind a Curtain" (a monologue), Mrs. Burton Harrison, Mrs. Harriet Colburn Saunderson. Vocal—(a) "Love Is a Bubble" (Allitsen); (b) "The River and the Sea" (Johnson); Miss Jennie F. W. Johnson. Reading—(a) "Dot Little Boy of Mine" Dutch dialect, Riley); (b) "An Old Swetheart of Mine," with musical accompaniment (Riley), Mrs. Saunderson. Pantomime (selected), members of Chautauqua class. Vocal—(a) "Sleepy Song" (G. A. Grant-Schaefer;; (b) "The Moon-Man" (G. A. Grant-Schaefer), Miss Johnson. Readings—(a) Selected; (b) group of dialect poems, Mrs. Saunderson.

Gladstone Park has been nice and cool all day. The association has kept the sprinklers going, and it would be hard to find a more pleasant spot. The morning, as usual, was spent among the classes.

Dr. O. M. Babbitt, of the Portland Y. M. C. A. and the instructor of the junior class of physical culture, has about 50 pupils every morning. He drills them on the platform in the woods. He is drilling them in a course of Indian clubs and dumbells, and great interest is taken in this class. Class evolutions and games form the recreative part of the course, but most of the time is given to the exercises.

Miss Marceline Cross, the Chautauqua postmistress, is a very busy young woman. Her office, just inside the gates, is a general bureau of information. She very obligingly takes care of parcels and bundles, and also has charge of the public telephone.

The afternoon's entertainment was opened by Miss Johnson, who sang "Heart's Springtime," and as an encore, "When Love Is Kind."

Mrs. White gave another of her lectures on art. She made a touching plea to the wealthy man to see that he secured American paintings when he was beautifying his home, and told of the fakes that were perpetrated on the American public in European countries, how Americans were painting copies of the famous masters in Paris and in Italy, and that these copies were so good that they were foisted on the unsuspecting buyer as originals. She spoke in glowing terms of Paxham, the Montana artist, who first won fame through his Sitting Bull pictures. He was the first and only one to paint Sitting Bull in his wild state. She herself was the one to introduce his pictures to a dealer in Chicago, who remarked when he saw some of them, "Jimminy, I didn't know ther was a Western man who could paint Indians like that." She mentioned Stewart, who first introduced her to Mount Hood. "It was not the American people who appreciated the truth of the high coloring of his pictures, but Europeans. They had been out to the West and wanted pictures of this country. Brush work was what the teachers ought to teach in the West to enable the Western artist to put individuality into his work."

Some of the Chautauqua ladies had placed large wreaths of sweetbriar on the table, and Mrs. White, fondling them, remarked that they reminded her of her English home.

This evening Lou J. Beauchamp, of Columbus, O., lectured on "Take the Sunny Side." The Chautauquans have had a fair share of sunshine both day and night the past few days, but Mr. Beauchamp had perhaps the biggest audience that has been in the auditorium this year; and his audience was not disappointed. He is a rapid talker. His words come as fast as shots from a Maxim gun and his stories and illustrations are intensely funny and at the same time full of good advice. He said there were two places where this sunshine of life could be made practical, in the four walls of a church and the public schools. "Have some sunshine in the church," he said, "and the day they took the Bible out of the public schools crime became more prevalent." Mr. Beauchamp touched upon the loose divorce laws of America. The figures which he quoted as to the difference in the number of divorces in this country and Canada were appalling. "What we want is the old-day religion back and it wouldn't take so much ice cream to run the churches."

The baseball game today between Vancouver and the Y. M. C. A. ended in favor of Vancouver, 13 to 5.

Mrs. M. L. Woodcock is an admirer of President Roosevelt as well as an ardent Republican and political student. She asked the President to indorse the Chautauqua, and at the same time asked him for a picture of himself. Here is the reply she received from the ever-patient Secretary Loeb:

White House, Washington, July 13, 1904.—Dear Madam: Your letter of the 6th instant has been received, and the President thanks you for writing. He requests me to express his best wishes for the success of the Chautauqua.

I regret that we have no lithographs of the President on hand, but your request has been brought to the attention of the Republican National Committee.

Very truly yours, WILLIAM LOEB,
Secretary of the President.

SPEAKS TO RAILROAD MEN.

Dr. Thomas McClary Gives Address at the Y. M. C. A.

Dr. Thomas McClary, of Minneapolis, was his humorous self again last night when he addressed the railroad men and the general public as well, at the Y. M. C. A. auditorium on "The Christian Influence of the Railway." Those who regularly attend the Y. M. C. A. lectures and had heard Dr. McClary give a masterful sermon on "True Christianity" there last Sunday and had not heard him at Chautauqua, were somewhat surprised at the wealth of humor he has when he really gives himself up to it.

His lecture resolved itself into the duties the railroad employes owe to the public and the kindness and courtesy that is due them in turn. This field offered opportunity for a panegyric on the gentler as well as the sterner Christian qualities and gave ample opportunity for Dr. McClary to amuse himself with the little foibles of human nature such as the general hoggishness of passengers.

Dr. McClary is a friend to railroad men and has always been known as the "Railroad Chaplain."

TO RID CITY OF VAGRANTS.

Chief of Police Gives Rigid Orders to His Force.

With the idea of ridding the city of a horde of vagrants, petty thieves and renegades, Chief Hunt has issued orders to the entire force to keep on the constant lookout for men of questionable habits. The order has already resulted in the arrest of a dozen men of shady records. Five of the number were taken in during the early hours of the morning by Detectives Hogeboom and Vaughn, and the others were captured later in the forenoon by Detectives Snow and Kerrigan.

It is believed by the chief that there is a large number of men who are merely waiting the Lewis and Clark Exposition under the belief that they will be able to carry on profitable depredations during that period with comparatively small danger of apprehension. By spending several months in the city they would be able to get the lay of the land and know exactly how to proceed when the proper time arrives. The twelve men arrested yesterday are not a pleasant sight to the eye. Eight of them are known to be confirmed opium and morphine fiends. They were caught in the Red Front lodging-house on First street. Those that appear the least offensive will most probably be given an opportunity to leave the city at once and the others will be turned loose on the rockpile before being run out of the city.

Band Concert at Yacht Club.

On Saturday evening, from 8 to 10, a concert and reception will be given by the Oregon Yacht Club at the club moorings, just south of Inman-Paulsen sawmill. Through the kindness of J. D. Meyer, chairman of the Park Band committee, Brown's Park Band of 40 pieces will furnish the music. The yachts, clubhouse and floats will be decorated with lanterns, and this, with the full moon and a plentiful supply of redfire will make an attractive scene. The general public is invited, and no admission will be charged. The object of the reception is to bring the yacht club in closer tough with the public and show the Portland people some of the natural beauties of the river. The Oregon Yacht Club can be reached by cars of the City & Suburban Railway Company. Additional cars will be run on the Brooklyn branch to accommodate the crowd. The car should be left at Grand avenue and Ellsworth street.

Killed in the Hay Field.

BOISE, Idaho, July 20.—A special to the Statesman from Cambridge says:

Leonard Greener, a member of the firm of Greener & Bros., and a wealthy stockgrower of this county, was instantly killed at 10 o'clock this morning by a team running away with a hayrack.

ANOTHER LUMBER CRAFT

CRUSADER CHARTERED TO LOAD HERE FOR CHINA.

Hamburg-American Company Protests Against Loading Contraband on Its Vessels at Portland.

Another tramp steamer has been chartered to carry a cargo of Oregon lumber to the Orient. She is the Crusader, a British vessel, that has never before visited this port. The steamer was chartered by the Pacific Export Lumber Company and is due to arrive here August 15. She will take to China about 2,700,000 feet.

The Crusader is now crossing the Pacific bound for Vancouver, with a cargo of Java sugar consigned to the British Columbia Sugar Refinery. She loaded her cargo at Cheribon and was last reported at Moji, where she coaled for the trip across, sailing from the Japanese port June 27. She has a net registered tonnage of 2744 and is commanded by Captain Brown.

The Pacific Export Company now has here the big British steamship Tottenham, taking on a lumber cargo at Inman Poulsen & Co.'s mill for Tsintau. Only fair progress has so far been made in loading the vessel. At the Portland Lumber Company's mill, the Pleiades has taken on 1,200,000 feet of the 1,800,000 feet that she is to transport to Manila for the Government, and as soon as the remainder is aboard, she will load the half million feet that the Pacific Export Company is to send to the same port.

LARGEST SAILER AFLOAT.

New Preussen Makes Record Passage From Germany to Iquique.

A trip of the sailing vessel Preussen, which left its German home a year ago, attracts the liveliest attention. Generally speaking, the opinion prevails that, on account of the progress made with steamers, sailing ships are doomed. For this reason the results of recent efforts to utilize large sailing vessels in transoceanic traffic deserve special mention. The Preussen has storage room for over 5,000 tons of freight. According to reports, it has fully justified expectations, and furnished proof that sailing vessels are not yet to be left out of consideration.

The trip to the Chilean port Iquique, a distance of 12,000 nautical miles, was made in 57 days, a new record for sailing vessels being thereby established. It must be borne in mind that the weather was not always favorable, and that the trip around Cape Horn was extremely tempestuous.

The Paris Cosmos remarks, with reference to the voyage of the Preussen, that "if one considers the expenses of this vessel on such a trip, compared with those of a steamer, it becomes evident that sailing vessels will never disappear."

Only two obstacles are met, say German papers, in the employment of big sailing vessels; first, it is hard to secure assurance of a sufficient cargo, and second, it is difficult to secure a crew of sufficient skill. These obstacles are important, because sailing vessels, in order to be able to compete with steam, must be much larger than heretofore.

MAKES A FORMAL PROTEST.

Captain of the Aragonia Says He Will Take No Contraband of War.

The Hamburg-American Steamship Company, owners of the steamer Aragonia, through Captain Schuldt, her master, have filed a formal protest with the Portland & Asiatic Company against loading any contraband cargo for Oriental ports. This protest will probably have no effect on the loading of the vessel and her sailing on schedule time. The captain was notified by officials of the Portland company that if he refused to accept any of the freight offered, he would have to sail from this port empty. He put himself in wire communication with the agents of his owners at New York and is awaiting further instructions.

When the steamship Arabia, of the same line, was in port last month, her shipper made the same kind of a protest, but it was of no avail, as the vessel sailed from here with all the freight that was offered.

REVENUE CUTTER GROUNDED

Manning Ashore, but Subsequently Floated Near San Francisco.

SAN FRANCISCO, July 20.—The United States revenue cutter Daniel Manning ran ashore at Point Mantara, about 15 miles south of the entrance to this harbor. Two tugs and three lifesaving crews at once went to her assistance. The Manning was on her way to this city from San Pedro, after having towed the disabled bark Will Scott to the port.

The tugs succeeded in pulling her from her perilous position and she was taken into Half Moon Bay by the steamer Maggie.

Domestic and Foreign Ports.

San Francisco, July 20.—Arrived—Steamer Queen, from Victoria. Sailed—Steamer Whittier, for Kihel.

New York, July 20.—Arrived—Oceanic, from Liverpool.

Hoquiam, Wash., July 20.—Arrived—Schooner Transit, from San Pedro for orders; Esther Buhne, from Hilo for Aberdeen; Jesse Miner, from San Francisco for Aberdeen; Guide, from San Francisco for Aberdeen; J. A. Garfield, from San Francisco for Aberdeen; Portland, from San Francisco for Hoquiam; Newsboy, from Hilo, for orders; Santa Monica, from San Francisco for Aberdeen; Olympic, from San Francisco for Hoquiam. Sailed—Schooner Dauntless, from Hoquiam for San Pedro; schooner Comet, from Aberdeen for San Pedro.

IN MEMORY OF GREAT ZIONIST

Services Are Held in Honor of Dr. Theodore Herzl.

Memorial exercises in honor of the memory of the late Theodore Herzl were held last night at the Talmud Torah synagogue, Dr. David Levine conducting the Hebrew service. Dr. Levine spoke eloquently in eulogy of the character and work of Dr. Herzl, giving meanwhile a sketch of the race characteristics of the Jew.

"The Jew of the century has been a puzzle," said Dr. Levine. "We are a peculiar people, a people going through the world, an interrogation point without any answer. While all other nations exist because of circumstances, the Jew exists in spite of them, seeming to go through the world by reason of sheer stubbornness and an unwillingness to cease to exist. He has not cultivated brain or brawn; he has been locked in a Ghetto, with apparently no environment at all, and still he has existed. He has realized that the real environment in which we live is not the mere air we breathe, nor the ground on which we stand, but human thought. Our minds are really the environment in which we live. God's plan is that only those shall live who live in the pure atmosphere of religion. God's wisdom has been vindicated; his way is best, yet thousands are bowing their heads in grief. Where will come a leader for Israel? A prince, a great man has fallen today."

D. Solis Cohen and Isaac Swett spoke briefly, each expressing grief at the sudden bereavement suffered by modern Israel in the loss of one who gave his life to the service of his people.

At a public meeting of the Portland Zionist Society, the Lovers of Zion and the Junior Zionist Society held last night, the following resolution were adopted and ordered spread upon the minutes of each society and forwarded to the Federation of American Zionists:

On this day, when Zion weeps for her vanished glory, added to her anguish is the fresh wound for the loss of the leader of her scattered people who gave his life that light and hope might brighten the path of his distressed brethren. We who, happy in his strength and vigor, hoped fondly for the realization of his lofty purpose, now join in the sorrow which extends throughout the world wherever Zion's lovers dwell. Theodore Herzl is dead. Zion is in tears.

Resolved, That the memory of Theodore Herzl, the standard-bearer of our cause, the lofty patriot, the fearless advocate, the ripe scholar, and the earnest Jew, will remain with us and be transmitted to our children, a heritage of Israel forever, as the name of one fit to be classed with the leaders and prophets of ancient days.

Resolved, That the highest tribute we can pay to the memory of this precious life in Israel, cut off in its prime through the inscrutable wisdom of the Divine Ruler, is earnestly and enthusiastically to devote ourselves and the societies we represent to the cause which he established as a living purpose among the nations and to the service of those, the oppressed and persecuted among us to whom he labored to give freedom and a home.

May the peace of God descend upon the stricken family of Dr. Theodore Herzl, and in the glory of his life and the perpetuation of his honored memory, may they find that kindly healing which shall bring them comfort in their grief.

At the Congregation Ahavi Sholom, Third, near Harrison street, Isaac Swett last night delivered an address on "Dr. Theodore Herzl and Zionism."

PERSONAL MENTION.

Louie Cohen has returned to Portland and is being well received by his numerous friends.

Rev. Ray Palmer has accepted the position of state lecturer of the Anti-Saloon League for Oregon and Idaho.

Professor John Teuscher, Jr., principal of the St. Johns schools, and family, have moved to University Park from Hillsdale, to be near the school. He lived at Hillsdale for about seven years.

Professor L. H. Baker, of Salem, who has been elected principal of the Woodstock school, was at Woodstock yesterday making arrangements to move there with his family at an early date.

Ben Selling, the well-known clothing merchant, has gone East for the purpose of purchasing and superintending the manufacture of Fall and Winter goods for his two large stores in this city.

Dr. H. V. Clymer, formerly of this city, but now residing at Picacho, in Lower California, has been spending the past three or four days visiting in this city. Dr. Clymer and his wife will leave this morning on a three months' trip to all the principal cities of the East and the World's Fair before returning to Picacho.

When you suffer from sick headaches, dizziness, constipation, etc., remember Carter's Little Liver Pills will relieve you. One pill is a dose.

Liquors on the Fair Grounds

Prohibition Wail Over Flow of Beverages at Exposition

From the New Voice, Prohibition Organ.

ST. LOUIS, Mo., July 9.—(Staff Correspondence.)—It requires nearly 2000 bartenders and waiters to serve the patrons of the World's Fair on the grounds of the Louisiana Purchase Exposition at the present time. These bartenders and waiters serve the crowds from 54 beer halls, drinking bazaars and restaurants whose chief sale is beer.

The entire Exposition is hardly more than a gigantic beer preserve. Many of the best attractions are hidden behind beer halls. Beer and wine exhibits, all out of proportion to the legitimate industries, appear everywhere, in nearly every portion of the great show.

In the carload after carload of stuff daily dealt out by the nearly 2000 waiters and bartenders, no such prodigious torrent of beer has probably ever been on view in the history of the country, save perhaps during the Spanish War under the regime of the Army canteen.

In the forming of the great Exposition, the St. Louis brewers made an immense contribution to the managers—something like $400,000. This contribution was made with the understanding that the beer interests would have a sort of "right of way" in opportunities to "get their money back." How faithfully the Fair managers kept their agreement, a most casual tour of the grounds reveals. The brewer men are "getting their money's worth."

And besides, they are all operated on a quasi-blind-tiger basis. For when the question of license came up, the noble court was disposed to be "accommodating." It was solemnly decided by a St. Louis disciple of Attorney-General Griggs that it was not necessary for each of the 54 beer halls on the grounds to take out a license—that if the Exposition simply took out a single "blanket license" for the entire grounds, it would be unnecessary for the 54 patriots to do likewise.

And so the whole institution was practically turned over to the brewers, to be squeezed like a gigantic lemon.

As the visitor crosses the "Joliet" bridge to the entrance of the Education building, the first exhibit that he encounters is that of a Milwaukee brewery school. The word "Joliet," with its famous penitentiary, has a most sinister relationship with the brewery "school." At the opposite side of the Educational building is a model jail to take care of the products of the brewery school while on their way to "Joliet."

On another part of the grounds—between the Fine Arts building and the Boer War exhibit, is another exceedingly instructive "educational exhibit." It consists of a model country schoolhouse in a little grove—a quaint, neat little building, with a janitor to sweep it out. Only a few feet away and in the same grove, is a mammoth beer hall with great signs displayed extolling the merits of "A. B. C." beer. Everybody should take their children around to these two "educational exhibits" and explain to the little ones the merits of "A. B. C." beer.

In the Transportation building another strange phenomenon presents itself. An exhibit is made of a mammoth model brewer's car and beside it stands meekly a model gospel wagon. The gospel wagon appears somewhat ashamed of its company, but it is fastened and cannot get away.

Back of the Manufactures building is founded a "Model City." At one end is a beer garden, and at the other is a bucket-shop in full operation. Just outside the "city limits" is located the headquarters of the W. C. T. U. The brewers forgot to "chuck in" a Y. M. C. A. building.

In the splendid Philippine exhibit, two more beer gardens are located among the Tagals and the Igorrotes. The whole reservation is fenced in, and it costs 25 cents to get beyond the stockades. The two beer gardens within the inclosure are doubtless designed to prevent the "savages" from drinking at the outside "resorts." Tempting displays of Manila beer, vino, anisado and divers other horrid things appear in the native exhibits.

Even Washington University buildings, taken possession of for "Administration" purposes, are made to harbor more "beer" interests. And why not? For did not Adolphus Busch, in 1900, donate the money to build the "Busch Annex" building of the university, and did he not get the privilege of operating a saloon on the grounds during its construction to furnish the workmen with beer? So now, in deference to the celebrated brewer, the "Administration restaurant," built on the University grounds and directly in the rear of the "Busch Annex," is turned into a beer hall for the sale of Busch's liquor.

Opposite the Agricultural building, on University Way, is located the "Model Poultry Farm." It is squeezed in between two beer halls, one of which parades itself as a "chicken restaurant." The "chicken restaurant" is a cheap place where dead hen soup is served to take the taste of bad beer out of the customers' mouths. The Exposition idea of a "Model Poultry Farm" seems to be a lot of indifferent hens huddled in between two unlicensed beer joints.

Even on the "big hill," the "West Terrace" of "Festival Hall" is turned into a snake hole for the sale of bad beer. Every morning at 8 o'clock, as a prelude to the opening of the beer hall, there is given a sacred organ recital in Festival Hall. The organ moans and complains for an hour or so and then the boozing ken in West Terrace opens and trouble begins.

In the Agricultural building proper from 20 to 25 per cent of the whole space is taken up with exhibits of intoxicants of various sorts and from various countries. John Dewar & Son, from Perth, Scotland, have a reproduction of the "House of the Maid of Perth," whatever that is. This is the whisky firm from whom Andrew Carnegie bought a barrel of whisky years ago and presented it to President Harrison. Harrison never told how the stuff tasted. It is said to be the same sort of whisky 18 cases of which Bishop Potter brought from England a few years ago and tried to evade payment of the $40 duty on it. The bishop has since resigned the presidency of the Church Temperance Society. This whisky evidently cured him of temperance. It must be a very attractive drug.

There are Portuguese wines by the rood; wines from Peru, Argentine Republic, Austria, New South Wales and nearly every wine-producing country on earth.

Who Wants a Kentucky Bride?

WHO WANTS A WIFE?

If you feel capable of living up to a young lady's ideal of what a model husband should be, here's a sweet maiden, 22 years old, "beautiful," "so the people say,'" and anxious to find her "ideal." And she comes from Kentucky. And what's more, she makes her own dresses. But she weighs 194 pounds. But then she "looks to weigh less on account of compactness of muscle." Perhaps the "ideal" had better have a little muscle, too.

Mayor Williams yesterday received the following letter:

To the Honorable Mayor of Portland, Or., from Miss Angela Pierce, Louisville, Ky., July 14, 1904.

Honorable Mayor—Dear Sir: Hearing there are a great many unmarried men in Portland, would like to secure services. We have a great many fine men here in Kentucky, but I have never found my ideal. I want a gentleman of high moral character and good principle. Must be refined and neat in appearance, and true to himself without being selfish. In regard to myself, am 22 years of age, beautiful, "the people say," and try to be good and true. Have blue-gray eyes and golden-brown hair. Am 5 feet 5 inches in height, and weigh 194 pounds; look to weigh less on account of compactness of muscle. Have fine figure; am neat and stylish in appearance, and although am my own dressmaker, I manage to get that something about them that is the right form.

Hoping I shall be successful through your assistance, and that I shall hear from your ideal of what my ideal should be, I remain yours. ANGELA PIERCE.
Care General Delivery, Louisville, Ky.

Now His Honor has heard of the fame of Kentucky damsels, but he regards the letter as an intimation that pretty girls are scarce in Portland.

"There's surely as many pretty girls in Portland as in any town of its size in the world," said he yesterday. He has read letters before which authorized him to act as a matrimonial agent, but Miss Pierce's plea for an "ideal" has given him much concern. Eligible young men who are in a similar position to Miss Pierce may present their claims to the Mayor and perhaps he will recommend them to the Kentucky girl.

COMPANY SCENTS FRAUD

THURINGIA INSURANCE CO. REFUSES TO PAY POLICY.

Alleges W. O. Stitt Set Fire to Hotel Building Which Was Over-Valued.

The Thuringia Insurance Company, of Germany, in answer to the suit of W. O. Stitt and Michael Fresh to recover $3400 on account of the destruction by fire on March 19, 1904, of a hotel at Westport, alleges that the fire was caused by the criminal act of W. O. Stitt in that he intentionally set fire to the hotel building in order that its contents might be destroyed that he might collect the $3400 insurance.

It is asserted by the company that shortly before the fire Stitt made some kind of an agreement to purchase and did buy the hotel property for $2230, which was the full value of the place. There was a lumber mill at Westport employing a large number of men, and this mill it is alleged was closed down, destroying the business which the hotel largely depended upon and reducing its value to about $1000.

Stitt, it is charged, heard it discussed and knew the mill was to be shut down, and at the time the insurance was procured was well aware of the existing conditions and failed to inform the company's agents. It is averred that the purpose of Stitt was to defraud the insurance company out of the $3400 insurance.

ORDINANCE IS VOID.

Habeas Corpus Case Proves Gravel Pits Cannot Be Regulated.

Judge George yesterday decided that the ordinance passed by the City Council a year ago, to regulate gravel-pits, and providing that such a pit cannot be operated without the consent of the Council is unconstitutional and void. The decision was rendered in the habeas corpus case of William Lind, a contractor, who was arrested and fined in the Municipal Court for digging gravel at Woodlawn.

Lind through his attorney, M. L. Pipes, took this means of avoiding the payment of the fine and beating the case, and succeeded. After passing upon various legal points involved, Judge George discussed the ordinance as follows:

All an applicant has to do is to publish where his proposed gravel-pit will be, and then the City Council becomes the absolute and arbitrary judge, according, solely to its own idea, whether the owner shall so use his property at all under any condition whatever; and in event the City Council does not see fit to allow an owner to open, then if he digs any ground, or opens up a pit, however slight, or removes any of his ground at all, he becomes a criminal and punishable by fine and imprisonment, however innocent he may be of any harm to others, or however much he may really improve the looks or value of his property, or however little he may annoy others. While, on the other hand, if the gravel-pit owner had already started before August 7, 1893, notwithstanding he may be digging a dangerous and increasingly dangerous pitfall, and notwithstanding he is producing an ever-increasing eyesore to the public, it is all right, and he can pursue his endangering and unsightly excavation and pitfall at his own pleasure, without regulation, let or hindrance, and, for that matter, when an applicant in luck passes the investigation of the City Council and gets his permit, he then, under sanction of this ordinance, can deface or injure the landscape for the public, or dig a pit of any depth or danger, anywhere in the city at his own unrestrained pleasure, so far as the ordinance is concerned.

It is also a question whether the provision constituting the City Council a tribunal to hear and determine whether one applicant shall be permitted and others denied, constitutes a proper tribunal, to enjoin practically, in fact, the opening of any gravel pit in the city, and whether it is not an encroachment on the judicial function of a court of equity. Can the City Council by ordinance constitute itself the sole judge in the premises whether or how to enforce its own laws at its own pleasure in any individual case? Certainly, it ought to make its own ordinances applicable generally alike to all and not attempt, itself, a function of both layman and court in all instances.

The court thinks this ordinance void, and the petitioner should be discharged.

AVALANCHE OF DAMAGE SUITS

Court's Decision May Cause Property-Owner Big Loss.

All the lodgers in the Tremont House, whose effects were thrown upon the street and who were summarily ejected on April 21 by Deputy Sheriffs, will be entitled to recover damages from the owner of the property, J. H. McClung. This opinion was expressed yesterday morning by Judge Sears. If they all sue McClung for damages, the total of the claims will amount to a large sum, as there were about 40 of them.

W. E. McPherson, the lessee of the place, was served with notice to move out, but he refused to obey, alleging that his lease was still good. As the court has decided in his favor, he will also probably demand damages for having been forcibly ejected.

The Tremont House is on the corner of Seventh and Everett streets. McPherson had a lease for two years, with a clause that it could be terminated upon 60 days' notice. He was served with notice to move, but asserted that it was not legal. His rent was raised $20 per day, and he contended that this did not amount to notice to vacate, because he could remain in possession if he paid the increased rent. Various other legal points were presented. McPherson lost in the Justice Court, and appealed. In deciding the case Judge Sears said that legal notice to leave the premises had not been given to McPherson. As an intimation that his removal was desired, the rent was raised to $20 per day. This amount was unreasonable and McClung had no right to try to force McPherson to surrender his lease by such means. The building was leased from month to month, and notice to vacate ought to be given at the expiration of each month. The court ordered that McPherson be restored to the premises. Thomas McNamee, the new lessee, is now in possession.

Ownership of Wheat Crop Disputed.

Yesterday afternoon Judge Bellinger heard the argument on demurrer in the case of Philomene Smith against Hy Yu Tse Milkin, which involved the right of Samuel Pambrun and Matt Mosgrove to harvest a valuable wheat crop on 160 acres of land in Umatilla County. In this case Hy Yu Tse Milkin claimed the land, and Philomene Smith, who is also an Indian, alleged that he had selected it and was entitled to allotment from the Government. He brought suit and won in the lower court, and also in the United States Supreme Court. Pambrun and Mosgrove have possession of the land through the defendant. Pambrun and Mosgrove were not parties to the original suit. The court decided that the question of enjoining them from harvesting the wheat or declaring them to be trespassers on the land cannot be passed upon until a new case is filed, and dismissed the application for an injunction. After a new bill of complaint has been presented, then the question of the jurisdiction of the court may have to be passed upon.

Question of Jurisdiction.

The important question whether the United States District Court has jurisdiction over lands allotted by the Federal Government to Indians in reservations was presented to Judge Bellinger yesterday in the suits of Alice Patawa, Pe Wa To Sin Mi, Ellen Pare et al., Joseph Guyott and others against the United States.

These plaintiffs desire to know if the court has jurisdiction to decide whether they are the heirs of allottees who have died, and entitled to the lands. Legally the question is, "If the Indian owners have died, can the United States District Court decide who are the lawful heirs, or must the state courts do so?"

The cases presented yesterday refer to the Umatilla reservation, but the decision will apply to like cases in all Indian reservations.

United States District Attorney John H. Hall, who appeared for the Government, contended that the United States District Court has no probate jurisdiction, and that County Courts have authority to decide these cases, as well as all other probate matters. Mr. Hall said if the United States District Court handled these cases it would take up a great deal of the time of the court, and would overburden a poorly paid United States District Attorney. Judge Bellinger said this would not weigh anything with him in rendering a decision. The cases were taken under advisement.

The attorneys from Eastern Oregon who were in attendance in court were: R. J. Slater, J. T. Henkle, Judge J. A. Fee and T. G. Hailey.

Not All One Sided.

Ada Smith has filed an answer and cross-complaint to the divorce suit of her husband, Ralph C. Smith. She says he has repeatedly struck and choked her, pulled her hair and tore her clothing, and has repeatedly locked her out of the house. She alleges that he never properly supported her and failed to provide sufficient fuel. She also asserts that during most of her married life they lived at Woodlawn and Smith made a habit of going away at night and leaving her alone. She makes numerous charges of cruel treatment.

Court Notes.

Not a true bill was filed in the case of Carl Winterstein charging him with shooting a dog owned by J. W. Hunt.

District Attorney John Manning yesterday filed an information against Jack Deloe charging him with assault and battery on Charles Derry.

Arabella Bannister has sued Nathan Bannister, to whom she was married at LaFayette, July 5, 1868, for a divorce, because of desertion. The defendant is now residing at McCormick, Lewis County, Wash.

BREWERS ASK MORE PAY.

Union Men Want Wages Raised One Dollar a Week.

The union brewers of Portland and their bosses are having some trouble coming to a decision on the scale of wages for next year. This being the time of year when there is the largest quantity of beer sold, the brewers have set it as the time for the signing of the annual contract with their employers.

The question now is whether it is reasonable for the brewers to demand $21 instead of $20 a week wages. In California, where there is a similar strike on, the brewers are asking $22. This fact and the increased cost of living are the reasons given by the brewers for their action. The employers say that they are in a rather precarious position on account of the passing of the local option question, and do not feel like raising wages, but rather like lowering them.

There is not likely to be a beer famine, however, as the yearly contract does not have to be signed immediately, and the question has been referred to the National headquarters of the Union Brewery Workers of America at Cincinnati, and the decision of that body will be discussed here when made before a decision is arrived at. At any rate, if there is a strike, it is not likely to come till the Summer is well along.

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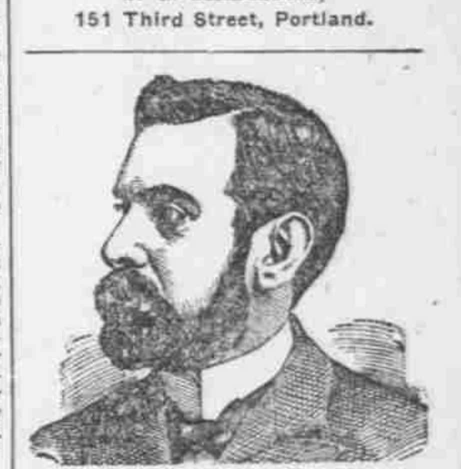
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