

MR. MALARKEY REPLIES UPHOLDS S. B. 46 FOR RECORDING CONDITIONAL SALES.

Dealers Not Required to Make Contracts Public—Similar Laws in Use Elsewhere.

PORTLAND, Or., Jan. 22.—[To the Editor.—As I am author of Senate Bill No. 46, requiring conditional sales and leases of personal property to be recorded, against which a protest, signed by a number of our prominent merchants, was published in The Oregonian Friday, I feel it incumbent upon me to allay some misapprehensions and misgivings of the protestants and correctly to advise the public of the purpose and scope of the bill in question.

An uninformed reader of the article referred to might think that the proposed law is a half-brained measure, wholly without merit, and designed to be carried by ordinary business methods. Such is far from the case. Laws substantially the same as I have proposed have been for several years past in force in the following prominent states of the Union, to-wit: Colorado, Connecticut, Florida, Illinois, Kansas, Kentucky, Minnesota, Mississippi, Missouri, New Hampshire, Nebraska, New Mexico, New Jersey, New York, North Carolina, South Carolina, Vermont, Texas, Virginia, Washington, West Virginia and Wisconsin. The evils prevented by the laws in those states are the evils aimed at here, and these I will endeavor to indicate briefly.

One of the maxims of the law of personal property is that possession and use is a badge of ownership, i. e., that one found in the possession of and exercising acts of ownership over goods and chattels may ordinarily be presumed to be the owner thereof. The public has a right to assume, and the law should be such that it can safely assume, that the man owns the clothes he wears, or the furniture in his house, or the fixtures in his office or place of business, or the implements on his farm. He may, it is true, have borrowed or stolen them, but the percentage of cases in which they are borrowed or stolen is, as a matter of fact, very small and very unprofitable. A reasonable way to protect innocent purchasers of borrowed or stolen goods I should like to see it done. If there is some lien or encumbrance against the property, there should be, for the protection of the public, a reasonably certain way to ascertain the nature and extent of such lien or encumbrance. For that reason the statutes have always required vendors of mortgages to be recorded; and for the very same reason conditional sales should be recorded.

A conditional sale or installment lease of personal property is a transaction by which the vendor places the vendee in the full and free enjoyment and possession of the property sold, but retains in himself the title to the property until an agreed sum has been paid or until some other condition has been complied with. It may be, and often is, a matter of months, or even years, before this sum has to be paid, or until some other condition is complied with. In the meanwhile the vendee is permitted to exercise all the rights of absolute ownership, and there is nothing in his possession or treatment or enjoyment of the property which would in any way indicate to the public that he is not the absolute owner. Neither is there under the present condition of the law any reasonably safe or easy way that an innocent person can ascertain the nature and extent of the encumbrance with which he is dealing does not in fact own what every appearance indicates he does own.

Land Frauds in a Theater

Enterprising Theatrical Man Thinks Government Methods Too Conservative.

It may be that Portland people in a general way are slow to see an opportunity, but that this is not true of some of the people is shown by many incidents growing out of the land fraud trials and investigations.

One of these, and perhaps the most unique of the lot, was sprung a few days ago, when a theatrical manager of the city called the attention of the officials of the Government connected with the investigations now being conducted.

WOMEN WHO CHARM HEALTH IS THE FIRST ESSENTIAL

It Helps Women to Win and Hold Men's Admiration, Respect and Love



Woman's greatest gift is the power to inspire admiration, respect, and love. There is a beauty in health which is more attractive to men than mere regularity of feature.

Dear Mrs. Pinkham: "For nine years I dragged through a miserable existence, suffering with inflammation and falling of the womb, and was out with pain and weariness. I one day noticed a statement by a woman suffering as I was, but who had been cured by Lydia E. Pinkham's Vegetable Compound, and I determined to try it. At the end of three months I was a different woman. Every one remarked about it, and my husband fell in love with me all over again. Lydia E. Pinkham's Vegetable Compound built up my entire system, cured the womb trouble, and I felt like a new woman. I am sure it will make every suffering woman strong, well and happy, as has many women who are troubled with painful or irregular menstruation, backache, bloating (or flatulence), leucorrhoea, falling, inflammation or ulceration of the uterus, ovarian troubles, that 'bearing-down' feeling, dizziness, faintness, indigestion, or nervous prostration may be restored to perfect health and strength by taking Lydia E. Pinkham's Vegetable Compound.

under the practical operation of these laws in other states contracts are ordinarily not recorded, and to that extent the reputation of being honest. If he does not enjoy that reputation, should not the public, as well as the dealer, be protected against him? I admit that the proposed law will compel dealers to exercise some discrimination for their own protection in determining which contracts should and which should not be recorded, and to that extent will impose additional work on them. Now, however, are the laws that do not impose new duties or obligations on some one. The question for the honest and impartial legislator in cases like this is: "What will bring the greatest good to the greatest number?"

As to cost, the recording fees would be small. I should be willing to have the bill amended so that the contracts would only be filed and indexed at a cost of 25 cents each. The talk about additional expense in conducting the recorder's office is silly. If the contract is not recorded, and left at numerous and the cost of recording as great as is claimed by some, the bill would be entitled to favorable consideration as a revenue producing measure.

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Bargain News is doubly interesting when it tells how to make home beautiful at little prices. Is every carpet in your house perfectly satisfactory? If not, read this:

- Bigelow Axminster, sewed, lined and laid, \$1.89
Saronnerie Axminster, per yard \$1.71
Extra Axminster \$1.44
Axminster \$1.35
Velvets \$1.35
Body Brussels \$1.48 1/2
Roxbury Brussels \$1.12 1/2

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Imperial Hotel Co. European Plan \$1.00, \$1.50, \$2.00 per Day. THE PORTLAND, OR. American Plan also European Plan. Modern Restaurant. \$3 PER DAY and upward. COST ONE MILLION DOLLARS.

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CLASSIFIED AD. RATES. "Rooms," "Rooms and Board," "Housekeeping Rooms," "Situations Wanted," 15 words or less, 15 cents; 16 to 20 words, 20 cents; 21 to 25 words, 25 cents, etc. No discount for additional insertions.

DAILY METEOROLOGICAL REPORT. PORTLAND, Jan. 22.—Maximum temperature, 56 deg.; minimum, 40. River reading at 11 A. M., 4 feet; change in past 24 hours, rise 0.4 foot. Total precipitation, 5 P. M. to 12 P. M., 0.25 inch; total since September 1, 1904, 18.13 inches; normal, 24.32; deficiency, 5.78. Total sunshine January 21, 1905, 1 hour and 54 minutes; possible, 9 hours and 15 minutes. Barometer (reduced to sea level), at P. M., 29.88.

MEETING NOTICES. MARSHA WASHINGTON CHAPTER, No. 14, O. E. S.—Stated communication, 8 o'clock, Masonic Hall, Burkhard bldg. By order, Mrs. Mabel Harcourt, Secretary.

Mortgage Loans 5% and Upwards Real Estate—City and Farm Insurance in All Lines A. H. BIRRELL, 302-3 McKay Building Third and Stark.

Grand Theater (Formerly Cordova's) All Next Week, Commencing Monday, January 30 Matinee Thursday and Saturday.

Blanche Bates in The Darling of the Gods A Drama of Old Japan. By David Belasco and John Luther Long.

THE JEFFERSONS "THE RIVALS" Sheridan's delightful comedy. Made famous by their own Joseph Jefferson. Prices—Lower floor, \$1.50, \$1.00, 75c and 50c.

COLUMBIA THEATER A. H. BALLARD, Lessee and Manager. ALL THIS WEEK—MATINEE SATURDAY. Special Engagement of JAMES KEAGAN.

Empire Theater Geo. L. Baker, Phone Main 117 for seats. All this week with regular matinee Saturday. Fred & Gould's excellent production of "Nettie the Newsgirl"

NEW BILL - AT THE - ARCADE BEGINS TODAY THE GREAT TRAIN ROBBERY. Don't fail to see these realistic pictures of the recent train robberies.

BIJOU THEATER Monday, Jan. 23 and during the week. BIJOU STOCK COMPANY Under the management of A. B. THORNE.

BAKER THEATER KEATING & FLOOD, Managers. Largest Continuous Vaudeville House in the World. EVERY SEAT 10c.

LYRIC THEATER (Corner Alder and Seventh) High-Class Refined Vaudeville 2:30 to 4:30; 7:30 to 10:30; Sunday, 2 to 5 P. M.

EVERY MAN EVERY WOMAN EVERY CHILD IN MULTNOMAH COUNTY. In order to open a savings account with CERTIFICATES OF DEPOSIT payable at fixed periods, or upon a few days' notice.

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ELOCUTION VOICE CULTURE, ART OF EXPRESSION. MISS LOUISE FORSYTH, St. Helen's Hall, Portland. All for \$900. Choice corner 70x100 feet with 2 modern houses on North 17th st.

NEW MODERN HOUSE OF 6 ROOMS, ON York st. for \$2500, payable on installment plan. Will suit you better than renting.

FOR SALE—REAL ESTATE. 60x100 on 19th, near Northrup st. C. H. Korrell, 231 Washington.

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TO EXCHANGE. WESTERN WASHINGTON, NEAR SEASIDE. Fruit and dairy farm, 200 acres, high soil, well drained, including railway, close to waterfront, town, country, churches, schools, convenient to Portland, etc.

LAND SCHEM. FOREST RESERVE SCHEM. Approved, approved, ready for immediate sale. LOWEST PRICES. B. F. & P. R. RILEY, 408 Chamber of Commerce.

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