

W. B. GLAFKE "ON THE FENCE"

Mark Your Ballot—14 X For W. B. GLAFKE

A Business Man for Mayor Means:

An administration conducted on business principles; operated in the most economical manner consistent with efficient police service, clean, well-paved streets. Every effort will be expended to serve the laboring man, the broker, the banker, the business man, with the utmost consideration. If you

Vote for Glafke

It means an honest, systematic administration of the city's affairs; a municipality properly managed by an employe fully conversant with all the methods and manners of a 20th Century business house.

Glafke's Election Means Full Value for Every Dollar Spent

W. B. GLAFKE--Mark Your Ballot 14 X for--W. B. GLAFKE



He Evades Nothing

Read These Clippings:

W. B. Glafke, after being introduced as "Portland's Mayor," said:

"For the past two or three weeks I have been addressing meetings almost nightly, and in that time have read, talked about and explained my platform until it is plain to every one should know it by heart, but it appears that there are some who, whether willfully or not, do not yet understand it. When we started in on this campaign we stated that we would deal solely with the facts and that there would be no mudslinging, and this promise I think has been fulfilled. I have no quarrel with any of the candidates running for the Mayoralty, but lately there have been things said regarding my position which I think require an answer. It has been said that I am evasive and uncertain, that I am trying to evade certain questions. I understand it has been said: 'He has refused to say that he will enforce the 1 o'clock saloon ordinance.' I believe that you who have heard me in the past three weeks will say that I have been very definite on that subject. But I will say again that if I am elected Mayor, and so long as the ordinance is in effect, it shall be enforced, and I will enforce it at 1 o'clock every morning, and this applies to the big ones as well as the small. There are ten commandments, and one of them says, 'Thou shalt not lie.' In explaining my platform I have this commandment in mind."

After reading his platform, Mr. Glafke continued:

"The promise of a businesslike administration means that for every dollar spent a full dollar's worth will be received, every man working for the city will have to earn every dollar he gets, and there shall be a full eight-hour day; there will be no pensioners on the city's payroll. The laws pertaining to saloons, gambling and other vices will be enforced, and it seems to me that this covers the 1 o'clock ordinance and all others. The Police Department will be compelled to enforce the laws, and if any saloon fails to

comply with the ordinance its license will be revoked.

"Should I be elected, I will go into office as no other Mayor has done in 20 years. I will go in free from any pledge or promise. This will leave me entirely free to carry out my policies unshackled."—Oregonian, May 5.

Mr. Glafke took a fall out of the candidate who had caused it to be circulated that he was evasive and uncertain, in that he had failed to say whether or not he would enforce the 1 o'clock saloon-closing ordinance. He gave it to be understood that not only would he enforce this ordinance against the big saloons as well as the little ones, but that the laws against gambling and all other vices would be enforced. He promised that when the city entered into a contract to have a piece of work done, that work would be done and the contractor would earn every dollar he got. Mr. Glafke reread his heretofore published platform and promised to live up to all promises therein contained.—Telegram, May 5.

Mr. Glafke's speech was the feature of the evening. Oratory was not his profession, but the manner and words of the business man were pleasing, and with these oratorical qualifications, he entered into brief discussion of conditions which he judged were dominant in the municipal issue.

Mr. Glafke took occasion to explain his position in regard to the 1 o'clock closing ordinance for saloons, about which there have been many statements. He did not understand how he could ever have been interpreted as favoring open-all-night saloons, and affirmed that he would enforce this ordinance strictly. In this connection he said he would enforce ordinances and laws.

"There are ten commandments," said the candidate, "and one of these says 'Thou shalt not lie.' In explaining my platform, I have this in mind."—Journal, May 5.

CAN'T MAKE RATES

(Continued from First Page.)

tion, that the formation of a tariff of charges for the transportation to a common carrier of persons or property is a legislative or administrative rather than a judicial function. The courts are not authorized to revise or change the body of rates imposed by a Legislature or a commission; they do not determine whether one rate is preferable to another, or what under all circumstances would be fair and reasonable as between the carriers and the shippers; they do not change in any way administrative work.

As we have seen, it is not the function of the courts to establish a schedule of rates. It also cites the same authority as saying, in Interstate Commerce Commission vs. Cincinnati, New Orleans & Texas Pacific Railway Company:

It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act, but an entirely different thing to prescribe rates which shall be charged in the future—that is a legislative act.

The power to prescribe a tariff of rates for carriage by a common carrier is a legislative and not an administrative or judicial function.

From these decisions, Mr. Moody concludes:

Assuming then that the rate-making power is a legislative function and not a judicial function, it follows necessarily that, under our scheme of government, Congress has the right to vest in the courts, either by conferring original or appellate jurisdiction over the subject. Under the Constitution the separation of the legislative, executive and judicial powers is complete, with some exceptions not relevant to this discussion. Dispute has sometimes arisen as to whether some particular function is legislative or judicial. But wherever Congress has conferred a function clearly not judicial in its nature (and the rate-making power is such) upon the courts, the courts have declined to accept it, and have declared the law which made the grant of power to them unconstitutional, and the exercise of the power therefore unlawful.

I conclude, therefore, that Congress cannot confer, consistently with the principles of the Constitution, upon a court of the United States, either by way of original or appellate jurisdiction, the power to fix and determine railway rates for the future.

Power Courts Really Have.

He then proceeds to show what authority the courts have over Government rate-making. He quotes the fifth amendment to the Constitution as saying:

"That no person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation."

Then he quotes the 14th amendment as providing that no state shall "deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." He continues:

"Though some doubted, it is now settled that this process of law required by the 14th amendment prohibits the taking of private property for public use without just compensation. Out of these constitutional provisions grows the authority of the courts of the United States over the subject of legislative rate-making; the 14th amendment being the source of authority for the Legislature of the state. The cities severally, Supreme Court decisions, holding that it was a judicial power and duty to inquire whether the legislative rates prescribed were an unjust and unreasonable use of the power of eminent domain, and to work a practical destruction of the rights of

property. These decisions relate to state rate-making, but Mr. Moody says: "The same reasoning, however, would lead to the same result in considering the application of the fifth amendment to the Constitution to the action of Congress, or any administrative body exercising such legislative power over the subject, as may be conferred constitutionally by Congress upon the courts. The opinion that the enforcement of any rates prescribed by such National authority would be restrained by the courts if they were of such an unreasonable character as would deny to the carrier just and reasonable compensation for its services, and thereby necessarily deprive it of its property without just compensation or due process of law, is the authority of the courts to inquire as to the character and effect of rate fixing legislation, and to prohibit their enforcement, if unconstitutional, is clear. Moreover, any law which should undertake to deprive the courts of this authority, in my opinion, would be unconstitutional, upon the same reasoning by which a state law undertaking to do this was held to be in violation of the 14th amendment."

Preference Between Ports.

He next cites article 1, section 2, paragraph 4 of the Constitution as follows:

"No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another, or merely preference which results incidentally from such action; if the former, it is in conflict with this clause of the Constitution; if only the latter, it is not."

He cites a decision of the Supreme Court on a case arising out of a provision by Congress that a bridge across the Ohio at Wheeling, W. Va., should be at such a height as would hamper navigation and divert commerce from ports further up the river. In this decision Justice Nelson said:

"It will not do to say that the exercise of an admitted power of Congress conferred by the Constitution is to be withheld, if it appears, or can be shown, that the effect and operation of the law may incidentally extend beyond the limitation of the power. . . . Indeed, the clause, in terms, seems to import a prohibition against some positive legislation by Congress; but it does not forbid any incidental advantages that might possibly result from the legislation of Congress upon other subjects connected with commerce, and confined within its power."

Reasonable Rates to Ports.

Mr. Moody's conclusion from this decision is:

"It would seem from the reasoning of this case that the effect of prescribing rates on land transportation to and from the ports of the country, even though they may be preferential in their nature, is so indirect and incidental that it does not constitute a prohibited preference within the meaning of this clause of the Constitution."

But it is not necessary for practical purposes to go so far as to say that no regulation of land transportation can be effected which would be in conflict with the clause of the Constitution. It is enough to say that if any such law were made hereafter, it would be unconstitutional, and would be declared void by the courts. It may well be assumed that in legislating upon the subject of land transportation, Congress will observe the determination of rates that they shall be reasonable, just and impartial. That right would be the law, and the commission would be charged with its execution, after ascertaining and deciding what would be just and reasonable and impartial rates. If it be claimed that, after conforming to this standard, Congress will lay down as the guiding rule for the determination of rates that they shall be reasonable, just and impartial. That right would be the law, and the commission would be charged with its execution, after ascertaining and deciding what would be just and reasonable and impartial rates. If it be claimed that, after conforming to this standard, Congress will lay down as the guiding rule for the determination of rates that they shall be reasonable, just and impartial. That right would be the law, and the commission would be charged with its execution, after ascertaining and deciding what would be just and reasonable and impartial rates.

charge per ton per mile to and from the ports of the different states, and that a preference be given to the ports of those states where the lower charges prevail. I have no hesitation whatever in expressing my dissent from this claim. I cannot believe that Congress, acting in possession of the unquestioned power to fix the rate for transportation on land, would be forbidden to require that the charges for it should be just, reasonable and impartial, because, owing to natural conditions and those growing out of the development of the country, such charges resulted in a different rate per ton per mile to and from the different parts of the country. Many decisions of the Supreme Court, which need not be cited, establish the rule that the broadest inquiry into all the varying business conditions which surround transportation by land may be undertaken for the purpose of determining what is a just and reasonable rate. Suppose that a field of production were equidistant from the

BUILD EIGHT MOTOR CARS

Union Pacific Will Use Gasoline on Oregon Short Line.

OMAHA, Neb., May 5.—(Special.)—It is announced that the Union Pacific will build eight gasoline motor-cars similar to Union Pacific motor-car No. 1, and five cars will be taken to Salt Lake City and installed in service on the Oregon Short Line.

The cars will be longer and heavier than

Saturday, May 5. The wedding will be a quiet affair at Woodley, the Summer residence of Senator Newlands, only members of the family being present.

WEDDING

for the state was indicated by the work of the Knights of the Royal Arch, an organization controlled by the retail interests, whose leading members were on the street early and late last night in behalf of the candidates endorsed by the liquor interests.

In almost all quarters it is agreed that Merrill is drawing votes almost entirely from Williams. But some Williams men aver that Merrill is attracting extreme open-town voters who do not like Williams. The Albion people are highly pleased by the presence of Merrill in the race.

"If Merrill can poll 1000 votes," said O. P. M. Jamison, president of the Municipal Association, "we can beat Williams."

ALL CONCEDE WILLIAMS AS SECOND.

One of Merrill's most faithful group of supporters left last night—the Orpheum, which is said to have 80 votes. Others of his liquor supporters were drawn away from him also, notably in the North End. One of the chiefs of the Royal Arch said yesterday that all saloons in the North End would support the slate, with the exception of three or four.

The first and absolutely unpledged Mayor for Portland in 20 years.

"We, the undersigned registered voters, believing in a business administration for the City of Portland, the adoption of

NOMINEES PICKED TODAY.

Republican and Democrat will nominate candidates today for the city election in June. The nominees will be chosen in primaries by direct vote of members of the two parties, after the usual manner of elections. The candidate who shall receive the largest number of votes for a given party nomination will be the party nominee. Herebefore nominees have been selected by convention.

2000 votes and Williams 2000; of the Glafke men, who believe their candidate will secure 2500 or 3000 votes, and of the Rowe men, who aver that their champion will receive 2500 or 2700 votes, and Williams 2000. The Williams people themselves consider Albion in second place.

Leaders of the Municipal Association were besought by many candidates for endorsement yesterday, but turned them down, with the exception of Kraemer, who is running for the Republican nomination for Municipal Judge, and W. T. Masters, for the Republican nomination for Councilman in the Fifth Ward, where the liquor men have endorsed A. J. Fanno. The fight for Judge is very intense, the favorites in betting circles being Kraemer and Cameron, on whom even money was offered last night.

Gossip of the Primary.

President Jamison, of the Municipal Association, said that he thought Albion could defeat Williams easily, yet that his organization felt it could have beaten Williams more easily in the election if it had chosen to take up with no candidate in the primaries.

One of the prominent supporters of Williams is ex-Sheriff Storey, who announced that Williams would outstrip Albion by from 500 to 1500 votes. The third man in the race he considered Glafke, the fourth Rowe and the fifth Merrill. In the First Ward Mr. Storey was sure Merrill would roll up a big plurality.

Democrats say that they hope for the nomination of Williams, the Lane people because they would base their campaign on the scandal issue; the Thomas people because they would use the closed-town is-

EACH HAS ESTIMATE

of the first, which has proved such a success on its Western trip, and work will begin on them at an early date, according to a Union Pacific official this afternoon.

Union Pacific motor-car No. 1 is now at Salt Lake City, on its way to Portland, and is making some phenomenal runs over the system.

TRUST MUST PAY VICTIM

Brick Manufacturer Awarded Damages From Competitors and Union.

CHICAGO, May 4.—The Appellate Court today handed down a decision ordering payment of \$100,000 to George Hinchliff, whose business as a brick manufacturer was ruined by certain Chicago manufacturers who agreed to undersell the plaintiff in the price of bricks. Builders and union laborers were parties to the combination.

The Denver & Rio Grande scenery is even more beautiful in winter than summer. Travel East via that line and save a day in Salt Lake City.

NEWLANDS' DAUGHTER WILL MARRY.

WASHINGTON, May 5.—The marriage of Miss Frances Newlands, daughter of Senator Newlands, to Lieutenant Leopold von Bredow, Corsair Guard in the German army, will take place at Washington

FINAL APPEAL TO VOTERS.

Signers of Glafke Roll Are Reminded to Turn Out at Primaries.

Dear Sir: The hour is at hand. We have first to thank you most heartily for your many support of good government by endorsing with your signature the candidacy of Mr. W. B. Glafke.

That was the first step.

Your opponents are publicly saying that your signature may amount to nothing, but we know that it was given willingly, not idly, nor merely to please someone. We know that it was given as the result of your true judgment.

Therefore we confidently look to you to take the second and final step, namely: Go to the polls Saturday and place your X against the name of W. B. Glafke, the first free and absolutely unpledged Mayor for Portland in 20 years.

"We, the undersigned registered voters, believing in a business administration for the City of Portland, the adoption of

HAY'S HEALTH IMPROVING.

Secretary Writes Hopefully of Progress to Loomis.

WASHINGTON, May 5.—In a letter addressed to Acting Secretary Loomis from Bad Nauheim, Germany, Secretary Hay speaks very hopefully of his health, which he says, has improved steadily, while he has gained "in strength."

VIENNA, May 5.—Secretary of State Hay will sail for the United States early in June.

Victims of Massacre Buried.

WARSAW, May 5.—The funerals of the victims of the recent rioting who died in the hospitals occurred this morning. The hearsees were guarded by strong patrols.

AN OPEN LETTER

From Candidate for Councilman for 2d Ward, W. G. Rowen.

A Letter That Every Voter Is Advised to Read.

PORTLAND, Or., May 6.—1905.—To the Voters of the Second Ward: I am, as you will see by the official ballot, a candidate for the City Council from the Second Ward, and naturally before asking for your support in the nomination, desire to state briefly the policy to which I shall adhere.

If elected—

First—I shall oppose all corporation dictation in municipal affairs.

Second—I shall oppose all trusts, monopolies or combinations against the interests of the taxpayers of the city.

Third—I am not, nor shall I become, a "crank," but will always, without fear or favor, insist upon honest, efficient and economic discharge of duty by the officials in the various departments of the city.

Fourth—I am not in favor of the "open town" of the gamblers, nor of the "closed town" of the ministers, but in so regulating necessary moral evils that they may be removed from the gaze of our sons and daughters, and controlled and regulated by the police.

Fifth—I am in favor of the beautification and advancement of our city, and a strict accounting of public moneys—no grafting—no favoritism.

In conclusion, I may add that if you believe in these principles, and wish a representative from the Second Ward who will look after the interests of the residents of his ward and not be influenced by corporations, monopolies or grafters, I should be pleased to receive your support at the primary election.

These are my principles, first, last and all the time. If you believe in them, cast your ballot for my nomination at the primaries. You will, always find me ready to listen to you, and advance the interests of our ward and the city. Very respectfully,

W. G. ROWEN.