



RATE BILL CAUSE OF DISAGREEMENT

Friends in Senate Differ on Vital Point.

AS TO COURT'S JURISDICTION

Shall New Dates Be Suspended Pending Appeal.

TILLMAN RAISES ISSUE

Says Reform of Courts May Be Necessary to Prevent Bill From Being Made Ineffective.

Clapp and Scott Speak.

WASHINGTON, March 7.—That there still is a sharp difference of opinion among the supposed friends of the Dooliver-Hepburn railroad rate bill was made decidedly manifest today in the Senate chamber.

The division is over the question whether a rate made by the Interstate Commerce Commission shall be suspended by the courts pending final adjudication, and was brought to the surface in a brief debate which followed a set speech by Clapp in support of the bill. In reply to a question by Tillman, Clapp expressed doubt as to the power so to legislate as to enforce penalties proposed by the bill pending a review by the courts of any given finding.

Tillman and Bailey took sharp issue with this statement. The former expressed the opinion that the issue is a vital one, and declared that, if an order of the Commission is not to be maintained until a final judicial settlement in a case is reached, it will be necessary to reform the courts. Bailey also contended that Congress can so legislate as to maintain the Commission's rate until the final order of the court is issued and to prevent interlocutory orders suspending such rates. During the day there were two speeches on the rate bill, the one by Clapp in support of it, and another by Scott practically in opposition. The remainder of the day was devoted to the statehood bill, Percell and Spooner speaking in opposition.

Opposes Government Rate-Making.

Scott's argument was directed mainly against the principle of the Government ownership of railroads, in which he included the control of rates by the Government. He admitted that there are evils connected with the railroad system of the country, but said he would not vote for the pending railroad bill without a provision for a complete court review.

On the general subject of permitting the Government to fix rates he said:

"From an intimate relationship with railroads as a shipper for nearly 20 years I have given this subject my consideration. As a Senator of the United States, I have tried to study the question of Government control from the standpoint of the roads and all shippers. As a consequence, I am forced to the conclusion from every standpoint that the roads are better able to fix rates in accordance with the laws of trade than a government."

Rates Not Unreasonable.

Scott declared that for the charge of unreasonable rates there is practically no foundation. He referred to the fear that the railroad consolidations would have the effect in the future of greatly advancing rates, but he expressed the opinion that that question could be dealt with when it presents itself, if it ever does.

"Should railroads by merger attempt to limit competition and thereby lessen the opportunities for commerce, I, for one," he said, "would insist on radical action."

Discussing discrimination in favor of certain localities, the Senator entered upon an analysis of the effort to prevent such discrimination in foreign countries. He gave especial attention to the German system, which he said had not been successful.

Evil of Discrimination.

Attention was called to personal discrimination, which the speaker said is very little practiced. He characterized as a very pronounced evil the handling of one shipper's product at the expense of another. He said:

"This is one of the worst evils of railroad management today. It should be eradicated, stamped out, even if the most stringent measures are necessary to accomplish this end."

"I may disagree here for a moment to speak of the great coal interests of the country and to express my belief that it is a most dangerous course for a railroad to pursue, to be found as the owner of, or participating in the profits of any great tract of coal lands. This I would have no doubt, and I believe that the railroad in the future, as in the past, should devote itself entirely to its duties as a public utility."

The problem of commerce, the problem of promoting the daily struggles going on between the different centers of the country, it extends further than to the mere fixing of the price to be charged by one railway to carrying a ton of freight; it enters into the very essence of our happiness and prosperity as a country. The more it is studied, the more complicated the problem seems to be, and the more sure I am that the rate-making power is safer in the hands of the railroads than it is in any body of men appointed for that purpose."

Interest—Commerce Law.

Scott said that the present interstate commerce law had been enacted

with the end in view of accomplishing most of the results promised for the Dooliver-Hepburn bill, and after speaking of the number of complaints heard by the Commission, said:

"These cases have been all appealed to the Supreme Court, and the basic principles laid down by the Interstate Commerce Commission in nearly every case have been overruled."

No, judging from the past, I am led to the conclusion that the Interstate Commerce Commission would, if it had the power, establish the principles of the mislead tariff and of natural location. Therefore I cannot agree that a political commission appointed by a President, open to change at every general election, should have the power to fix railroad rates on any such basis. Should the bill now before the Senate pass without amendment, I think the people within a very few years would find that it had met none of the purposes which it was thought it would remedy."

Wants Equal Treatment for All.

Outlining his views as to what should be done, the Senator said:

"I want the bill amended so that the coal operator of West Virginia can open his mine, have it connected with a railroad, and have his just share of cars, and thus have his product carried to the best market; so the farmer of the West can ship his surplus grain to the Interstate Commerce Commission, and the lumberman of the North of his timber, and that these in turn can take their share of the manufacture of the products of the Interstate Commerce Commission, and that the small producer shall have an actual chance with the large."

Willing to Yield to Popular Will.

He closed with the declaration that, while he considered the railroad man more deserving of regulation, he was willing to permit the experiment of a rate-making commission to be made because of the popular demand. He added, however:

"I am absolutely and unequivocally opposed to giving them that power without a provision for a general court review, in which the shipper and carrier can appeal when the rate designated is unfair to either. I hold to such a revision by the courts, since the rate of the Interstate Commerce Commission has shown to my mind that the power of the court to review their decisions has simply saved this country from the ravages of European countries, in that experience has shown that discriminations of a more serious nature than we have exist, and prove conclusively that the results coming to us had the Interstate Commerce Commission the power to enforce its decisions, would have been disastrous beyond comparison."

When Scott closed the President's message on the Commerce bill, Clapp and Spooner spoke in support of the bill.

Clapp Supports Bill as Reported.

Clapp spoke in general support of the rate bill as reported from the committee on the Commerce bill. He first considered the question of the right of Congress to fix rates either directly or through a commission, and on that point said:

"The necessity and expediency of regulating transportation rates is so generally recognized that it is not necessary to discuss the question of the statutory regulation is, as a rule, subject to the requirement that the rate so fixed shall be reasonable. The power of Congress to regulate rates through a commission would seem to be no longer a subject of inquiry. The exercise of that power, unchallenged as to the power itself for the last 29 years, has been the declaration of the Supreme Court that Congress might prescribe rates, or might commit to some subordinate tribunal this duty."

No Authority to Name New Rate.

Under the existing law a rate found too high can be reduced, but in 1897 the court held that the Commission had no authority to condemn an existing rate. It had no legal authority to name the new rate. And its duty to regulate rates through a commission, accompanied by the suggestion as to the new rate, being clothed with power to condemn in turn the new rate, its suggestion to name a new rate has had no effect to result, with but rare exceptions, in the adoption of its suggestions. It is now proposed to give the Commission the same legal authority to name a new rate which was to condemn the old rate, with the same legal force and effect.

Not Delegation of Power.

The objection is made that this amounts to the delegation of legislative authority, but the Supreme Court has so often declared, in dealing with such questions, that it is no necessary to prescribe the details of the judicial procedure involved in a claim that the act amounts to the illegal taking of property that it would be if Congress named the rate in the bill itself. The act of Congress is the act of dealing with the question of the regulation of a matter subject to Congressional regulation, and in either case, so far as Congressional action goes, is final. But in either case, as under any act of Congress in the enforcement of which a party claims unlawful deprivation of property, the party making the claim can go into a court of equity and assert his rights.

The further objection, however, is made that there is a broad distinction between the law in the regulation and the point of condemnation. It should be remembered that it is not only a right to reduce a rate to a reasonable point. The law by express terms only allows the Commission to go on, that point-to reduce a rate below that point, would be only to invade the property rights of the carrier, but it would be in exercise of the authority of the Commission, and the courts have frequently used the word "reasonable" as fixing the extent of their inquiry when the complaint has been made that the rate made was destructive of property rights.

Orders of Commission Binding.

This proposed law goes a step further than most public acts, and provides that the order shall be in force and effect unless suspended or vacated by a court of competent jurisdiction. It has been urged that, pending an examination by the court, the carrier might continue the old rate, paying the difference into court for the use of the parties who have paid the freight in case the court should ultimately sustain the new rate.

This is open to two objections: First, the impossibility in a great majority of cases of determining upon what particular individuals the burden of the excess falls; and, secondly, the fact that the rate made would be destructive of property rights."

Question of Judicial Review.

Taking up the question of a judicial review of the Commission's ruling, Mr. Clapp said:

Objection is made to the fact that the bill does not go into the details of the judicial proceedings which the carrier must make. The bill proceeds upon the theory that, when a rate is fixed by the Commission, it consummates the act of Congress, and that it is no necessary to prescribe the details of the judicial procedure involved in a claim that the act amounts to the illegal taking of property that it would be if Congress named the rate in the bill itself. The act of Congress is the act of dealing with the question of the regulation of a matter subject to Congressional regulation, and in either case, so far as Congressional action goes, is final. But in either case, as under any act of Congress in the enforcement of which a party claims unlawful deprivation of property, the party making the claim can go into a court of equity and assert his rights.

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RETURNS SHOW MOORE IS MAYOR

Seattle Municipal Ownership Candidate Wins After He Thought Himself Beaten.

LEADS BY FIFTEEN VOTES

Agitation Over St. Paul Railroad Franchise Is Blamed for Ripplinger's Downfall—Terms Made With Council.

SEATTLE, Wash., March 7.—(Special.)—Complete returns today show William Hickman Moore, the Municipal Ownership candidate for Mayor, and A. G. Keene and J. O. Kelso, Municipal Ownership Councilman candidates in the Second and Eleventh Wards, respectively, were elected at yesterday's election. Moore pulled through with a plurality of 15 votes over Ripplinger, with approximately 17,000 cast for the two leading Majority candidates. Moore polled 840 and Ripplinger 875.

It took the final count of all the precincts to show the outcome. At midnight last night the Municipal Ownership committee was willing to acknowledge defeat, and Moore confided to his friends that he did not think he was elected.

The early morning reports today were against him, but later the outlying wards brought up his vote, and Ripplinger's deep cut in the "hill districts," or residential wards, made it impossible for the Republican nominee to overcome the Moore gains. Ripplinger was cut 10 per cent below George F. Russell, candidate for Treasurer, who led the ticket.

Ripplinger Men Charge Fraud.

Ripplinger announced this afternoon that he would contest the election. Stories are told by political workers in several precincts that men were voted on others' names, and that irregularities were practiced which invalidated the vote. A charge of fraud is made against several residence districts on Ripplinger's account.

Municipal Ownership managers insist that in the First Ward fraudulent voting can be proved that will more than offset anything Ripplinger could gain elsewhere in the city. The Republicans had control of the election boards and led all the advantage in the counting. At the fact that only 15 votes separate Ripplinger and Moore, and that 26 election boards canvassed the 17,000 votes lead some of Ripplinger's friends to believe a recount may save him.

Ripplinger Will Not Contest.

The Council will canvass the returns Friday night, but this is only an examination of tally sheets. Minor mistakes may be found, but no irregularities could be uncovered.

Moore Will Take Office.

The new Council, standing 13 Republicans to two Municipal Ownership advocates, will be organized a week from Monday, with David W. Bowen, hold-over Republican Councilman-at-large, and the Republican candidate in the Eleventh Ward, The Second Ward is the home of United States Senator S. H. Pile.

Burning Gas Well a Great Show.

CANBY, Kan., March 7.—The big gas well six miles from Canby continues to burn with great force. The preliminary work for the supreme effort to cap the well with the 2000-pound iron hood made for the purpose is being pushed with all haste. It is not likely that the hood can be placed in position before tomorrow. Hundreds of sightseers still flock to the scene. The towns near are taxed to the limit and last night many persons walked the streets, unable to secure rooms.

end headquarters from Seattle to Tacoma because of the Council's delay in acting upon the road's franchise.

Franchise Blocked by Council.

For nearly four months the franchise has been pending before the Council. The road itself was responsible for most of the delay. But recently has been trying to force action from the Council. The City Engineer, R. H. Thomson, and members of the Council committee on corporations have hung up the franchise with repeated objections, most of which have been finally met by the road.

When the Council committee Saturday rejected a compromise plan suggested by the railroad, the St. Paul threatened to abandon efforts to get a franchise here and to transfer the Western headquarters to a more friendly city. This involved the disbursement of a construction fund of \$25,000,000, and from commercial organizations and the public a big protest was hurled at the Council.

Mullen Feels the Effect.

Frank P. Mullen, for years a member of the Council and a candidate for Councilman-at-large, was on the corporation's committee that procrastinated with the St. Paul franchise. There had been no fight made against Mullen, but yesterday his plurality was cut down to 26. This is accepted as confirmation that the entire ticket suffered from a fight begun against the entire Council on the Saturday before election.

It is probably true that Ripplinger lost more than a dozen votes, and less than that number would have elected him. Some Republican politicians figure that 500 votes were lost by the railroad agitation.

Following the long series of conferences with the railroad and yesterday's election, the Council this representative of the Chicago, Milwaukee & St. Paul, agreeing upon the terms of the franchise.

Railroad Accepts Council's Terms.

The ordinance was to have been passed tonight, but after a wait until after 9 P. M. for a new draft of the ordinance, the road's and city's attorneys agreed that there is not time enough before the present Council goes out legally to adopt the ordinance. It will be put through the next Council immediately after organization, sufficient votes being pledged.

In the final compromise the railroad agreed to bear its proportion of the cost of an overhead bridge system in the terminal district whenever ordered by the city, to absolve the municipality from any claims for damage on account of the bridges; to accept a common-user clause in the franchise and to handle other roads' cars on the "transfer" or switching tracks, irrespective of the destination or point of consignment being from a competitive point.

These terms are substantially those the Council has been willing for two or three weeks to grant.

As a Man Describes Them.

A green sort of whitewash, stirred with red herring bones, cut diax, a blue bassinet with dromedary effects, lined with XXX canvas tied in the middle with bright purple baling rope.

A corset pink thing with cut-glass

WOMEN WONDER, MODELS SWEAT

Mysteries of Female Beauty and Attire Expounded to Dressmakers.

GOWNS MAKE GIRLS COVET

Miss White Shows How Beauty Conquers Fat and Eliminates Double Chin—Lay Reporter Describes Dress Creations.

CHICAGO, March 7.—(Special.)—"One chin is enough for any woman."

With this startling truism, Miss Elizabeth A. C. White, president, spokeswoman and whole works of the National Protective Dressmakers' Association, made a ten-minute address to the men present at tonight's meeting.

Then she told how to avoid the double, flabby chin by holding one's head erect, with the chin tilted upward and forward at a sort of aggressive angle. With the aid of an accommodating but perspiring model, who panted like a porpoise, the demonstrator then showed how, with proper corset, a woman built on the general architectural lines of a bear could be hammered, stamined, belted and laced into a really divine figure. The model breathed much easier, however, after it was all over, and sweated profusely.

He-Dressmakers Admitted.

At the morning session lay models were shown in suit and costume demonstrations, and there were quite a number of fresh men hanging around the door. However, they were received with a cold and clammy eye, and before they could pass the portals had to prove that they were he-dressmakers or him-milliners or otherwise entitled to pass in. The dressmakers look upon the man dressmaker as a perfectly innocuous person.

Once inside, there were fearful and wonderful doings. A handsome young woman was exhibited in various brilliant gowns, each of which she shucked with a sigh—they were so perfectly sweet! A lay reporter who saw the exhibition turned in the following description of the chief gowns exhibited:

As a Man Describes Them.

A green sort of whitewash, stirred with red herring bones, cut diax, a blue bassinet with dromedary effects, lined with XXX canvas tied in the middle with bright purple baling rope.

Storm Kills Fishermen.

HONOLULU, March 7.—A heavy gale is prevailing tonight and a number of Japanese fishing boats, unable to make shore, are in danger. One has been seen out in the ocean turned bottom-side up and two others are missing. The stormship Mowara, from Australia to Victoria, B. C., which is due today, has not yet been sighted.

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CONTENTS TODAY'S PAPER

The Weather. YESTERDAY'S—Maximum temperature, 64 deg.; minimum temperature, 44 deg.; precipitation, 0.00. TODAY'S—Fair; easterly winds.

Foreign.

Reuvel defeated in French Chamber and his Cabinet resigns. Page 2. France proposes police plan for Morocco and conciliation is likely at Algiers. Page 2. Lithuania accuses Japan of holding army in Manchuria and proposes policy to China for Far East. Page 2. Britain and Germany struggle over island of Thasos. Page 2.

National.

Senate debates vital feature of rate bill. Page 1. France urges Congress to make coal and oil monopoly inquiry real. Page 2. Government seeks injunction to break up elevator trust. Page 2. Senate committee runs down Hepburn's forestry bill. Page 4. Engineer Burr recommends sea-level canal. Page 4. Spooner sounds death knell of joint statehood. Page 4.

Politics.

New England rules New York police force. Page 4. Ballot reform to be taken up by Civic Federation. Page 4. Ohio Senate votes for initiative. Page 5.

Domestic.

Interesting scenes at dressmakers' convention. Page 1. Strange darkness falls on Chicago and St. Louis. Page 3. Armour defied Government, then retreated. General Schofield buried with military honors. Page 5. Standing oil company agrees to give evidence Missouri demand. Page 4.

Pacific Coast.

W. J. Moore, Municipal Ownership candidate for Mayor of Seattle, elected by 15 votes. Page 1. Caldwell grand jury returns no indictment. Oakland Gas Company, alarmed at proposed investigation, cuts price of gas. Page 6. Judge Stephen A. Lowell, of Pendleton, will be candidate for United States Senator. Page 6. Oranga Iron Works fighting hard suit for laying waste of fertile land. Page 6. Vessel seen in distress off California coast. Page 1.

Commercial and Marine.

California wool buyers in Eastern Oregon unable to do business. Page 15. Aurora hops but into consignment pool. Page 15. Sharp break in wheat at Chicago. Page 15. San Francisco barley market firmer. Page 15. Rusk trading dull and neglected. Page 15. Steamer Sutherland is chartered to carry a second cargo of lumber to China and to bring general cargo from Manila to Portland. Page 14. Port of Portland holds meeting this afternoon to elect president and vote upon bridge matter. Page 14. French bark Francois d'Ambois chartered to wheat at Portland for the United Kingdom. Page 14.

Portland and Vicinity.

American woman appeals for aid for starving Japanese. Page 11. Police Captain Slover plays spy on his traitors. Page 14. Council of Jewish Women holds open meeting in neighborhood house. Page 9. Democratic dodge primary law by inviting candidates to name themselves for state offices at so-called mass meeting. Page 1. Three popular Portland girls become brides in one day. Page 11. Mrs. Rose DeCicco bound over to the grand jury. Page 10. Paving war breaks out in City Council. Page 10. Sensational Johnson estate case set for trial April 13. Page 11. Women's League gives unique anniversary banquet. Page 10.

boats and trimmings that looked like sections of dried apples.

A blazing red creation of boiler plate shininess, tacked fore and aft with gauze netting.

The model fairly wept as she had to turn back this one, after prancing proudly up and down the stage with it on her superb figure.

The country dressmakers and milliners to the number of 930 swarmed into the convention. They were clad in all hues of the rainbow, and they listened open-eyed, also open-mouthed, to the pearls of wisdom that fell from the lips of Miss White as she descended in finely modulated tones upon the prevailing modes in Paris and New York. She told them what to wear and when to wear it; how to be properly attired at afternoon teas, the race course, at commencements, at Summer resorts, and wherever beauty and fashion congregated.

A reporter undertook to get an expression from the dressmakers on the plan of Philadelphia tailors to force the innovation of gray evening clothes for men, in order that they may be distinguished from waiters and cabdrivers. "Bah and poof!" was all the answer he could get, with a shrug of the well-rounded shoulders. "It makes no difference what men wear."

WESSEL SEEN IN DISTRESS

MAY BE STEAMER HAROLD DOLLAR DUE FROM PORTLAND.

Red Rockets Seen From Shore at Surf, Cal.—Railroad Men Report Signals.

SAN FRANCISCO, March 7.—A telegram to the Merchants Exchange from Surf, Santa Barbara County, says that a ship in distress has been sighted. Red rockets are being fired from the vessel.

LOS ANGELES, March 7.—A special to the Herald from San Pedro tonight says that the steamer Harold Dollar, due at Redondo Monday from Portland, has not yet arrived and thus considerable anxiety is felt for her safety. It is not believed that the vessel has been lost, but it is feared that some mishap has befallen her. It is possible that the steamer reported in distress near Surf may be the Harold Dollar.

SANTA BARBARA, Cal., March 7.—Word received from Surf by long-distance telephone at midnight says that what is known there of a vessel being in distress off the Santa Barbara coast is what was reported by the freight crew of a northbound Southern Pacific freight train, which is said to have seen signals of distress from a vessel off shore tonight between Surf and San Luis Obispo. The railroad freight crew reported the occurrence when it reached San Luis Obispo.

The steamer Santa Rosa left here this afternoon northbound and would probably be in the locality at about the time the steamer in distress was said to have been sighted.

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OATH TO KILL ROOSEVELT

Woman Says She Was Forced by Socialists to Swear.

NEW ORLEANS, March 7.—(Special.)—Unless it is proven statements made by the New Orleans police by a woman under arrest are the words of an insane person, the local department has in custody a prisoner who was developed into a national celebrity. The prisoner is Mrs. Lewaller, who, at her own request, was taken into custody and held until she can be put through an expert medical examination.

She declares she became wedded to the principles of Socialism and has sacrificed everything to that belief. She was divorced from her husband at Philadelphia, and fell in with a crowd of Socialists, who, she says, required that she stoop to all sorts of alleged "jobs."

One day, she declared, men made her an oath to assassinate President Roosevelt. The oath was exacted at the muzzle of a pistol and accompanied by the alternative of death. She declared that men followed her to New Orleans, but refused to give either the names or description of the men.

To all outward appearances, she is perfectly sane and rational. She speaks with the utmost intelligence, but her talk is so sensational that a question of her mental condition is aroused in the minds of the police.

MEET POPULAR DEMAND

Western Railroads Reduce Rates From Missouri to Atlantic.

CHICAGO, March 7.—Western railroads, according to the Record-Herald, have decided to make voluntary reductions in transportation charges, amounting in the aggregate to many million dollars annually.

The proposed reductions are to be made in all the rates of the six classes into which freight is divided and will be effective in the entire territory between the Atlantic seaboard and the Missouri River.

In general the reductions will amount to approximately 15 per cent.

JUSTICE BROWN TO RESIGN

Vacancy on Supreme Bench Offered Knox and Declined.

WASHINGTON, March 7.—Associate Justice Henry Billings Brown, of the United States Supreme Court, intends to retire from the bench, and has notified President Roosevelt.

The President desired to appoint Senator Philander C. Knox, of Pennsylvania, to the vacancy, but the latter declined.

Justice Brown was 79 years old on March 2. He will serve through the present term of court and will probably retire in the fall.

DEMOCRATS DODGE NEW PRIMARY LAW

Name State Ticket at So-called Mass-meeting.

INVITE CANDIDATES TO RUN

Thereby Avoids the Charge of Holding a Convention.

ADOPT A PLATFORM, TOO

But Wise Old Warhorses Euphronically Refer to It as a "Set of Resolutions"—Fight Shy of Old-Time Methods.

Democrats "Invited" by Party "Mass Meeting" to Become Candidates for State Nominations.

Governor, George E. Chamberlain, incumbent. Supreme Justice, Thomas G. Halley, incumbent. United States Senator, John M. Gearin, incumbent. Secretary of State, Paul Sroat, of Marion. State Treasurer, J. D. Matlock, of Lane. Attorney-General, Robert A. Miller, of Multnomah. State Printer, J. Scott Taylor, of Clatsop. Superintendent Public Instruction, E. E. Brazz, of Union; W. A. Wann, of Linn. Labor Commissioner, Sam Veatch, of Lane. Representative in Congress—First District, C. V. Gallovan, of Yamhill; P. A. Cochran, of Marion. Second District, Harvey Graham, of Baker; W. T. Vaughn, of Multnomah.

Resolved, That nothing we have done today should be questioned by any candidate for Democratic nomination as a bar to his candidacy.—Moved by Walter M. Pierce, of Umatilla, and adopted unanimously.

Oregon Democrats held a new kind of assembly in Hiberna Hall yesterday, calling it a "mass meeting," instead of a "convention," adopting a body of principles, which they said were "resolutions," instead of a "platform," and putting up a list of candidates which they described as "inviting" candidates instead of "making" tickets.

In this way the warhorses escaped the charge of violating the direct primary law by "nominating a ticket" and "adopting a platform" at a "convention," for under the new system of politics in Oregon, those processes are relegated to the outdated realms of "bosses" and "machines." At every turn they fought shy of the semblance of the old convention machinery.

The session was attended by some 150 patriots, most of them from Multnomah. The only fight broke out over a motion of Walter M. Pierce, of Umatilla, to "invite" men to become candidates. The opponents of this resolution declared that its adoption would virtually result in making a ticket, but they were a small minority. The assembly gave abundant signs that the party spirit was strong, and those who favored a non-political party, as did H. D. Wagoner, representing the Municipal League forces in Portland, had scant following.

The resolutions were adopted without debate by unanimous voice. They were written mostly by C. E. S. Wood,