DIRECT PRIMARY LAW IN COURTS

Washington Supreme Body's Decision May Change Complexion.

SECOND CHOICE ATTACKED

Constitutionality of Measure Involved in Five Actions Brought on Behalf of Candidates Including Lieutenant-Governor.

OLYMPIA, Wash., Oct. 7.—(Special.)—Five actions calling in question the constitutionality of provisions of the direct primary law of this state are now pending in the Supreme Court and all come up for hearing next Friday.

If the parties who are contesting the validity of the law should be successful the results of the recent primary election will be wholly upset as to several offices and possibly to all of them.

The validity of the second-choice provision of the law and the constitutionality of the non-partisan and filing fee feature are directly involved and if both should be held invalid the workings of the law would be so restricted that it is possible the court would feel called upon to declare the entire act unconstitutional.

There is considerable interest as to the methods to be pursued in presenting candidates for election next November in the event the last contingency should arise, and it be held there had ben no nominations. Legal authorities here quite generally hold to the opinion that in the absence of further legislative enactment by special session the general election laws would apply and that nominations could be made for both parties by their county and state central committees.

Committees Fill Vacancies.

Section 12, of the general election laws, in dealing with vacancies on the ticket provides that,

"If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, or by primary election, the committee of the political party he represents may, upon the occurring of such vacancy, proceed to fill the same."

This provision applies "should any certificate of nomination be or become insufficient for any cause."

Section 13, of the general election law, provides a maner in which such vacancies may be filled even after the official ballots have been printed. The section provides that if the vacancy occurs after the tickets have been printed and distributed, stickers bearing the name of the person chosen to fill the vacancy shall be printed and mailed to the judges of the election and by the judges affixed to the proper place on each ticket.

It is apparent from these sections that if the primary law is held to be void the state committee, without any further act of the Legislature, can supply a state ticket and the county committees can supply the county tickets.

Governor Mead, however, has announced that if a decision against the law should be the outcome he will call a special session of the Legislature and recommend the passage of a law directing the Secretary of State to certify the nominations as made in the recent election.

It is conceded here that the Legislature could wipe the slate so far as the nominations are concerned, even if only the second choice provision were held invalid, but attorneys looking up the law have found a decision directly in point which holds that a Legislature cannot make the nominations. Such act would be special legislation.

Validity of Law Questioned.

Of the five cases pending, one, that instituted by Lieutenant-Governor Charles E. Coon, attacks the constitutionality of the second choice provision. Three of the others raise the non-partisan judiciary feature.

William E. White, formerly a member of the Supreme Court, is seeking an order of Court requiring the clerk of King County to accept his nomination by petition to the position of Superior Judge.

E. K. Pendergast is seeking a writ requiring the Secretary of State to file his nomination by petition for the office of Superior Judge of the joint district composed of Okanogan and Ferry counties.

In both the latter cases the alternative proposition is raised that in event the law is held constitutional it does not repeal the provision of the general election laws permitting nominations by petition.

Judge W. W. Zent is making a general attack upon the nonpartisan feature of the law with two alternatives. One is that if the law is held constitutional there has been no nomination of a candidate for Superior Judge in the district composed of Adams, Franklin and Benton Counties, and the other alternative is that if there has been a nomination, O. R. Holcomb, who received a plurality over Zent, is nominated for a short term, beginning after the election and ending January 15. Judge Zent now occupies the bench under appointment and his term ordinarily would expire immediately after the general election.

Socialists Take Hand.

The fifth case is the one instituted by the Socialists attacking the validity of the provision of the primary law requiring filing fees from candidates.

One decision that will probably be relied upon to defeat the contention of Judge White is in a Minnesota case, reported in Volume 93, p. 447 L. R. A. The Minnesota primary election law has a provision identical with the following from the Washington law:

"No names of candidates of any political party which is required to make nominations under this act shall be placed upon the official election ballot, unless such candidate shall have been chosen in accordance with this act," etc.

In the above case the Supreme Court of Minnesota denied W. P. McCarthy, who was defeated for the nomination for County School Superintendent, the right to have his nomination by petition subsequently accepted and filed.

Judge White was a candidate for nomination in the recent primary election, but Judge Pendergast was not. It will likely be contended to offset this decision that Judge White was not the candidate of any political party, having sought the nomination under the nonpartisan provision of the law.

The Minnesota decision, in its moral reasoning, will also likely be invoked in the Coon case. The Minnesota court severely condemned McCarthy's suit in the following language:

"It would seem proper that any candidate who seeks the assistance of the primary election law to aid him in securing party support should be bound by the obligations of good faith and the dictates of fair play to which he has voluntarily subjected himself. * * * The conditions he accepted and the consequences he would have imposed upon his adversary should impel him upon every sense of justice and common honesty to submit to the results he should have been prepared for."

Governor Coon's Contention.

Governor Coon, however, is not seeking to file a nomination by petition. He maintains that the second choice provision is unconstitutional and that, inasmuch as he received the plurality of first choice votes he received a plurality of the legal votes and is the nominee.

A decision that the second choice provision is invalid but that the balance of the act will stand, would mean also the nomination of McBride for Governor and Easterday for Attorney-General.

If the Supreme Court failed to pass upon these cases prior to election, it is the consensus of legal opinion that the men whose nominations are in doubt but who have been certified as the nominees would be legally elected, if receiving a plurality in the general election, notwithstanding the tenor of subsequent rulings by the supreme court.

The certification of the nominee to the office of Lieutenant-Governor and the nominee to the position of Superior Judge of Adams, Benton and Franklin Counties, are held up, however, by temporary injunctions, so it is believed the court will make an effort to hand down its decisions within a very few days after the case is submitted.

NAMES MUST GO ON BALLOT

Nonpartisans to Appear Under Both Party Heads.

OLYMPIA, Wash., Oct. 7.—(Special.)—The so-called "non-partisan" judiciary nominations for supreme court and superior court must be printed on the official ballot in both Republican and Democratic columns and Prohibitionists and Socialists may nominate judiciary candidates, whose names shall appear under their party designation. Such is the substance of a long opinion rendered today by Assistant Attorney-General I. R. Knickerbocker to the prosecuting attorney of Thurston county.

In arriving at this opinion the attorney holds that the direct primary law does not repeal by implication the old law allowing minority parties to make judiciary nominations, but does repeal by implication the law providing "no candidate's name shall appear more than once upon the ballot."

BOUNDARY LINE MARKED

SEVENTY MILES OF ALASKA SURVEY COMPLETED.

Work of Setting Monuments and Clearing Trail Requires Two Years of Time.

VANCOUVER, B. C., Oct. 7.—(Special.)—The delimination of the international boundary between Alaska and the Canadian Yukon south of Mount Elias and in the vcinity of the Alsek River, extending over a distance of 70 miles, has been completed. It has occupied two years. Permanent monuments were erected and the line was cleared of trees through all wooded tracts.

George White Fraser and his assistant, D. V. Ritchie, both of Ottawa, returned from the north tonight. They were the representatives of the Dominion government on the survey, which for this portion of the work was carried out by an American party in charge of Fremont Morse, of Washington, D. C. By agreement the United States is also represented on the Dominion survey party.

Mr. Fraser brought down word that good progress was also made by the Canadian party in charge of Mr. Brabazon, and which has been occupied in locating the 141st meridian north of Mount St. Elias. This line runs direct to the Arctic Ocean.

J. N. Wallace, a Dominion surveyor from Calgary, and a party of 14 assistants came down on the same boat. He was engaged all Summer locating and marking the boundary line between the Yukon and British Columbia. This was his second season on the task, completion of which will take three or four years, as the eastern boundary of this province is at the summit of the Rockies.

WASHINGTON WOMEN MEET

State Federation Holds Most Largely Attended Convention.

BELLINGHAM, Wash., Oct. 7.—The largest convention of the Washington State Federation of Women's Clubs ever held transacted its first day's actual business here today. The day was taken up with the reading of various committee reports and the passing of resolutions presented to the federation last May for consideration. Among the most important was one proposing to establish a girls' scholarship fund to be used for the education of worthy girls.

Tomorrow the annual election of officers will be held, and the various federation officers and committees will continue their reports of work done during the past year. Mrs. H. W. Allen, of Spokane, present president of the federation, probably will be re-elected.

Next year's session of the federation probably will be held in San Francisco, as it is intimated tonight that a National federation of women's clubs is under process of formation now and that its first session will be held in 1909.

OLDTIME LOVERS MARRY

Alaskan Railroad Conductor and Early Sweetheart United.

SEATTLE, Wash., Oct. 7.—(Special.)—Jerry Quinlan, the oldest conductor on the White Pass & Yukon Road and known to most Alaskans who have traveled that road, was married in this city Monday night to Miss Agnes McCormick, of Woodstock, N. B. The two were sweethearts 20 years ago. Quinlan came West and for ten years has been in Alaska. He married, but his wife died several years ago.

His boyhood sweetheart remained unmarried. A short time ago they renewed their acquaintance and matters started just where they left off. A few days ago Quinlan applied for leave of absence and came to Seattle. About the same time Miss McCormick packed up and left New Brunswick. She arrived here Sunday and they were married the next day.

High School Teams Prepared.

ABERDEEN, Wash., Oct. 7.—(Special.)—The Southwestern Washington High School football championship battle for the season will be inaugurated Saturday. The fight is between Aberdeen, Hoquiam, Olympia, Centralia and Chehalis, but the final race will most likely be between Aberdeen, Olympia and possibly Hoquiam.

Chehalis has already been beaten 64 to 0 by Centralia and 34 to 0 by Olympia. Hoquiam is not considered by Aberdeen, although that team might surprise some of the wise ones. Aberdeen showed class by holding down the athletic eleven here and by scoring on Tacoma in two practice games.

Tomorrow and Saturday will positively be last days for discount on West Side gas bills. Don't forget to read Gas Tips.

THE DALLES FAIR TAKES HIGH RANK

Attendance Continues to Tax Capacity of Grounds and Hotels.

CHILDREN'S FINE DISPLAY

Racing Events Attract Largest Crowd So Far and Barring One Accident Passed Off With Credit to Management.

THE DALLES, Or., Oct. 7.—(Special.)—Clear frosty weather with bright sunshine is smiling upon the district fair opened here yesterday. Nothing could be more auspicious for the parades, Indian dances, races and general enjoyment of the large crowd in attendance than the beautiful Fall weather which prevails.

Each train brings more visitors and the town is crowded to the limit tonight. All day crowds have surged about the pavilion viewing the exhibits conspicuously that of the school children, which is large and most creditable. Needlework, cookery, fruit and vegetables raised by children, models in clay, rafia work and mechanical devices crowd this department, the cookery being perceptibly in advance of that displayed by older entrymen.

Best Fruit Exhibit.

At no previous fair has the fruit exhibit been so fine. Besides the many varieties of apples which are packed and displayed to perfection, the display of grapes shows conclusively the adaptability of Wasco County soil for that culture as another specialty in the fruit line. Black Hamburgs, Flavie, Tokays and Muscats in magnificent clusters are shown from a dozen different localities. Alongside of the grapes range long rows of almonds and English walnuts grown on hillsides bordering mountain streams emptying into the Columba basin.

Indians Unique Feature.

As predicted, the Yakima Indians are the unique feature of the fair. Their daily parade through the streets, wearing paint and feathers, being eagerly watched by hundreds. At the races today the gate receipts indicate an attendance of 1000. The Indian pony race, the feature of the day, was won by Columbia Charley, owned by Buffalo Bill.

The racing programme of the second day of the fair was slightly changed, but the main events were run. Another record-breaking crowd was out. An accident happened to Ted Easton in the bucking contest, but it was nothing serious. The racing results follow:

Results of Races.

Half-mile dash—Entries: Capitanza, A. J. Stadelman, Jr., The Dalles; Birdie P., N. S. Whetstone, Heppner; Diadem, B. G. Hemanway, Dufur; Yank, B. J. Bagley, The Dalles; Knockins, A. Douglas, Dufur; Lady B., R. Moore, Scio; Bazzina, T. J. Sullivan, Seattle. Results—Yank first, Lady B. second, Diadem third. Time, 0:51. Purse $75.

One-mile pace, best two in three, three entries—Sunny Jim, H. C. Davis, The Dalles, first; Rockford, W. C. Stepp, The Dalles, second; Doris Elmont, George E. Lord, The Dalles, third. Purse $150.

Farmers' saddle horse race, half mile, purse $50—Entries: Buster, Henry Barnard, The Dalles; Blackey, W. H. Carlisle, The Dalles; Bess, J. B. Fisher, Boyd; Butcher, D. A. Mode, Tygh Valley; Nellie, Ray Kayler, Tygh Valley; Drek, D. A. Conklin, The Dalles; Bridget, Tom Crofton, The Dalles; Gray Dam, C. A. Lockhart, Moro. Results—Nellie first, Dreck second, Bess third.

Bucking contest, purse $100, six entries—W. A. Marsh first, Ted Easton second, Bill Ray third.

VISITS OLD MISSOURI

J. M. Philpott Goes East After Absence of 57 Years.

ALBANY, Or., Oct. 7.—(Special.)—Hon. J. M. Philpott, of Harrisburg, one of Linn County's Representatives in the next Legislature, left Albany today on a trip through the East and expects to be gone until the first of the year, arriving home just in time for the Legislative session. Mr. Philpott came to this state from Missouri when three years old, and has lived in Linn County continuously. Since that time he has never been East and will accordingly revisit his old home for the first time in 57 years. He expects to make a thorough trip of the Eastern states.

DEMOCRATS HOLD RALLY

George Fred Williams Addresses McMinnville College Students.

M'MINNVILLE, Or., Oct. 7.—George Fred Williams, Democratic orator from Massachusetts, accompanied by National Committeeman Milt Miller, arrived here from the South at 2:30 this afternoon and was driven in an automobile to McMinnville College, where he addressed the students in chapel at 4 o'clock. He spoke to a large audience at the Opera-house this evening. August Huckstein, Presidential elector on the Democratic ticket, drove over from Salem with a party of friends and preceded Mr. Williams in a brief address.

FIND WHAT O. R. & N. COST

Railroad Commission Holds Hearing in Portland October 23.

SALEM, Or., Oct. 7.—(Special.)—The Oregon Railroad Commission has fixed October 23 at 10 A. M. as the time for conducting an investigation as to the original cost and the cost of reproduction of the main line of the O. R. & N. The investigation will be conducted in the auditorium of the Portland Chamber of Commerce. The commission is making this investigation for the purpose of forming the basis for regulation of freight rates in this state.

AFTER EXPRESS COMPANY

Complaints Presented to Commission on Rates.

SALEM, Oct. 7.—(Special)—The Wells Fargo and Pacific Express companies have entered general denials to the complaint of B. F. Jones, of Independence, that their rates are excessive and the Railroad Commission has set the cases for hearing. The Wells Fargo case will be heard at Salem at 10 A. M., October 30. The Pacific Express Company case will be heard November 2 at 10 A. M., also at Salem.

George W. Simons, of the Pacific Bridge Company, has complained to the Railroad Commissioners that the Wells Fargo Express Company charged him 50 cents express on two boxes of apples 100 pounds from Hood River to Portland. He says that the same boxes would have been carried by boat for 5 or 10 cents each. The Simons complaint will be investigated in connection with the Jones complaint. All persons who believe express rates are too high will be given a chance to present their facts and arguments when the cases are heard on the dates named.

QUEEN OF DYNAMITERS MAD

TAKES SHOT AT MAN AT WALLACE.

Woman With Record in Coeur d'Alene Troubles Accuses Miner of Trespassing on "Property."

SPOKANE, Wash., Oct. 7.—(Special.)—A dispatch from Wallace to the Spokesman-Review says Maud Goldensmith, of Mullan, known throughout the Coeur d'Alenes as "Queen of the Dynamiters," on account of her connection with the labor troubles years ago, this evening shot at Ed Scott, an employe of the Snowstorm mine, the bullet narrowly missing Scott. He caused her arrest on a charge of assault with intent to kill.

Mrs. Goldensmith, whose husband, a populist, was once a member of the Idaho Legislature, lives on property near the Snowstorm mine. It is claimed she has no title to the property. Scott was getting out stulls for the mine when he was assailed by the woman, who accused him of trespassing. He paid little attention to her, and was standing on a pile of stulls when she disappeared inside the house, secured a rifle and shot at Scott.

During the labor troubles in the Coeur d'Alenes union miners presented her with a gold watch in token of their appreciation of her act in refusing to serve meals to non-union men.

"BLIND PIG" IN VALLEY

Grand Jury Indicts Breaker of Local Option Law.

LA GRANDE, Or., Oct. 7.—(Special.)—A new sensation in the liquor cases came to light this afternoon, when the grand jury returned an indictment against a man named Fuches, who is accused of having conducted a whisky stand in a little hut far out in the valley. The evidence, it is said, plainly showed how he had purchased a barrel of whisky and was disposing of it at a good profit very rapidly.

He has his country home not far from the Hot Lake Sanitarium, and near a public highway. He was arraigned before the grand jury, which is in session, and given until tomorrow morning in which to plead. The case has created considerable excitement in the city, as it bears out the rumor afloat all week that the jury would grind out indictments against alleged local option violators that heretofore have been kept from the public. It is thought there are still other liquor matters now before the grand jury.

GUILTY IN SECOND DEGREE

Slayer of Baker Barkeeper Saves His Neck.

BAKER CITY, Or., Oct. 7.—(Special.)—The jury in the D. R. Trapp case returned a verdict today of murder in the second degree. The accused seemed to take the finding of the jury with the same degree of indifference that has characterized his conduct from the first.

The defense was that the shooting was an accident growing out of intoxication. The murdered man was the friend of Trapp, and throughout the case there was no motive shown for the killing. Accused went directly up to the deceased and with a revolver belonging to the deceased fired directly toward him and hit him in the left eye, the bullet passing through his head, through a door and was picked up in an adjoining room. When the verdict was read he said: "It was a joke." He had expected a verdict of manslaughter or acquittal.

During his trial his father, of Missouri, and his uncle, of Pocatello, Idaho, were constantly in attendance and did all that was in their power for the defendant.

LIGHT FALL RUN OF FISH

Silversides Reported Scarce in Lower Columbia Waters.

ASTORIA, Or., Oct. 7.—(Special.)—Ordinarily, the present time is when the largest run of silversides appear in the river, but so far they have failed to materialize in any large numbers. The Eureka cannery, of the Packers Association, and Megler's cannery at Brookfield, are running on the north shore and the Union Co-operative Fishermen's cannery on this side, but their packs so far have been light. The gillnetters and trappers have not been doing well, but even in the face of this Tom Spencer has started up his grounds with the expectation of doing well a little later.

Astoria Marine News.

ASTORIA, Or., Oct. 7.—(Special.)—The steam schooner Johan Poulsen, which sailed yesterday for San Francisco, carried 150,000 feet of lumber, loaded at Knnton, and 175,000 feet of lumber, loaded at Rainier.

Captain Bergault, of the French bark General Faidherbe, which arrived today, 51 days from Nagasaki, reports running into exceptionally rough weather immediately after leaving the Japanese port. Storm after storm was encountered and the vessel was delayed considerably, but she suffered no material injury. The bark arrived off the mouth of the Columbia about dark last evening.

The British ship Latimer, from Callao, arrived off the mouth of the river this morning and received orders from the pilot schooner to proceed to the Sound to load.

The launch Rose, of Portland, which has been engaged in the passenger and excursion trade at Yaquina during the Summer season, arrived here last evening. She will have her engines repaired before proceeding up the river to Portland.

Will Take Army Examination.

VANCOUVER BARRACKS, Wash., Oct. 7.—(Special.)—The following officers have been ordered to take the Army physical examination here: Colonel George R. McGunnegle, First Infantry; Colonel Alexander B. Dyer, Fourth Field Artillery; Lieutenant-Colonel James S. Rogers, First Infantry; Major George Bell, Jr., Inspector-General; Major Wilds P. Richardson, Thirteenth Infantry.

SENATOR IN VALLEY

A. J. Beveridge on Way South Greeted by Thousands.

OREGON GRAND COUNTRY

Says When He Retires From Public Life He Intends to Come to This State and Live on Ranch.

MEDFORD, Or., Oct. 7.—(Special.)—Headed by the Medford military band, 2000 people gathered at the station to welcome Senator Beveridge during his brief stop here this afternoon. Fred Colvig, president of the Medford Taft Club, met Mr. Beveridge, who was accompanied by C. N. McArthur, secretary of the Republican State Central Committee, at Grants Pass, and accompanied him this far. On arrival of the train Mr. McArthur introduced Mr. Beveridge, whose first words were:

"Oregon is the grandest country I have ever seen, and I have been nearly all over the world, and when I retire from public life I am going to buy a little ranch in Oregon and settle upon it."

During the brief stay here he spoke mainly upon the protective tariff question. As the train was leaving, Dr. J. M. Keene, of the State Central Committee, boarded the train and presented the Senator with a basket of choice fruit and acompanied him as far as Ashland.

Questioned briefly on the journey to Ashland concernig the state auto road to be built from Medford to Crater Lake, Senator Beveridge volunteered to do anything within his power to aid in a Government appropriation for that purpose.

ATTACKS BRYAN'S POLICIES

Beveridge Shows Up Fallacies in Democratic Doctrine.

GRANTS PASS, Or., Oct. 7.—(Special.)—Senator A. J. Beveridge, of Indiana, made four telling speeches in Southern Oregon today in which he vigorously assailed the policies of Mr. Bryan and urged his hearers to vote for Mr. Taft. He made 15-minute addresses at Roseburg, Medford and Grants Pass, speaking from the rear end of his car in each instance, and at Ashland he was escorted to a platform where he talked for 30 minutes in a most convincing manner.

It is estimated that 6000 people heard the distinguished speaker during the day. Hundreds of voters, including many railway employes, grasped the Indianan by the hand. Senator Beveridge's sharpest criticism of Bryan was made at Medford where he riddled the Nebraskan's bank deposit guarantee scheme.

ENTHUSIASM AT GRANTS PASS

Thousands Turn Out to Listen to Indiana Orator.

GRANTS PASS, Oct. 7.—(Special.)—Senator A. J. Beveridge arrived here today at 2 P. M. He was met by a reception committee of prominent Republicans led by Judge W. C. Hale, president of the Taft and Sherman Club. Fully 2000 people closed in on the rear of the train as C. N. McArthur introduced Mr. Beveridge from the rear of the train. The Senator spoke for 20 minutes.

For the occasion 1000 Taft ribbons were distributed among the club members, and the high school was closed and turned out in a body.

As the train left the station the audience cheered, hats were thrown into the air, handkerchiefs fluttered, the band played and bouquets of flowers given to the speaker. It was the most demonstrative political gathering ever accorded a campaign speaker here.

GREETED BY ASHLAND PEOPLE

Indiana Senator, Though Hoarse, Makes Several Speeches.

ASHLAND, Or., Oct. 7.—(Special.)—Senator Beveridge was in Ashland for nearly an hour this afternoon, en route to California, and spoke for half an hour to a large audience that assembled near the railroad depot upon the issues of the campaign. The Senator was met by a committee of prominent local Republicans and the deck of an automobile served as a rostrum for him to make his speech from. After the addresses made by him to large crowds that assembled at Roseburg, Grants Pass and Medford during the day, he was hoarse from the heavy strain upon his voice, but he provoked enthusiasm with almost every sentence at Ashland.

BEVERIDGE ANSWERS BACK

Makes Quick Witty Replies to Roseburg Questioners.

ROSEBURG, Or., Oct. 7.—Three hundred people and a brass band greeted Beveridge upon arrival at Roseburg this morning. As the time of his stop, 15 minutes, was too short for a formal speech, the Senator invited questions from Democrats in the audience and was kept busy firing replies, doing so in a manner that elicited laughter from the Republicans in the crowd. In the midst of the debate the train began pulling out, and the Senator, waving arms, shouted, "Goodby, God bless you."

UNKNOWN LOGGER KILLED

Falls Between Two Rolling Logs and Is Crushed.

LA GRANDE, Or., Oct. 7.—(Special.)—A lumberman was instantly killed at the George Palmer lumber camp, 30 miles from here, this afternoon, according to meager reports brought here by trainmen. It is said he fell between two rolling logs. His remains were brought to Elgin, where they are being held pending a search for relatives. He was a middle-aged man, but as yet no facts pertaining to his nativity have been made known.

Buys Bakers Bay Tidelands.

Dr. Homer I. Keeney, of Portland, has closed a deal for a large tract of waterfront on Bakers Bay, Wash. The purchase includes about 350 acres and fronts on Bakers Bay for a distance of a mile and one-half. It includes a tract of tidelands as well and was purchased direct from the state of Washington. Dr. Keeney represents a syndicate that already owns property adjoining the tract just purchased. The land extends from Chinook to within two miles of the city of Ilwaco. The owners of the property will hold it for speculative purposes it is said.

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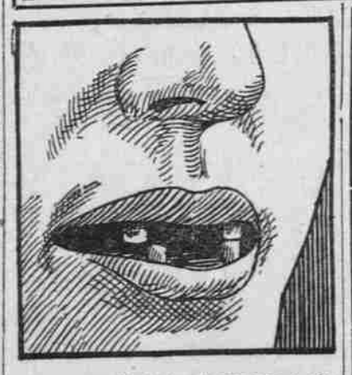

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