PAVING PRICES ARE SOONTO BE LOWER

Barber Asphalt Company Promises to Make More Reasonable Charges.

MAYOR CREATES A STIR

Announcemnet That He Would Break the Paving Combine Results in Securing Immediate Reduction of Asphalt Cost.

Mayor Simon has the assurance of Oskar Ruber, manager for the Barber Asphalt Paving Company in this district, that the price of its material to the erty-owners will be reduced in a rea property-owners will be reduced in a reasonable manner in the near future, and it is understood that the other concerns handling hard-surface materials will fall lute line and do likewise. The Mayor's announcement from Seattle in The Oregonian yesterday, created a decided sensation in paving circles, and called forth numerous congratulations from citizens of most properties among them being numerous congratuations from chacks of much prominence, among them being very heavy taxpayers. The Mayor's statement was that he will demand open and actual competition in pavements here benreforth, while he is in office, and that he will not tolerate the hard and fast beretafore existing to dictate orices and terms.

Prices Are Too High.

Mayor Simon is convinced that asphalt, itulithic and Hassam can be laid cheaper bituilible and Hassam can be laid cheaper than the prices quoted by the respective companies at present, and he has so informed the representatives of the companies concerned. The average cost of asphalt a square yard in this city is \$2.25, aithough on the large contract for Hawthorne acounce a rate of \$2.15 was made; bituilible costs on an average of \$5.15, and Hassam \$1.50, the rates varying with the hauling distance. Seattle work asphalt for an average of \$2. varying with the hauling distance. Se-attle gets asphalt for an average of \$2 a square yard, said to be brought about by the presence of two rival companies laying the same material and the mu-nicipal plant, which is at hand in cases of emergency. The city could lay its own streets if it so desirred, and it is said that this has a wholescene influence. No bitu-

this has a wholesome influence. No bitulithic is laid there, but the vitrified brick
acts as a competitor also.

Under the charter of Portland the city
is empowered to provide its own plant
for naving or repair of pavements, but it
has never been done, the paving trust
always skilfully manipulating the City
Council in such a manner as to avoid any
such state of affairs, although such a
move was recommended by ex-Mayor
Lane and ex-City Engineer Taylor several times.

Knows Tricks of Combine.

Mayor Simon is quite well informed on the operations of the local paving com-bine, and one thing to which he objects is the promotion system which each com-pany conducts. Each concern employs a staff of men whose business it is to cir-ulate petitions on various streets, induc-ments of them was a nometry owners to ms by divers ways property-owners to sign up for the particular brand of pave-ment represented by the solicitor. It is said that, in many instances, false repre-centations have been made to secure signatures, although this is strongly dealed by the companies. At any rate, there has been long and loud complaint and endless remonstrances against all manner of hard-surface improvements on

Mayor said vesterday that he is which the companies have been cearing.
It is the belief of the Mayor that it furfists of the "Sunflower" state, was would be better if the companies would slso numbered among the tourists en fewnets, or to arrange some kind of system whereby the people will not hesitate

Besides these notables there were more iem whereby the people will not hesitate to potition for improvements. If the prices are lowered, it is the belief of the Mayor that the public will more readily tesire payements of various kinds.

Much Work to Be Done.

Another feature of the paying business which will probably figure in the present fernand for reduced rates and open com-petition is that there is a vast amount of the Executive Board recommended the sward of contract for paving Twenty-third street, from Washington to Thurman, with asphalt, to the Barber Company, the price quoted being \$2.20 a square yard, five cents lower than the average heretofore quoted. This job totals \$15,000. Manager Hubes average heretofore quoted. This job totals \$45,000. Manager Huber frankly admits that he can lay the pavement

The Mayor has directed City Engineer Morris and the members of the street committee of the Executive Board to investigate conditions along the lines stated, and to provide a means of avoidubination hitherto existing and to get better rates on the work. He will use every means in his power to secure better terms for the property-owners, even to holding up all pavement ork. If rates are higher than legitimate

profit warrants.
Whether any person other than those lay Hassam, will be decided in the near future by City Attorney Kavanaugh, Mayor Simon believes that contracts for all work must be let to the lowest bid-Xes, C

'LET LOVE RULE,' JAP SAYS

Oriental Christian Discusses Subject of White Race Marriages.

SEATTLE, Wash, July 22.—(Special.)—"I do not like to see our people marry outside of their own race; although I think a man should wed the woman he loves, he she American or Japanese," said Rev. T. Miyagawa, of

Osaka, Japan.

Voicing the sentiments of many of his countrymen, but at the same time shaking his head over the all-too-general result. Rev. T. Miyagawa, one of the foremost Christian erators of Japan who arrived in Seattle today, declared hunself in fawor of a man following the dictates of his heart in the selection of a wife, regardless of race or condition. Mr. Miyagawa comes here from Genks, where he presides over a large Congregational church. He will remain on the coast a month or more.

"I don't like to see our people marry outside of their own race," he said,

outside of their own race," he said, when asked his opinion of interracial alliances, "as such marriages seidom end in happiness. A majority of our people are very broad-minded on the subject, however, and I share with them in the belief that a man should wed the woman he loves, be she American the woman he loves, he she American or Japanese." CHAIRMAN OF NATIONAL BASEBALL COMMISSION AND PROMINENT ELK VISITOR IN PORTLAND YESTERDAY.



AUGUST ("GARRY") HERRMANN, OF CINCINNATI

BIG ELKS ARE HERE

Grand Lodge Officers Among Visiting Throngs.

GARRY HERRMANN IN TOWN

Genius of Baseball World Discusses National Game Affairs and Tosses Out Some Aromatic Bouquets to Rose City.

Visiting Elks arriving in Portland yes-terday numbered among them two grand lodge officers, Grand Treasurer Leach, of New York, and Grand Esteemed Loyal Knight Sayre, of Indiana, and there was August Herrmann, one of the most prominent members of the order, The Mayor said yesterday that he is positive that the paving companies can reduce their prices if they will dispense eith all of the expense connected with the publicity work and other expenses committee on protection of the Elixible publicity work and other expenses committee on protection of the name of which the companies have been bearing.

> than 1000 additional members of the order. their families included, who arrived in Portland for a day's rest, preparatory to continuing their Eastern journey, via Seattle and the Alaska-Yukon Pacific Ex-

Just Look, Here's "Garry."

Naturally, most of the interest in the visiting Elks centered about "Garry Herrmann, the big man among the Cin power and court of appeal in the great organization of the sport of baseball. While in Portland yesterday, Chairman Herrmann attended the game between Portland and Los Angeles and talked freely of baseball, and other topics. Herrmann, while it is not generally exploited, is a bosom friend and companion of President William Howard Taft, when the latter is at his Cincinnati home. Garry has frequently competed with the president at the latter's favorite sport, golf. Furthermore, it was the fondness of the president for golf that suggested the equipping of the Cincinnati delegation at Los Angeles with natty golf uniforms, which made quite an impression in the Elks' parade at the Angel City. Discus-sing baseball affairs yesterday, Mr. Herr-

Yes, Certainly and of Course. "I am especially pleased to visit Port-aud, and to see the Portland and Los and, and to see the Portland and Los Angeles teams play hall, for Cincinnatiowes much to Portland and the Pacific Coast League. Larry McLean and Mike Mitchell both hall from Portland, while we secured Oakes from Los Angeles. All three are excellent players and have helped our team immensely." East as soon as possible and shall have only a limited time at Seattle. have only a limited time at Seattle. However, I may return to Portland in the Fail, providing I can make suitable arrangements to return to the Coast about the time President Taft contemplates visiting the Northwest."

While at the game yesterday, Garry Herrmann was asked if he would buy or draft any of the Pacific Coast League players he had seen in action on this trip, and he replied as follows: "Cincinnati is always on the lookout for new talent, but I am not scouting for talent myself. I may make a few recommendations but the selection of new players we leave entirely to Manager Griffith and Scout Louis Heilbronner. The latter will visit Portland next month, as well as all of the other points on the Coast where baseball teams are

the Los Angeles lodge handled the grand lodge session, and also of the ample accommodations to be had at the Angel City, despite the big influx of visitors. He also commended his successful rival for the office of grand exalted ruler, James U. Sammis, and added that the Iowa man was most deserving of the success and would give the order one of the most capable executive heads it has ever possessed.

Grand Treasurer Leach expressed Grand Treasurer Leach expressed himself as delighted with Portland and its surroundings, and like Herrmann, he regretted that he was unable to re-main longer in this city.

"Adorable Fritzie" Is Big Success

ment, and Principals Score Hits.

N ENTERTAINING performance was "The Adorable Fritzle" the threesical comedy given last night at the Baker Theater under the auspices of Multnomah branch of the National Association of Letter-Carriers. In listening to the tuneful numbers and watching the graceful dancing last night's audience forgot that it was a hot midsummer night and that electric fans made little mpression on the temperature of the playhouse. "The Adorable Fritzle" has a number of very pretty lyrics and they are sung in very pleasing fashion. The or two of them are uncommonly ple

The plot of the piece is one that does not require strong mental effort but nevertheless gives abundant opportunities for the comedians. The International Opera Company is stranded in Constantinople and is finally ordered out of the country by the sultan. In order to raise money for the purpose the manager arranges a mock auction and the leading lady is disguised as a slave girl and offered for sale. She is bought by Jamey Bluff, of New York, a sort of million-dollar kid. He buys not only the leading lady but the whole opera troupe. They reach New York and there Bluff bears hat he has fallen heir to another for-

that he has latter her to another for-tune but having been declared dead can-not claim the money.

Then ensue a lot of complications that don't have to be untangled: M. Marks, Jr., as Junius Brutus Bims, the resource-Jr., as Junius Brutus Bims, the resourceful property man, is a laugh-provoking
individual. His songs are wilty and his
impersonations very funny. Miss Emma
A. DeBoid, as Fritzie, sang well and
acted with spirit. O. L. Jeanson, as
Jimmie Bluff, also revealed a voice of
pleasing quality and more than ordinary
powers as a comedian. Miss Mary Cardiff, as Lena a Dutch girl, also added
much to the night's fun. In fact there
were few weak places in the big cast.
The performance will be repeated tonight and the fund for the local lettercarriers should be a substantial one.

AUGUST EXCURSIONS.

On August 11th and 12th the Cana dian Pacific will have on sale special round-trip excursion tickets to Eastern points at very low rates. Tickets will be good for stopovers with long time-limit. For rates and full particulars apply at local office, 142 3d st.

Hammond Plans for City Park. FORT STEVENS, Or., July 22.—(Special.)—A mass meeting was held at Hammond last night to raise funds for a city park. This park is to be located in what is termed Anderson's Addition. Its prox-imity to the city proper, together with its many natural advantages and beau-tiful surroundings, will make it an ideal park site. An open-air pavilion is to be erected and the consequent formation of a city band is advocated. The Mayor, Charles Ford, owner of the park site, generously headed the list of voluntary

BY CIRCUIT COURT

Judge Bronaugh Decides That Blanket Privilege Granted by Council Is Valid.

NO REFERENDUM POSSIBLE

Traction Company's Demurrer to Petition for Injunction Sustained. May Now Go Ahead With Laying of Tracks

By a decision of Presiding Circuit Judge Bronaugh at 2 o'clock yesterday afternoon the Portland Railway, Light afternoon the Portland Railway, Light & Power Company may proceed with the laying of tracks under the blanket franchise recently passed by the City Council. Not only did Judge Bronaugh sustain the company's denurrer to the complaint of the state in relation to W. H. Bradford, in which Bradford asked for an injunction against the streetcar company, but he decided that the referendum petition filed 27 days the referendum petition, filed 27 days after the ordinance was passed, is not

good.

Involved in the suit was the question whether the legislative act of 1997, al whether the legislative act of 1997, allowing 30 days after the passage of a city ordinance in which to file a referendum petition, was in force, or whether the provisions of the charter that the petition must be filed within 15 days, was operative, Judge Bronaugh held that the latter is in full force.

In rendering his decision Judge Bronaugh said:

Bronaugh said:

Text of Judge Bronaugh's Decision The plaintiff contends the question of decided by reference to amendment the State Constitution, reserving to the pe ple the right of the initiative and refere one state Constitution, reserving to the people the right of the initiative and referendum. The present City Charter or Portland was enacted by the State Legislature January 29, 1903. Prior thereto, on June 2, 1902, the State Constitution was amended, making a general reservation to the people of initiative and referendum powers. At the general election of 1906 the Constitution was further amended, by adding a section which provides, among other things, that "the initiative and referendum powers reserved to the people by this Constitution are hereby further reserved to the legal voters of every municipality and district as to all local, special and municipal legislation of gvery character in or for their respective municipalities or districts. The manner of exercising said powers shall be prescribed by general laws, except that cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation."

The act of 1907 provides among other.

Islation."

The act of 1907 provides among other things "that the provisions of this act shall apply in every city and town in all matters concerning the operation of the initiative and referendum in its municipal legislation, on which such city or town has not made or Joses not make conflicting provisions." It

Question of Legislature's Power Question of Legislature's Power.

The second question is whether the procedure provided for in section 10s of the charter was nullified and superseded by the subsequent constitutional amendment and the legislature act of 1807. This raises the question whether the Legislature has power to amend the charter of the City of Portiand. It is contended that the Legislature is prohibited from amending only those hofter the time for the hearing of his objections to the mandamus suit. Then an amended petition with Mayor Simons' only only on the people by direct vote, and is not prohibited from amending charters previously granted by the Legislature. I think the position thus assumed is not tenable. The language of the constitutional amendment seems clear, "the Legislature to appeal to the Supreme Court. not tenable. The language of the consti-tutional amendment seems clear, "the Leg-lslative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town," and the Supreme Court of Oregon has held that the Legislature was by that amendment de-prived of power to amend any charter. No reason exists why the section of the State Constitution should be considered as read into the charter as an amendment of it so far as franchise ordinances are conread into the charter as an amendment of it so far as franchise ordinances are concerned, because section 108 of the charter already contains all that is necessary to guarantee to the people the right of referendum on such ordinances. I am of the opinion that the referendum petition should have been filled within 18 days in accordance with the provisions of the City Charter, and that the referendum petition filed on the 27th day was filed too late. The court holds that the complaint does not state facts sufficient to justify the granting of the injunction prayed for, and the demorrer of the Portland Railway, Light & Power Company must be sustained.

ASKS FOR BAIL MONEY

ECHO OF WAYMIRE CASE BOBS UP IN COURT.

S. L. Mandelay Wants E. E. Radding to Pay \$300 Put Up to Keep Four Adventurers Out of Jail.

S. L. Mandelay filed through Attorney W. J. Makelim in the Circuit Court yesterday, a suit which harks back to the days of the sensational Waymire-Lane episode. It is a suit to recover from E. E. Radding \$300 of Mrs. Pelle Waymire's E. Radding \$300 of Mrs. Belle Waymire's ball money. Mandelay says he loaned the coin to Radding on September 26, 1907, and that repeated demands for the return of the money have been futile. Radding was found by one of Sheriff Stevens' deputies yesterday afternoon painting a house near the St. John earline.

It was nearly two years ago that Radding and L. L. Mandelay, brother to the platning in the present suit, smashed the

ding and L. L. Mandelay, brother to the plaintiff in the present suit, smashed the glass door to Mayor Lane's private office in the Hamilton building, upon hearing the screams of Mrs. Waymire. The case turned out to be a duplicate of the Biblical narrative of Joseph and Potiphar's wife, Radding and Mrs. Waymire being convicted of conspiring to blacken the Mayor's reputation, Both were sentenced to serve aix months in the County Jail, under bonds of \$150 each. Radding served his time, and was released, but Mrs. Waymire left for Missouri, forfeiting her ball.

HE WENT ON LONG SPREES

Reason Mrs. Hopkins Asks for Divorce From Her Husband.

ommendations but the selection of new players we leave entirely to Manager Geriffith and Scout Louis Helibronner.

The latter will visit Portland next month, as well as all of the other points on the Coast where baseball teams are represented, and his selections will be Referring to the convention at Los Angeles, Garry Herrmann spoke in the highest terms of the manner in which

FOR BOYS Friday and Saturday

\$1.00 Barefoot Sandals, in all sizes for boys from 2 to 10 years; a really splendid value, 60c special for two days at 60c

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50c fancy Mexican Straw Hats, plaid weaves in variegated color ings, just right for the 25c beach, special at.....



166-170 THIRD STREET

day morning. She married James P. Whitcomb at Hwaco. Wash., April 18, 1899. The charge against him was that he used language in the presence of her children by a former husband, and of her friends which greatly humiliated her and ruined her health.

A. M. Richardson, a barber, filed a divorce suit in the Circuit Court yesterday against Lydia Richardson, charging her with a statutory offense involving Jack Hale. Richardson says he was married at Salt Lake City, in July, 1895. They have one child. He says the only property is two rooming-houses, worth \$500.

MACDONALD TO GET SALARY

Ex-Municipal Court Bailiff Will Receive \$1040 After Long Wait. James MacDonald, night watchman st

James MacDonald, night watchman at the Courthouse, formerly balliff of the Municipal Court, is at last to receive the \$1649 due him from the city for the ... months he was employed in the lower court. Circuit Judge Gatens over-ruled yesterday afternoon the demurrer of Mayor Simon to MacDonald's petition for Mayor Simon to MacDonaid specifing the a writ of mandamus, compelling the Mayor to sign a warrant for the salary. May 2 1905, the City Council passed an ordinance appointing MacDonald bailiff. He took the position the next way. bailiff. He took the position the next cay.
On June 18, the same year, Mayor Lane
refused to sign the warrant for his
salary. The case was taken into court
and Judge Gantenbein Geeided that MacDonald was legally appointed, and should
receive his money. Mayor Lane appealed
to the Supreme Court, which reversed
Judge Gantenbein's decision on the Judge Gantenbein's decision on in-ground that an attempt was made to pay the salary from the police fund. On February 10, this year, the City Council passed an ordinance appropriat-

Suit Over Dragon Restaurant.

A \$3500 suit over the Dragon Restaurant, at 151 Seventh street, has been started in the Circuit Court by Ed John-son. Attorney W. A. Parshley, E. Kie-sendahi, V. Leo Wo and the Dragon sendahi, v. Leo wo and the Dragon Restaurant Company are the defendants. It appears from the complaint that L. E. Hamilton leased the restaurant to Kle-sendahi until April 1. 1911, and that the latter transferred the lease to the company. Then Johnson bought it, paying \$1500, and giving notes for \$500, but th lease, he alleges, has not been transferred. He wants his money back.

Rockpile for Young Hold-Up.

John Mills, 17 years old, was sent to Kelly Butte for six months by Presiding Circuit Judge Bronaugh yesterday morn-ing. On account of the lad's age an effort was made to have him sent to the Reform School for a time, but the court thought six months of hard work would be better for him. With Tony Patrico he held up was made to have him sent to the Reform a handful of tablets, powders, of observables of hand work would be better they wouldn't do you as much good as for him. With Tony Patrico he neld up Frank Peterson on Holladay avenue. Mills turned state's evidence, and Patrico was Prove it to yourself. Don't take any turned state's evidence, and Patrico was sent to the penitentiary for 12 years.

Sues Furniture Company.

Alleging that Tull & Gibbs, just be-fore surrendering the Lenox Hotel, at Third and Main streets last January, failed to draw the water from the pipes, or to keep the building heated to prevent freezing of the water, E. C. Jorgensen has brought suit for \$2088 damages in the Circuit Court. It is alleged that the pipes burst, and that the water damaged the building to this extent when the

Trouble in Irish Family.

V. F. Irish and Cora Irish, recently involved in a divorce suit, are still in trouble. She alleges in a petition filed in the Circuit Court yesterday that her hus-band refuses to permit her to see their 1-year-old babe, as provided by a former order of the court. Circuit Judge Bronaugh signed an order yesterday that Irish appear in court July 24, to show cause why he has not done as com-manded. John Manning is Mrs. Irish's attorney.

WOULD PUNISH SPEEDERS

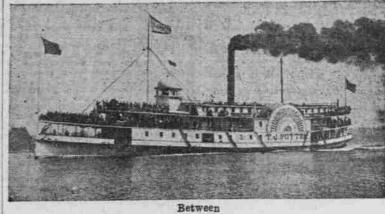
Justice Olson Wishes He Could Send Wealthy "Joy Riders" to Rockpile. "If the law gave me the power I

would take pleasure in sending some of the rich owners of automobiles to the rockpile, who persist in being care-less with their machines on the public highway and in the streets of this

In the above language Justice of the

NORTH BEACH

T. J. Potter



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MEALS ON THE POTTER THIS YEAR WILL BE A LA CARTE Baggage should be at dock at least 30 minutes before departure. Season Tickets, from Portland \$4.00 Saturday-to-Monday Tickets.....\$3.00
Pive-Trip Commutation Tickets.....\$15.00
Reduced rates will prevail from all parts of the state, Purchase tickets at the City Ticket Office, O. R. & N., Third and Washington Streets.

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Union Meat Co

milk wagon of W. H. Morton, living a few miles from the city. The evidence showed that he did so to avoid being run down by a larger machine, which, in the darkness, would have coilided

Special Session August 2. JACKSONVILLE, Or., July 22.—(Special.)—Governor Benson has ordered a special session of the Circuit Court for Jackson County to be held at Jacksonville, August 2 to try out the Issues between the City of Medford and M. F. Hanley over a right of way for the city through Hanley's ranch. Judge John S. Coke, of Coos County, is named as the presiding Judge and the order directs the County Clerk to issue a venire for 31 jurors.

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Our guarantee—Get a dollar bottle of aodol. If you are not benefited—the druggist will at once return your money. Don't hesitate; any druggist money. Don't hesitate; any druggist will sell you Kodol on these terms. The dollar bottle contains 2½ times as much as the 50c bottle. Kodol is prepared in the laboratories of E. C. DeWitt & Co., Chicago.



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