ALTERED BY COURT

Party Designation Not Necessary.

TEST CASE IS SOON DECIDED

Attorney-General Frames Up Suit in Thurston County.

APPEAL TO BE HURRIED

Provision of Primary Statute Deto Prevent Democrafs From Dictating Republican Nominations May Be Invalid.

OLYMPIA, Wash., Oct. 15 - (Special.)-In a frame-up test case, the local Superior Court today wiped out the provision of the new primary election law which was designed to keep Democrats from taking part in the dictating the nominees of Republican primaries.

A section of the new primary law required that voters, when they register, must designate their party affiliation. For weeks past, registration has been in progrees in many cities, and this provision of law has been generally ignored and

forgotten. Few Only Might Vote.

For instance, out of more than 1000 registered in Olympia, less than a score have declared their party. When attention was called to the provision, the State Attorney-General was bombarded with requests for a decision as to whether those only who had declared their party affiliation could take part in the primaries. Such a decision would have placed nominations in the hands of a limited few wise ones who had remembered the

Assistant Attorney-General Tanner framed up a test suit today. He induced Marvin Arnold to visit the City Clerk's office and demand that he be registered as a Republican. The cierk. already primed by Tanner, refused to register him under any party designa-Arnold then, through Attorney Gordon Mackay, filed in the Superior Court an application prepared by Tanner, asking a writ of mandate, pelling the clerk to accept the regis-

Case Hurrled Into Court.

To this petition Tanner filed a demurrer as attorney for the City Clerk. The court took the matter up specially and listened to arguments by Mackay for the petilloner and by Tanner, County Attorney Wilson and City Attorney Bigelow for the clerk, and then held the provision void. The decision was based upon the holding that the provision attempted, by inference, to repeal a prior law, and that repeal by implication was obnoxious to the law, and further that the provision was unconstitutional, not having been covered by the title of the primary law.

Mr. Tanner, who is authority for the statements above as to the procedure, said tonight that an anneal to the Supreme Court will be taken at once, so the decision may be confirmed before election.

WESTERNER TOO SPEEDY

Swigert, of Portland, Fined for Fast Antomobiling in Boston.

BOSTON, Mass., Oct. 15 .- (Special.)-Looking spick and span, Charles Swigert, of Portland, Or., a sophomore at Harvard University, appeared in the Central Police Court of this city today and paid a fine of \$10 for violating automobile speed laws. A tinge of humor was given the hearing by the police officers who testified against the Westerner. Swigert told Judge Bolster that he was sure he did not break any laws and was driving at a very moderate clip. One of the officers went on the witness stand and said:

The young man is from the West and perhaps he thinks he was going slow. To me he was going as fast as an express train, but I suppose that is even slow out

Swigert had to laugh and so did Judge Harvard man a little lecture about safeguarding the lives of pedestrians, imposed a fine of 310. Swigert paid it very

DRUNK, DISFIGURES KIN

cheerfully.

Brute Throws Acid in Face of Brother Who Urges Him to Go Home.

SEATTLE Wash., Oct. 15 .- (Special.)-Because his younger brother persistently urged him to cease drinking and accompany him home, Fred Bohnert dashed the brother's face. The victim is at the City Hospital suffering terrible pain. His face will be distigured for life. Fred Bohnert was arrested and expressed

great remorse for bis act. "I was drunk and didn't know what we doing. I remember we quarreled, but I don't know what it was about," he

explained to the police. His victim, a youth of 22, refused to osecute, and it is believed Bohnert can

only be fined for disorderly conduct.

LIPTON HOPEFUL; WANTS FAIR RACE

SIR THOMAS COMING TO MAKE ANOTHER CHALLENGE.

Says He Has Been Beaten Fairly and Squarely, but Hints Rules Might Be Amended.

LONDON, Oct. 15 -Sir Thomas Lipton who will sail for New York tomorrow, talked rather encouraging today of his prospect for securing another race for the America's cup.

"I am going to New York," he said 'in the hope of arranging another race I realize that there are many difficulties in the way, but I am convinced that they can be overcome, because I know that the New York Yacht Club is composed of good sportsmen who, rather than have the race die a natural death, will do their

tmost to meet me. "Neither country wishes the race to become a dead letter. Yachting enthusiasts here are anxious to see whether American designers are still superior.

"I have made three attempts to lift the cup, but always have been licked fairly and squarely, and am anxious to make another try under conditions favorable to all. If both boats start on even terms at Sandy Hook, it is bound to be one of the best races the world has

CZAR BUYS OREGON FARM Emperor's Representative Will Buy Orchard Near Medford.

MEDFORD, Or., Oct. 15 .- (Special.) --After inspection of the famous orchards of the Yakima, Wenatchee, Hood River and Santa Clara Valleys, Anton Petroskievich, lord of the outer chamber, and Peter Petchoff, lord of the inner chamber of the court of the Czar of Russia. have selected the Rogue River Valley for the location of the royal orchard. Both

were here this week. 'We spent several months," said they, in looking over the different fruit sections and to report on the advisability of having a royal orchard in America, and to suggest the location of that or-After careful investigation, our choice narrowed to two valleys besides this one, but, after full information and avestigation, we decided to advocate selection in the Rogue River Valley on account of the superior qualities of the

fruit in every way. "As soon as we receive word as to the decision of the minister of the financial department, we will be ready to buy and we have an eye on a piece of land which is just what we want. It is set to Bartlett's at present, but we will have a numher of acres set to the prize varieties of pears of this section and to Newtown and Spitzenberg apples."

BRUISER BEATS TEACHER

Father Thrashes Principal Because He Punished Unruly Pupil.

BELLINGHAM, Wash., Oct. 15 .- (Special.)-Because Carl S. Zook, brother of the ex-Mayor of Ballard, graduate of the University of Washington, and at present principal of the Eureka School here, soundly spanked one Whalen, Jr., aged 12 years, Whalen, Sr., here today hunted up the educator and administered to him a severe pummeling. Now the principal says that, while he sustained little physical injury, his mental anguish is something awful, and he will make Whalen pay for it-in Police Court. Zook declares that he spanked the boy because the latter needed it, and that the child's mother was satisfied to let it go at that, anyway. The father, however, felt differently about it and determined to pay off with interest the debt of physical discomfort which he says the principal contracted when he

Witnesses say that the ex-college man money" for the trate Whalen.

SAILORS SHOOT PISTOLS

Bullet Strikes Uncomfortably Near Policeman, Arrests Follow.

With blood in his eye, drawn billy and a volley of words, Patrolman Peterson boarded the French schooner Hebe, walting for a cargo at the Albina docks, late yesterday afternoon, and arrested Captain F. Auffray and First Mate F. Jourdan. The charge is discharging fire arms in the city limits.

From the story told by the master of the vessel at police headquarters it appears he and his first mate were trying out some new guns they had just pur-Beister. The latter, after giving the chased. According to the patrolman one of the bullets splashed in the water in front of him and another flew dangerously near, burying itself in the dock. He boarded the ship and placed both under arrest. They gave \$10 ball each.

GREAT BEAR FIGHTS DOGS

Finally Treed and Slain, Meat Is Vended About Colfax.

COLFAX, Wash., Oct. 15 .- One of the largest black bears ever killed in this vicinity was treed a few miles over the Idaho line near Farmingham, Wash., at

the A. R. Night ranch. Arthur Howe with six bear dogs and T. A. Ireland left Colfax Wednesday, taking the track from Night's apple orchard Thursday. The dogs after a fierce battle with Bruin treed him. Ire land shot the bear through the head. and the meat is being sold at Colfax today. Howe and Ireland will have the hide mounted.

"This is the second bear killed near the Night ranch this year.

BURLINGTON MAY SOCIETY FOLK ARE **OUTLET TO COAST** ROBBERS' VICTIMS

Thugs Fell Trees to Bring Car

to Halt.

DEPUTIES SCOUR COUNTRY

Misses Buchner, Miss Nan Robert-

son and Miss Maida Hart Forced

to Stand With Arms Aloft

While Thugs Search Pockets.

ROBBERS' WORK IN PAST

TWENTY-FOUR HOURS.

automobiling, held up and robbed

of valuables and money on Base Line

George E. Waggoner. Portland Heights, ransacked by boy burglars.

the bind Mrs. Waggener's maid and

Daniel E. Powers, well-known at-

torney, held up on Council Crest and robbed by two acquaintances, who

Thieves endeavor to force en

trance to home of Harry Price, 529

Unsuccessful attempt made to rob home of Mrs. Pierce M. Zetosch, 529

Burglars scared away while trying

Four masked men, with the typical an-

pearance of highwaymen of fiction, held

up and robbed Philip Buehner, his fam-

fly and two young women who were with

them, last night, at 8 o'clock near the

Twelve-Mile House, after stopping Buch-

ner's automobile by felling trees across

The men escaped with about \$30 in

money, a gold watch and chain and

valuable pin, after breaking the lights

of the automobile and telling its occu

pants to return to the city, which they

promptly dld. A posse of Deputy Sheriffs

was at once sent out to try to apprehend

Prominent People Robbed.

These are the people who were forced

Philip Buehner, of 276 East Fifty-

fifth street, treasurer of the Eastern

Miss Nan Robertson, of 259 Twelfth

street, daughter of W. E. Robertson,

president of the Robertson Hardware &

Miss Maida Hart, of 444 Twenty-first

(Concluded on Page 5.)

dent of the Hart Land Company.

to get out of their car and stand with arms elevated in air while the robbers

went through their pockets.

& Western Lumber Company.

Buehner, of the same address.

the road in front of the machine.

to effect an entrance to house at 526

say it was a joke.

Williams avenue.

the outlaws.

Steel Company

Savier street.

Homes of Arthur Bowman and

Phillip Buehner and party, while

EERING JOINT OWNERSHIP OF DENVER & RIO GRANDE.

Would Thereby Secure Interest in Philip Buehner and Auto Western Pacific, Which Has Been Offered It. Party Held Up.

NEW YORK. Oct. 15 .- (Special.)-Rumors were prevalent today in railroad and financial circles to the effect that DEED DONE ON BASE LINE ROAD negotiations are pending whereby the Burlington may secure an outlet to the Pacific Coast through the purchase of an interest in the Denver & Rio Grande Railroad. This would carry with it s part ownership of the Western Pacific. which is the Gould Pacific Coast extension road.

The Hill line, it is stated, is not looking to secure control of the Denver & Ric Grande, but joint ownership of that road A member of the Western Pacific b quoted as saying that some such a plan may be worked out, but that it was doubtful if anything would be done at It was admitted the Burling ton had been approached on the subject of purchasing a half interest in the Western Pacific, but had not taken very lively interest in the proposal.

Bankers who are familiar with the tentative negotiations admit that there is more than a possibility that the deal will be put through. They say there is not much chance of a "large, Western presumably the Burlington buying a half interest in the Western Pacific, but that, if any deal is consum mated, it will be through a stock pur chase in the Denver & Rio Grande

MAN IS TOSSED BY RHINO

Adventure of Roosevelt's Porter. Much Big Game Killed. NAIROBL B. E. A., Oct. 15 .- The

Roosevelt party arrived here this afteron from the North of Guaso Nyiro. All are well. A porter accompanying the party was tossed by a rhinoceros, but he is recovering. Colonel Roosevelt has killed three

ore elephants, completing the group intended for the Smithsonian Institution at Washington. He has also killed a bull elephant for the American Mu-seum of Latural History in New York. Other game bagged included a rhinoceros with excellent horns, a buffalo, a giraffe an eland, a zebra, an ostrich and an oryza.

Some skins have been preserved for the Washington Museum Kermit Roosevelt killed two elechants and an exceptionally large rhi-

FAIRY TALE KILLS CHILD Walla Walla Girl Dies of Excitement

While Reading.

WALLA WALLA, Wash., Oct. 15 .which she had spent most-of the evening in reading, proved too much for 11-year-old Sadle Maynard, of this city, last night, and she died of heart failure. The physician gives the cause as heart fallure nduced by excitement.

The child was a bookworm and always liked fairy tales. It was almost midnight when she closed the book, gasped and fell back in the chair dead.

The Misses Lillian and Marguerite HASKELL MUST GO TO TRIAL

Court Refuses to Quash Town-Lot Indictments.

street, daughter of Frank D. Hart, presi-ARDMORE, Okla., Oct. 15.-Federal Judge Marshall overruled today the de-The party was going in the direcfendant's motion to quash the indictof the Twelve-Mile, House, and ments charging Governor Haskell and was about a half mile from it, when the other Oklahomans with fraudulently machine was forced to stop at the obscheduling town lots in Muskogee, Okla. struction formed by the fallen trees. The Norman Haskell, son of Governor masked men then appeared and, with Charles N. Haskell, argued for the dedrawn revolvers, dramatically demanded fense and was followed by District Attorney Gregg.

"TAKE CARE, MAJESTY!"

SAYS BARRILL WAS PAID FOR PERJURY

Cook Charges Enemies With Buying Guide.

GET REGORDS FROM MOUNTAIN

Organizing Party to Ascend McKinley's Summit.

BARRILL TOLD TWO TALES

For Three Years Has Been Telling Montana People He and Cook Reached Summit - Fiala to Lead Expedition:

NEW YORK, Oct. 15.-Dr. Frederick A. Cook, discussing the charges that he had not ascended Mount Mckinley in Alaska, came out with a statement here conight after three hours' conference with his attorney, intimating that Edward N. Barrill, the guide who accompanied him, had perjured himself in his recent affidavit for a consideration of fered by Cook's detractors.

To disprove Barrill's statements, Dr Cook further announced that he had taken preliminary steps to organize an expedition to ascend Mount McKinley to procure the records which he says he left there. He had wired Anthony Fiala, the Arctic explorer, to head the expedition and has wired Professor H. C. Parker, of Columbia University, to accompany Fiata. Their answers are ex-Dr. Cook's statement made to the As-

sociated Press follows:

Money Offered Barrill.

"Upon my return from Atlantic City today I conferred with a confidential agent whom I had sent to Montana to investigate stories to the effect that strong in ducements had been offered Edward N. Barrill, the guide who accompanied ros to the summit of Mount McKinley in he Summer of 1906. This confidential agent returned from Montann this morning and for good reasons I do not care at the present time to make his name

"After a thorough investigation he reports to me that an offer of a considerable sum of money was made to Mr. Barrill on condition that he prepare and sign an affidavit which would be calculated to discredit my claim that I sue ceeded in scaling the Alaskan peak. This offer, so my representative informs me, was made to Mr. Barrill in the presence of C. G. Bridgford, a reputable citizen of Hamilton, Mont., who is assoclated with Mr. Barrill in the real estate business.

First Refuses, Then Yields.

"Barrill at that time, according to the statement of Mr. Bridgford to my representative, declined to make such, an affidavit and informed the men who had requested him to swear that I did not reach the top of Mount McKinley that to make such an affidavit he would have to 'commit perjury and sell his own soul.

"Several days after this proposal was made to Mr. Barrill, he, in company with Frederick Printz, who was also a member of my Mount McKinley expedition, joined Walter P. Miller, the official photographer of that expedition, in Missoula, Mont., and accompanied him to Seattle (Concluded on Page 4.)

WOMAN WILL TRY TO SIT AS JUROR

NAME DRAWN BY MISTAKE AND

Widow of Sea Captain Says She Is Glad to Do Duty as Citizen. Court Must Decide.

LOS ANGELES, Cal., Oct. 15 .- (Special.)-Whether a woman can sit as a juror in California will be tested in the Superior Court next Tuesday, when Mrs. Johanna Engleman, of 1338 Fifth street, Santa Monica, reports for serv-

Mrs. Engleman's name, by mistake, appeared on the jury list in Judge Hervey's court, and was drawn last week with that of 59 men, composing the term trial jurors. The unique situation is accepted by Mrs. Engleman in earnest, and she is determined to serve. There appears to be no legal reason why a woman cannot be a juror, and several of the judges of the Superior Court are willing to allow her to qual

Mrs. Engleman declares she is ready and glad to do duty as a citizen. Mrs. Engleman is the widow of a Russian sea captain and a woman of no little attainment from travel, observation and study. She insists firmly that she will be on hand at the designated

"I wouldn't vote to convict them for those little, trivial things, like stealing a tamale or a loaf of bread," is the warning she gives with sympathetic warm expression.

PAY STREAK BELLES REVEL

Eskimo Beauty Leads Grand March With Eddy Foy.

·SEATTLE, Oct. 16.—(Special.)—Eddle Foy, the comedian, and Miss Columbia, belle of the Eskimo village at the A .- Y .- P. Exposition, led the grand march at 2 o'clock this (Saturday) morning at a ball given by the Seattle Theatrical Mechanics' Association as a farewell to performers at Pay Streak amusement louses. The function was unprecedented in the annals of Seattle.

Members of every theatrical company low appearing at Seattle playhouses mingled with dancers from the streets of Cairo, the Spanish Theater, the Eaklmo and the Japanese villages. The negro troupe at the Dixie concession and the Igorrotes were the only Pay Streak performers who received no invitations to the function.

Mr. Foy, who is appearing at the Alhambra in "Mr. Hamlet of Broadway," made the acquaintance of Miss Columbia Friday afternoon, and assured her that ie was an interested spectator at her hristening by Mrs. Potter Palmer at the Eskimo village at the Chicago Exposiion, 16 years ago. Music, dances and high jinks of all nations characterized the merrymaking at Dreamland Rink from 2 to 5:30 A. M.

WIFE QUITTED FOR GIRL Property damage of at least \$50,000 is estimated at Cartersville, Ga., while

Husband Deserts Family and Leaves Creditors to Mourn.

RED BLUFF, Cal., Oct. 15 .- (Special.)-Late in August J. D. Rice sent his wife to Bend Colony to work in the fruit harvest, she taking their two little children When she returned she found Rice had departed, leaving a note saying he had gone to the State Fair at Sacramento. On inquiry she found that he had been intimate with Elaine McClendon, a 15-year-old girl of this place, and that the girl, too, was missing.

Mrs. Rice sought a warrant for her husband's arrest, but evidence then was lack. ing. A few days ago the warrant was issued and has been taken to Fowler, near Fresno, by Sheriff Boyd, as Rice wrote a letter to his wife from that place a few days ago.

The charge against Rice is abandonment of his dependent wife and babies, but if the McClendon girl is found with an additional charge of abduction probably will be made. Rice left several hills for his wife to pay, but did not leave any of his wages uncollected.

BRIDESMAIDS ARE LATE Chauffeurs Fined for Hastening Them to Wedding.

LOS ANGELES, Cal., Oct. 15 .- (Special.) Three blushing bridesmalds. Edithe Van Alstyne and June and Leigh Whittemore, daughters of the president of the Tonopah & Tidewater Railway, were before Judge Rose in the Police Court today because they were in a speeding automobile, whose driver, William Lindsay, was arrested.

The chauffeur pleaded guilty to exceeding the limit, but made the excuse that his passengers, also nominally under arrest, were late for the wedding of Miss Amy Eloise Martin, of this city, and Arthur H. Stibolt, of New York.

the sentence with the understanding that he is not to speed again until he has another load of bridesmaids.

The Judge fined Lindsay and suspended

PAT M'CARREN IS DYING Democratic Leader Takes Turn for Worse-Still Talks Politics.

NEW YORK, Oct. 15 .- State Senator Patrick H. McCarren, Democratic leader

and he made his will. Later a

SOUTHERN STORM KILLS 50 PEOPLE

Sweeps Four States; Wrecks Towns.

SHILOH BATTLEFIELD IN PATH

Many Statues in National Park Overthrown.

FIRE DEVOURS WRECKAGE

After Being Almost Destroyed by Wind, Denmark, Tenn., Is Swept Flames - Property Loss \$1,000,000.

MEMPHIS, Tenn., Oct. 15 .- At least or persons were killed in the storm that swept portions of Tennesses, Alabama, Arkansas and South Carolina vesterday. From reports received tonight, the death list likely will reach The property loss is estimated at \$1,000,000.

The devastation was widespread, whole towns being razed. The apportionment of the known dead

Denmark, Tenn., one. Mulberry, Tenn., one. Pittsburg Landing, Tenn., seven. Near Stanleyville, eight. Near Cartersville, Ga., one. Scottsbore, Ala., three Wyeth Cove, Ala., eight, Near Scottsboro, Ala., one. Stanton, Tenn., one. Nixon, Tenn., five. Near Marmaduke, Ark., one. Total, 37.

An unconfirmed report has 12 dead at Stauntonville, Tenn. The situation at Denmark, Tenn., was greatly aggravated by fire, which consumed the few dwellings and store-

houses left standing after the storm. Two hundred homeless people have applied for ald. McNairy County reports heavy damage. The famous battlefield of Shiloh is located here. It was directly in the

path of the storm. Many statues in the National Park were torn from their pedestals, and the property damage is estimated at \$100,000 At Russellville, Ala., it is reported that four were seriously injured.

that at Atlanta will run between \$70,-000 and \$100,000. At Whiteville a factory and church

At Buford station the Louisville & (Concluded on Page 2)

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TODAY'S - Pair and probably cooler; northerly winds North Pole Controversy.

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National. Walter Fisher says Crane is victim of political intrigue. Page 2.

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Domestic.

P. Morgan and party speak at steel men a banquet. Page 5. Woman drawn as juror by mistake at Los Angeles says she will serve. Page 1. Page 2. Chi-Kidnapped Viviano children found cago drugged and starving. Pa Dickinson centrasts Portland, Me., and Portland, Or., to show blight of prohibition.
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Several women claim Harris' body, which will be cremated. Page 3. Burlington road seeks interest in Rio Grande road to get outlet to Coast. Page 1. Storm in South kills 50 people and razes many towns. Page 1. Sports.

Coast League scores: Portland 4, Vermon 11; Oakland 3, San Francisco 1; Sacramento 8, Los Angeles 2, Page 7. Dispute about stakes for Johnson-Ketchet fight settled. Page 7. Last championship ball game to be played on wet grounds in cold weather. Page 7. Columbia bears Lincoin High 3 to 0 in first interscholastic football gams. Page 7. Chevrolet breaking record in 24-hour autorace. Page 4.

Lipton anxious to try again for yachting cup. Page 1. Pacific Northwest. Superior Judge rules that party designation is not necessary in registration. Page 1. is not necessary in registration. Page 1.

Five convicts overpower two guards and
escape at Salem. Page 6.

Keen rivalry expected today in election of
officers Federated Women's Clubs. Page 6.

City of Vancouver refuses to recognize Oregon court order and is ahead \$1000.

Page 6.

Jury resures verdet of manufactures.

Jury returns verdict of manslaughter in Welsworth trial at Jacksonville. Page & lympla home destroyed by dynamits as result of family foud Page 6.

Portland and Victoity. Two hold day robbers rob houses on Port-land Heights in daylight and escape Page 5. Philip Bueiner and party in auto held up on Free Line road. Page 1 Oregon Electric will ultimately build to Roseburg says President Monat. Page 10.

of Brooklyn, was near death tonight in St. Catherine's Hospital in Brooklyn, his physicians hoping for the best, but prepared for the worst.

This afternoon he took a turn for the best, but prepared for the worst.

This afternoon he took a turn for the best, but prepared for the worst. Final argument in rate case goes until December 15. Page 11.

worse, and he made his will. Later a Catholic priest administered the last rites.

Despite his condition, Mr. McCarren insisted on talking about the campaign with a few who have been permitted to see him.

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Mrs. Allen finds evidence of husband's infidelity. Page 11.

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A. D. Chariton declares heavy traffic from East will continue. Page 11.