



PRIMARY LAW IS 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 Designed to Prevent Democrats 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 progress in many cities, and this provision of law has been generally ignored and forgotten.

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 primary. Such a decision would have placed nominations in the hands of a limited few wise ones who had remembered the law.

Assistant Attorney-General Tanner framed up a test suit today. His intended plaintiff, Arnold, to visit the City Clerk's office and demand that he be registered as a Republican. The clerk, already primed by Tanner, refused to register him under any party designation. Arnold then, through Attorney Gordon Mackay, filed in the Superior Court an application prepared by Tanner, asking writ of mandamus, compelling the clerk to accept the registration.

WESTERNER TOO SPEEDY

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

BOSTON, Mass., Oct. 15.—(Special.)—Looking slick and spon, 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 fringe 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 where he comes from."

DRUNK, DISFIGURES KIN

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 Bohner dashed the contents of a phial of nitric acid in the brother's face. The victim is at the City Hospital suffering terrible pain. His face will be disfigured for life. Fred Bohner was arrested and expressed great remorse for his act. He did not know what he was doing, he said, but he didn't know what he was doing, I remember we quarreled, but I don't know what it was about," he explained to the police.

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 encouragingly today of his prospect for securing another race for the America's cup.

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 Petroskevich, lord of the outer chamber, and Peter Petshoff, 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 orchard. After careful investigation, our choice narrowed to two valleys besides this one, but after full information and investigation, 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 number 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, recent graduate of the University of Washington, and at present principal of the Eureka School here, soundly spanked one here today, his father, Whalen, Sr., here today lashed the educator and administered to him a severe punning.

SAILORS SHOOT PISTOLS

Bullet Strikes Uncomfortably Near Policeman, Arrests Follow.

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

GREAT BEAR FIGHTS DOGS

Finally Tread and Slain. Meat is Vended About Colfax.

COLFAX, Wash., Oct. 15.—One of the largest black bears ever killed in this vicinity was tread a few miles over the Idaho line near Farmington, Wash., at the A. R. Night ranch.

SOCIETY FOLK ARE ROBBERS' VICTIMS

Philip Buehner and Auto Party Held Up.

DEED DONE ON BASE LINE ROAD

Thugs Fell Trees to Bring Car to Halt.

DEPUTIES SCOUR COUNTRY

Misses Buehner, Miss Nan Robertson and Miss Maida Hart Forced to Stand With Arms Aloft While Thugs Search Pockets.

ROBBERS' WORK IN PAST TWENTY-FOUR HOURS. Philip Buehner and party, while automobiling, held up and robbed of valuables and money on Base Line road.

Four masked men, with the typical appearance of highwaymen of fiction, held up and robbed Philip Buehner, his family and two young women who were with them, last night, at 8 o'clock near the Twelve-Mile House, after stopping Buehner's automobile by felling trees across the road in front of the machine.

The men escaped with about \$20 in money, a gold watch and chain and a valuable pin, after breaking the lights of the automobile and telling its occupants to return to the city, which they promptly did. A posse of Deputy Sheriffs was at once sent out to try to apprehend the outlaws.

Prominent People Robbed.

These are the people who were forced to get out of their car and stand with arms elevated in air while the robbers went through their pockets: Philip Buehner, of 278 East Fifty-fifth street, treasurer of the Eastern & Western Lumber Company.

HASKELL MUST GO TO TRIAL

Court Refuses to Quash Town-Lot Indictments.

ARDMORE, Okla., Oct. 15.—Federal Judge Marshall overruled today the defendant's motion to quash the indictments charging Governor Haskell and other Oklahomans with fraudulently scheduling town lots in Muskogee, Okla.

"TAKE CARE, MAJESTY!"



BURLINGTON MAY OUTLET TO COAST

SEEKING JOINT OWNERSHIP OF DENVER & RIO GRANDE.

Would Thereby Secure Interest in Western Pacific, Which Has Been Offered It.

NEW YORK, Oct. 15.—(Special.)—Rumors were prevalent today in railroad and financial circles to the effect that 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.

The Hill line, it is stated, is not looking to secure control of the Denver & Rio Grande, but joint ownership of that road. A member of the Western Pacific is quoted as saying that some such a plan may be worked out, but that it was doubtful if anything would be done at present. It was admitted the Burlington 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 road," presumably the Burlington, buying a half interest in the Western Pacific, but that, if any deal is consummated, it will be through a stock purchase in the Denver & Rio Grande.

MAN IS TOSSED BY RHINO

Adventure of Roosevelt's Porter. Much Big Game Killed.

NAIROBI, E. E. A., Oct. 15.—The Roosevelt party arrived here this afternoon 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 more elephants, completing the group intended for the Smithsonian Institution at Washington. He has also killed a bull elephant for the American Museum of Natural History in New York.

FAIRY TALE KILLS CHILD

Walla Walla Girl Dies of Excitement While Reading.

WALLA WALLA, Wash., Oct. 15.—(Special.)—The mysteries of a fairy tale, which she had spent most of the evening in reading, proved too much for 11-year-old Sadie Maynard, of this city, last night, and she died of heart failure. The physician gives the cause as heart failure induced by excitement.

WIFE QUITTED FOR GIRL

Husband Deserts Family and Leaves Creditors to Mourn.

REED 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 along. 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 McClelland, a 15-year-old girl of this place, and that the girl, too, was missing.

BRIDESMAIDS ARE LATE

Chauffeurs Fined for Hastening Them to Wedding.

LOS ANGELES, Cal., Oct. 15.—(Special.)—Three blushing bridesmaids, Miss Edith 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.

PAT MCCARREN IS DYING

Democratic Leader Takes Turn for Worse—Still Talks Politics.

NEW YORK, Oct. 15.—State Senator Patrick H. McCarrren, Democratic leader of Brooklyn, was near death tonight in St. Catherine's Hospital in Brooklyn, his physicians hoping for the best, but prepared for the worst.

SAYS BARRILL WAS PAID FOR PERJURY

Cook Charges Enemies With Buying Guide.

GET RECORDS 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—Fails 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 tonight 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 offered 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 hired Anthony Flala, the Arctic explorer, to head the expedition and had wired Professor H. C. Parker, of Columbia University, to accompany Flala. Their answers are expected tomorrow.

Dr. Cook's statement made to the Associated 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 inducements had been offered Edward N. Barrill, the guide who accompanied me to the summit of Mount McKinley in the summer of 1906. This confidential agent returned from Montana this morning and for good reasons I do not care at the present time to make his name public."

"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 succeeded 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 associated 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 Prinz, 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 SHE INSISTS ON SERVICE.

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 1333 Fifth street, Santa Monica, reports for service.

Mrs. Engleman's name, by mistake, appeared on the jury list in Judge Hervey's court, and was drawn last week with that of 29 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 qualify.

Mrs. Engleman declares she is ready and glad to do duty as a citizen.

PAY STREAK BELLES REVEL

Eskimo Beauty Leads Grand March With Eddy Foy.

SEATTLE, Oct. 15.—(Special.)—Eddie Foy, the comedian, and Miss Columbia, the 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 houses. The function was unprecedented in the annals of Seattle.

Members of every theatrical company now appearing at Seattle playhouses mingled with dancers from the streets of Cairo, the Spanish Theater, the Eskimo 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 he was an interested spectator at her christening by Mrs. Potter Palmer at the Eskimo village at the Chicago Exposition, 16 years ago. Music, dances and high links of all nations characterized the merry-making at Dreamland Rink from 2 to 5:30 A. M.

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Prof. J. of Tufts College said to have found Cook's records on summit of Mt. McKinley. Page 4.

Cook's North pole discovery officially recognized by New York city. Page 4.

National. Walter Fisher says Crane is victim of political intrigue. Page 5. Tart showed up with gifts for Pueblo Indians and appeared on stage for New Mexico. Domestic.

J. P. Morgan and party speak at steel men's banquet. Page 5. Women drawn as juror by mistake at Los Angeles says she will serve. Page 1. Kidnapped children found in Chicago drugged and starving. Page 2. Dickinson claims Portland, Me., and Portland, Or., as birth place of prohibition. Page 3.

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Sports. Coast League scores: Portland 4, Vernum 11; Oakland 3, San Francisco 1; Sacramento 8, Los Angeles 2. Page 7. Dispute about stakes for Johnson-Ketchel fight settled. Page 7. Last championship ball game to be played on wet grounds in cold weather. Page 7. Columbia beats Lincoln High 3 to 0 in first intercollegiate football game. Page 7. Chevrolet breaking record in 24-hour auto race. Page 4. Lipton anxious to try again for yachting cup. Page 7.

Pacific Northwest. Superior Judge rules that party designation is not necessary in registration. Page 1. Five convicts overpower two guards and escape Salem. Page 4. Keen rivalry expected today in election of officers Padedated Women's Clubs. Page 6. City of Vancouver refuses to recognize Oregon court order and is ahead \$1000. Page 9.

Jury returns verdict of manslaughter in Walsworth trial at Jacksonville. Page 6. Olympia homicide destroyed by dramatic as result of family feud. Page 6.

Portland and Vicinity. Two hold day robbers rob houses on Portland Heights in daylight and escape. Page 3. Philip Buehner and party in auto held up on Base Line road. Page 1. Oregon Electric will ultimately build to Roseburg says President Moffat. Page 10. American doctors are making patient in Municipal Court. Page 10. State Board of Health and Commissioner Bailey exchange compliments regarding milk supply. Page 12. Major William H. Barstler dies. Page 12. Five arguments in rate case come over until December 15. Page 11. Investigation shows Oregon Trust was rotten to the core. Page 10. Mrs. Allen finds evidence of husband's infidelity. Page 11. Night school work in Portland shows big increase. Page 9. A. D. Charlton declares heavy traffic from East will continue. Page 11.

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 by Flames—Property Loss \$1,000,000.

MEMPHIS, Tenn., Oct. 15.—At least 57 persons were killed in the storm that swept portions of Tennessee, Alabama, Arkansas and South Carolina yesterday. From reports received tonight, the death list likely will reach 50. The property loss is estimated at \$1,000,000.

The devastation was widespread, whole towns being razed.

The apportionment of the known dead follows: Denmark, Tenn., one. Mulberry, Tenn., one. Pittsburg Landing, Tenn., seven. Near Stanleyville, eight. Near Cartersville, Ga., one. Scottsboro, 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 storehouses left standing after the storm. Two hundred homeless people have applied for aid.

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 blown from their pedestals, and the property damage is estimated at \$100,000.

At Russellville, Ala., it is reported that four were seriously injured. Property damage of at least \$50,000 is estimated at Cartersville, Ga., while that at Atlanta will run between \$70,000 and \$100,000.

At Whitesville, a factory and church building were wrecked. At Buford station the Louisville & (Concluded on Page 2.)