

the ordinance which provided that fair-ure by the railway company to observe the conditions of the ordinance for a period of one month would subject the company to a forfeiture of its fran-chises in the discretion of the City Council POWER COMPANY DENIED Council.

The court held that the conditions The court held that the company by imposed on the traction company by the ordinance were "unreasonable, ar-bitrary, impracticable and impossible of enforcement" while the forfeiture clause would deprive the complaining railway company of its property without ess of law, contrary to the Federal constitution.

## Federal Protection Granted.

Federal Protection Granted. "The franchises of the complainant," and Judge Bean in his decision, "and their acceptance conferred upon the grantees vested rights during the term of the franchises which cannot be re-voked without the consent of the own-er unless upon grounds stated therein, and a municipal ordinance passed un-der color of legislative authority which impairs the rights so granted or which impairs the rights so granted or which impairs to take the property of the complainant without due process of law comes within the protection of the Federal Courts may be applied to for relief without waiting until profor relief without waiting until pro-ceedings are instituted by the city to enforce such ordinance.

"The city may take measures to reg-ulate the manner in which the com-plainant may enjoy its franchises, but such regulations must not be arbitrary capricious and must be reasonable or capricious and must be reasonable and not destroy or uniawfully impair the rights granted. It cannot, under the guise of regulation, deprive the company of its franchise nor can it forfeit such franchise or cancel the same except in the manner provided in the for failing britate property for by law for taking private property for public use unless for some ground of forfeiture stipulated in the franchise ItmoTf.

### Constitutional Right Exists.

"It has, therefore, been held that an ordinance of a city attempting to de-clare a forfeiture of a franchise as a punishment for a violation of some municipal regulation is a threatened vio-lation of the constitutional rights of the grantee and the impairment of the obligation of a contract which a Fed-eral court has jurisdiction to restrain."

the grantee and the impairment of the obligation of a contract which a Fed-eral court has jurisdiction to restrain." Continuing, the decision, which is an exhaustive document of 20 typewritten pages, including citations from 70 au-thorities, discusses the indefinite and uncertain provisions of the ordinance and the contrusion that would attend an attempted enforcement of those prov-visions. It concludes with the follow-visions. It concludes with the follow-

city.

turned about was covered by two re-volvers. The men held him covered while one of them rifled the safe and both ran west on Alder street. JUDGE BEAN REFUSES TO SET Discrepancies Are Found. Young was held at detective head-quarters while Hellyer and Howell went Federal Court Has No Jurisdiction o the hotel and made an investigation

which soon uncovered the weak points in his story, in which they already had observed a number of hesitancies and in Minimum Rate Matter, Says Ruling on Application. Application of the Portland Railway, Light & Power Company to the United States District Court for an injunction to set aske an ordinance of the City of Portland fixing the minimum rates that may be charged by gas and elec-tric companies was denied yesterday by Judge Bean, on the ground that the Federal Court has no jurisdiction in the matter.

money was taken must be opened with two keys, kept in different places, and

In his decision Judge Bean said that hat other boxes in the safe had not since both the corporation and the municipality belong to the same state,

been touched. Convinced that the clerk had invented the story, the officers put the question to him direct. He asked time to conthere is no diversity of citizenship and there is no diversity of citizensing and hence the court has no jurisdiction on that ground. Its jurisdiction is sought to be invoked, he says, solely because the provisions of the ordinance deprive the process of the law and impairs the obligations of upervised contracts to a small satchel, saying, "There it is." obligations of unexpired contracts The satchel, saying, There it is, is, who is suing isadere St. Martin for existing at the time of the adoption of the ordinance; but the avernenis of the complaint do not support this contracts. Know nothing about it.

ASIDE LIGHT ORDINANCE.

the matter.

an attempted enforcement of those pro-visions. It concludes with the follow-ing comment: <u>Ambiguity 1s Charged.</u> "We are not attempting to definitely construe the ordinance, for we con-ceive that to be practically impossible in view of its language, but to point out some of the giaring defects and to show how unreasonable it is to make the violation of such a law a ground of forfeiture of a valuable vested right nequired by the company under its franchise, and that it requires the com-plainant to discriminate between pas-sengers for whom it furnishes like services in violation of that part of the Federal constitution which forbids the taking of private property without due process of law and requires the court as to the ambiguity of the es-sential provisions of the ordinance and the attendant impossibility for the Griff King, Special Officer, Appoint ed to Succeed Chief Daughtry, but Refuses Permanent Place. ALBANY, Or., Nov. 25.—(Special.)— Asserting that he has been receiving a great deal of unjust criticism regard-A great deal of unjust criticism regard-ing "blind pig" conditions in Albany and that the office is not worth the ind that the office is not worth the and that the office is not worth the ind that the officers, also re-isgned to a ward of the regular routine, which includes a bath and fumigation of his clothing, after which he was as-signed to a ward of the criminal insame. When Lake Winnebago crime into view he was asked if he was fond of hunting and replied with a simile: "Only of Buil Moose." He declared he would not harm Colo-nel Roosevelt if the opportunity again offered itself.

las, who is suing Isadore St. Martin for tendance, the case began here today before Judge H. E. McKenney, of the

offered.

If the city acted without legislative authority in passing the ordinance, the ordinance is not an act of the state within the meaning of the fourteenth amendment and the court is without jurisdiction. If, on the other hand, it had authority to pass such an ordi-nance, the rate fixed is presumed to be fair and just, the burden being on the complainnant to show that the rate so fixed would be confiscatory. "There are no facts stated in the complained, said Judge Bean, "showing that the rate complained of is con-

and friends kept his fevered how dood with applications of cold towers. This is the first time that he has been out-side of a hospital in Portland since August, when the trouble occurred. The defense is attempting to prove

MULTIGRAPHING, mimeographing, public stenographers. Hill & Co., 222-223 Henry 0 feet of bowels are clogged up with sutrefying waste matter and need a sentie, thorough cleansing at once. stene bldg.

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tomach sour, breath bad; has stomach-che, diarrhoea, sore throat, or is full f cold, give a teaspoonful of Syrup of Figs, and in a few hours all the foul, WOOD - BRANCH E. 33D ST. - WOOL ECONOMY FUEL CO. sells the best fur nace coal, East 214, B 2343, 31 Grand ave onstipated waste, undigested food and sour bile will gently move on and out of its little bowels without nausea, griping or weakness, and you surely will have a well, happy and smiling child again shortly. With Syrum of Figs you are not drug-CONFECTIONERY. OPCORN, nuts in shy style to orde Standard Crisp Co., 203 Glisan st.

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court as to the ambiguity of the es-sential provisions of the ordinance and the attendant impossibility for the courts intelligently to interpret and enforce its terms, counsel for the rail-way company is of the opinion that the temporary injunction granted yesterday will be made permanent.

says it is his duty to make a deduc-tion of 50 per cent under the law on these bills. State committee \$10,000, while Frank A. Munsey contributed \$101,250 to the National committee and \$10,000 to the

tion of 50 per cent under the law on these bills. "The law provides that the State Printer shall receive a certain rate for composition." says Harris. "This was fully computed and allowed on the original order for these pamphlets, the bill for the same having been certified to by me and returned to the State Printer. I am informed that before the original order was off the state 20,000; Menter Frank, State Printer shall receive a certain rate for composition should be preserved, which advice the State Printer assured you would be acted on as I understand it was. Notwith-standing the facts set out all this com-position has been charged for as though it had been completely done, not only for the original order part out when the state state committee \$10,000, while Frank A. Munsey contributed \$101,250 to the National committee were: Douglas Rob-tionson, \$51,250; W. E. Roosevelt, \$50,000; Robert Bacon \$29,500; A. Heicksher and Ars. F. H. Hooker, of New York, Printer that more of these pamphlets sylvania, \$12,500; George F. Porter, of this fact the composition should be preserved, which advice the State Printer assured you would be acted on as I understand it was. Notwith-standing the facts set out all this com-position has been charged for as though it had been completely done, not only for the original order, but for the original order the solution should be Printer assured you would be acted on as I understand it was. Notwith-standing the facts set out all this com-position has been charged for as though it had been completely done, though it had been completely done. State and fact and for mark the state of the original order was out all this com-state of the original order the original order the solution and expenses of speakers, \$72, State and fact and the printer assured for as though it had been completely done. State and fact and the printer and the printer and the printer assured for as though it had been completely done. State and fact and the print 

HAWLEY FOLLOWS WEST Idaho Governor Refuses to Grant

## Hay's Request.

BOISE, Idaho, Nov. 25 .- (Special.)-

BOISE, Idaho, Nov. 25.—(Special.)— Following the example set by Governor West of Oregon, Governor Hawiey, of Washington for the requisition petitioned for by Governor Hay, of Washington for the return of Bert Mansel to Kelso, Wash, to answer to a statutory charge, and the youth, hardly more than of age, the son of a prominent South Idaho rancher, will remain in Idaho. Governor Hawley ex-pressed himself freely in a letter to Governor Hay, explaining why he takes the stand he has. He declares he be-lieves young Mansel has been more

Report Shows Bull Moose Spent \$641,780 - Perkins Contributes. that he has accepted money from pro prietors of alleged "blind pigs" to per \$130,000, Munsey \$101,000.

ALBANY, N. Y., Nov. 25.—Contribu-tions totaling \$668,869 to aid the can-didacy of Colonel Roosevelt for the Presidency were received by the Na-tional committee of the Progressive

ALBANY, N. Y., Nov. 25.—Contribu-tions totaling \$668,869 to aid the can-didacy of Colonel Roosevelt for the Presidency were received by the Na-pert in Report to Olcott. SALEM, Or., Nov. 25.—(Special.)-Deduction of \$242.77 in a bill of State Printer Duniway for printing of extra copies of candidates' pamphlets is rec-commended by State Printing Experi-Harris to Secretary Olcott. Mr. Harris says it is his duty to make a deduc-"There have been reports circulated

cludes the entire police force of the

Daughtry said the recent reports

mit them to run in this city had noth-ing whatever to do with his resigna-tion. He took occasion, however, to

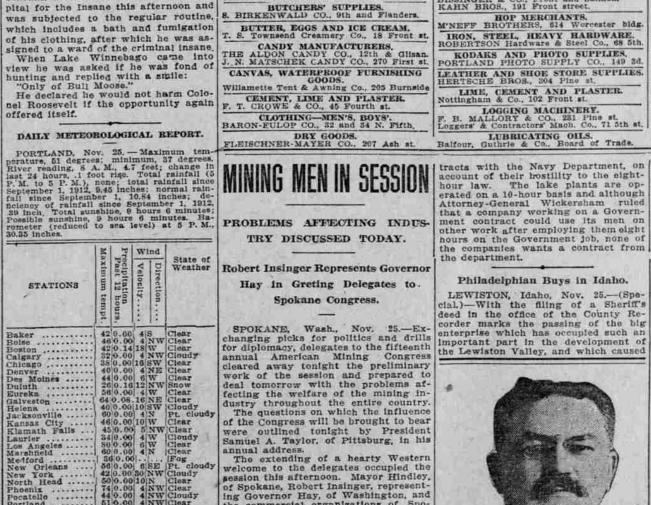
Charles B. Bird gave the New York State Progressive committee \$50,000. Other large contributions came from the Oscar S. Straus campaign commit-tee, \$12,200; Oscar S. Straus, personally, \$800, and Mrs. Straus, \$2500. The New York Democratic state com-mittee filed a certificate showing that it received \$213,837 and expended \$198,-965. The Republican State Committee certified that it received \$229,911 and spent \$219,226. leaving a balance of

Chief of Police. King will serve under the appointment only until Thursday morning, as the Council will meet in regular session Wednesday night to choose someone to serve out the unex-pired term. He agreed to serve tem-porarily, but announced he would not accept a permanent appointment. King appointed H. T. Wentworth and C. L. spent \$219,226, leaving a balance of \$10,625 with which to meet outstanding bills agregating \$10,750 and four loans and outloand outstanding with him until Thursday morning.

SCHRANK ENTERS ASYLUM Colonel's Assailant Says He Would Not Harm T. R. Again if Possible. OSHKOSH, Wis., Nov. 25 .- John Schrank arrived at the Northern Hospital for the Insane this afternoon and was subjected to the regular routine,

offered itself.

DAILY METEOROLOGICAL REPORT.



the commercial organizations of Spo-kane, and Graham B. Dennis, head of the Spokane chapter of the Mining Con-gress, assured the delegates that the latchstrings of Spokane and the camps of the Northwest were out to them.

As the roll of states was called, Pres-ident Taylor called on delegates to ra-spond. Among those who spoke were David Ross, State Labor Commissioner of Illinois, who delighted his audence with a witty eulogy of the Western miner; Gienville A. Collins, representing

WEATHER CONDITIONS. The northeastern disturbance is slowly moving out to sea, although low pressure continues over that section of the United States. Elsewhore throughout the country high pressure obtains. Within the last 24 hours, precipitation, generally light, has oc-curred in Wyoming. Texas and from Minne-sona eastward to the Atlantic const. The weather is cooler in southeastern Washing-ton, interior southwestern Oregon, interior northern California, Montana, Wyoming, Colorado, the western portion of the Da-kotas, eastern Texas, Louisians, and Massa-chusetts, and it is correspondingly warmer in Kansse, Oklahoma and the central Mis-sissippi Valley. The indications are for continued fair and cool weather in this district during the next 24 hours, with northeasterly winds. FORECASTS. miner; Grenvine A. Colinas, representing the Peruvian government; F. Jacombs, personal representative of Premier Mo-Bride, of British Columbia; George A. Baldwin, of Valdez, Alaska; Paul Clag-stone, of Idaho; W. B. Shackelford, of Joplin, Mo., and R. L. Gougherty, of Land S. D. The Very Best and Latest in Modern Dentistry. No More Falling Plates. PERFECT BRIDGES, with interchange able facings, the most perfect and practical bridge that has ever been de-vised. A triumph of modern dentistry. Lead, S. D.

Lead, S. D. Mr. Taylor provoked wild applause among the Spokane delegates by point-ing out the possibility that Spokane wight become the home of the permis-state of the permis-and the permis-the permising out the possibility that Spokane might become the home of the perma-nent headquarters of the congress. A reception was given the delegates by the Chamber of Commerce tonight. 

Navy May Take Ships From Lakes. Wise Dental Lo. Portland and vicinity -- Fair. Northerly WASHINGTON, Nov. 25 .- All United winds. Oregon and Washington — Fair and con-tinued cool. Northeasterly winds. Idaho—Fair and continued cool. THEODORE F. DRAKE. Acting District Forecaster. States naval vessels may be withdrawn

from the Great Lakes as a result of the refusal of shipbuilding companies on the lakes to enter into repair con-Phones-Main 2020, A 2028.

DR. W. A. WISE

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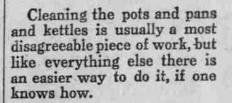
Be sure you see him in person, unscrupulous dentists are trying mislead the puble by using our na PLATES-WITH FLEXIBLE SECTI

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tracts with the Navy Department, on such a sensation several years ago in account of their bostility to the eight- this valley, Franklin Potts, of Philadelphia, is the purchaser of 7000 acres of the most valuable farm and orchard lands tributary to Lewiston for \$189,235. This is the biggest Sheriff's sale ever recorded in Idaho.

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Leave to soak while washing the dishes, then pour off the water and fill with clean suds made in the same way. If particles of food still adhere to the inside of the utensils, use potrings for removing them.



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WEATHER CONDITIONS.

FORECASTS.

Winnipeg .