

DIPHTHERIA FATAL TO PHILIP S. BATES

Career of Prominent Publisher Closes Suddenly.

RESIDENCE HERE IS LONG

Editor of Pacific Northwest Began Business in Portland With Ladd & Tilton Bank in 1887.

Philip S. Bates, widely known publisher and former secretary of the Oregon State Editorial association, died yesterday at Good Samaritan hospital from heart complications, induced by an attack of diphtheria. He was 53 years old.

Mr. Bates complained of a severe sore throat early yesterday morning and called Dr. S. E. Joseph in to attend him. The physician immediately pronounced diphtheria and sent him to the hospital. Mr. Bates failed rapidly late in the morning, and death came shortly before noon.

Mr. Bates was a native of Southhampton, Mass., where he was born in 1868. He came first to Portland in 1887, and entered the banking business with the Ladd and Tilton bank. He remained here until 1899, and then moved to California where he remained for a year.

Civic Life Active. Returning to Portland in 1893, Mr. Bates entered the insurance business where he remained until 1896, when he sold his interests in his brother, Paul C. Bates. He then left Portland for the second time, going first to California, and thence to eastern states where he remained for six years.

He returned again to Portland in 1902, and had since engaged in newspaper and publication work. He was for several years editor and publisher of the Pacific Northwest. For the past several years he had been associated with Colonel Z. H. Foster in publishing the Manufacturers' News.

Mr. Bates for many years had been an active member in several of the civic organizations of the city, and had been active in the work of the Oregon State Editorial Association.

Family at Summer Home. He is survived by the widow, Mrs. Frances Bates, and two sons, Daniel and Stephen. The family home is at 1113 Clinton street. Other surviving relatives are a brother, Paul C. Bates of Portland, a brother, Harry Bates of Massachusetts, and two sisters, Annie and Bertha Bates of Westfield, Mass. Another son, Marshall W. Preston, of a former marriage, is living at Shanghai, China.

Private funeral services will be held at 2:30 o'clock tomorrow afternoon from the Finley & Son chapel. Burial will be at Riverside cemetery.

Mrs. Bates and children have been at their summer home at Riverview, Wash., for the summer. They were notified of the death yesterday afternoon, and will arrive in Portland this morning.

BRUMFIELD JURY MEETS

OFFICERS TESTIFY TO FINDING HEADLESS BODY.

Alleged slayer of Russell, cheerful and smiling, says he is anxious for trial to begin.

ROSEBURG, Or., Aug. 29.—(Special.)—The grand jury was drawn from the circuit court jury panel today and went to Roseburg to hear the evidence in the Brumfield murder case.

The men selected to serve in this capacity were W. J. Shupe of Sutherlin, as foreman, W. E. Miller, Lookingglass; Miner Applegate, Yoncalla; C. F. Knesterson, Kelso; John C. Bacon, Umpqua; John Sutton, Days Creek; Sam Critchlow, Elkhead. District Attorney Neuner said this afternoon that the grand jury proceedings would occupy two days and the circuit court probably will not reconvene to start a trial until the latter part of the week.

A large number of witnesses were summoned before the grand jury today. Coroner M. E. Ritter and Deputy Sheriff Webb were the most important witnesses heard. They told of finding the headless and charred body of Dennis Russell, who had been brought to meeting Brumfield on the night he was en route to Dillard, where Russell resides. Other witnesses testified to meeting Brumfield and the high speed at which his car was traveling.

Dr. Brumfield, who was cheerful and smiling today, will not be brought before the grand jury. He said this afternoon that he was very anxious for his trial to start and that he was "not to worry, as everything will come out all right."

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An incomplete survey shows that the crop averaged between 20 and 25 bushels of wheat an acre. Some farmers report as high as 30 bushels of white wheat and a few as high as 35 and 40 bushels an acre. Dan Kirby, a large grower of the Bellevue district, and George Gubert, who has a farm south of Sheridan, both had yields which averaged 30 bushels.

Farmers are divided on plans for disposal of the crop. Some will sell at once, while others prefer to hold their harvest until they receive a better price later in the season. Wheat at the Schmidt warehouse here, which has received about 2000 bushels of grain this season, is bringing 95 cents a bushel, unsacked, and \$1 sacked.

COMFORT TO BE FEATURE

Women Will Look After Visitors at Coming Gresham Fair.

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BUDGET LAW IS UPHOLD

ONLY COUNTIES OF 100,000 OR MORE ARE AFFECTED.

Supreme Court Declares Legislation Is Not Local or Special, But Is Valid Measure.

SALEM, Or., Aug. 29.—(Special.)—The so-called "taxation and conservation commission act," enacted at the last session of the legislature and applying only to those counties having 100,000 or more population, is valid and is not local or special legislation, according to an opinion written by Chief Justice Burnett and handed down by the Oregon supreme court at a special session here today.

The opinion also held that the "local budget law" passed by the 1921 legislature, applying to municipalities in general, does not make it incumbent upon the city of Portland to incur an expense of approximately \$200,000 in publishing the estimates and estimate sheets.

The opinion upheld Judge John McCourt of Multnomah county in the case brought by Abe Fischer and others of the city of Portland to test the validity of the "taxation and conservation commission" act, and the right of the city to expend funds for the publication of estimates as provided in the local budget law.

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City Lacks Power to Curb Construction.

ATTORNEY GIVES OPINION

Thirteenth Amendment Abolishing Slavery Cited in Denying Protest of Petitioners.

The city council of Portland lacks power to prevent negroes from constructing a building solely on the ground that such persons are negroes, according to an opinion filed with the council yesterday by City Attorney Grant.

The question arose as the result of a protest filed by G. B. Sherbert and others against the granting of a permit to erect a gymnasium at Williams avenue and Tillamook street. Such property is owned, it was stated, by negroes, and the protestants not only objected to the gymnasium building but to the construction of any building by negroes.

Slavery Amendments Filled. In his opinion Attorney Grant called attention to the 13th and 14th amendments to the constitution. The 13th was adopted by congress shortly after the civil war has been concluded and abolished slavery. The 14th amendment was adopted shortly thereafter and prevents any state and any municipality from enacting legislation which would abridge the privileges or immunities of any citizen, deprive any citizen of life, liberty or property without due process of law or deny to any person the full protection of the law.

City Attorney Grant called attention to the fact that this amendment has been put to severe tests in the highest courts and has been construed to give full citizenship and all rights thereof to negroes.

"To grant the prayer of the petitioners would be solely on the ground of color," the opinion reads in its conclusion. "It may be claimed that acquisitions of property by colored persons depreciate property owned in the neighborhood of white persons."

Restriction is Prohibited. "But property may be acquired by undesirable white neighbors or put to disagreeable though lawful uses with like results. The council is therefore advised that it has no authority to enact an ordinance prohibiting colored people from constructing a building on a piece of ground owned by them solely on the ground that they are colored people, and therefore the prayer of the petitioners must be denied."

The opinion probably will reach the city council in time for action on the protest at the regular council meeting tomorrow. While protests have been made from time to time against the intrusion of negroes into a neighborhood settled by white persons, settlements of difficulties of this nature always have been effected outside of the council. This is the first time that the city council has requested a ruling on this question.

Veterans to Hear of Bonus. GRESHAM, Or., Aug. 29.—(Special.)—George A. White, adjutant-general, and Lyman Rice, of the Oregon War Veterans' association state aid commission, will speak in Metzger's hall, Gresham, tomorrow at 11:30 A. M.

Canadian Pacific Rockies

When your appetite in Alpine ozone. Clear your brain. Brace yourself for winter's business. Come where it is

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When brilliant crimson and gorgeous yellows splash the forest green, Canadian Pacific Rockies are the artist's dreamland.

A Vacation That Inspires

Days are balmy, nights perfect for deep, health giving sleep. Throughout this Alpine Wonderland—at Lake Louise, Banff, and other resort centers—you can enjoy climbing, pony riding, motoring, swimming, hiking, "camera hunting", fishing, golf and tennis.

For full particulars write, telephone or stop at this office of the

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E. E. Penn, Gen. Ag't. Pass. Dept. CANADIAN PACIFIC RAILWAY 55 Third Street, Portland, Or.

INFANT'S SCALP IS FREED FROM ECZEMA

New Remedy Is Boon to Mothers and Blessing to Children. Tender Heads Quickly Soothed.

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Distributed by Blumauer - Frank Drug Co., Clarke-Woodward Drug Co., Lewis-Stenger Barber Supply Co.

LOW FARES TO ASTORIA-SEASIDE

and Intermediate Points War Tax Included.

In Effect Daily, in Both Directions

SPOKANE, PORTLAND & SEATTLE RAILWAY

ONE WAY \$1.00 TO ASTORIA and all points St. Helens to Astoria. \$1.60 TO SEASIDE and proportional fares to other points west of Astoria.

ROUND TRIP \$3.00 TO SEASIDE-GEARHART and other Clatsop Beach points. Return limit 30 days. \$1.60 TO ST. HELENS (On and after Monday, August 29). Return limit two days after sale.

Trains for Astoria and Seaside leave Portland 7:05 A. M., 8:30 A. M., 6:20 P. M., daily, and 1:45 Saturday. Local trains to St. Helens and Rainier 12:15 and 6:15 P. M. daily. Trains Use North Bank Station. Tickets, parlor car seats and details at: Consolidated Ticket Office, 3d and Washington; North Bank Station, 10th and Hoyk

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1000 SCHOOL BOYS

—to bring their parents to this big store for boys and to see our GUARANTEED VIRGIN WOOL SUITS. And say, these suits are honest-to-goodness "humdingers"—every boy we know tells us that they "wear like iron"—and, well, they should, because they're made of 100% Pure Wool cloth, VIRGIN WOOL—that's it!

And reasonable? YOU BET. We make them here in our own factory and sell direct to you.

And listen, fellows—here's a little secret—we're giving every boy a handsome, Genuine Leather Purse with every purchase of \$10 or more—yours is waiting for you right now.

BOYS' Guaranteed SUITS

Virgin Wool

\$15

Send today for catalogue folder, Virgin Wool samples, tape measure and measuring blank. Our Mail Order Department will prove just as satisfactory to out-of-town customers as buying in person.

Brownsville Woolen Mills

Entire Woolen Mill Building PORTLAND, OREGON S. W. Cor. Third and Morrison

proles assembled in Salem yesterday and discussed the problem of reducing damage to freight. A. A. Mickel, local agent for the Southern Pacific company, declared that damage was an economic loss and cost the railroad corporations many thousands of dollars annually. It was agreed that a campaign to lessen the waste be carried on over the entire system in Oregon.

Legion has also issued an invitation to the Gresham business men, as some of the questions will concern them. The general public is also invited.

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Distributed by Blumauer - Frank Drug Co., Clarke-Woodward Drug Co., Lewis-Stenger Barber Supply Co.

Made by the Makers of Eversharp

The reason you have heard nothing but praise for the Wahl Fountain Pen is because we are so particular in making it.

It comes out of the same factory that makes the famous Eversharp, and it is as good a pen as Eversharp is a pencil.

The gold nib is flexible and strong. It glides smoothly over the surface of the paper. Get your Wahl Fountain Pen today. Dealers everywhere.

THE WAHL COMPANY, Chicago

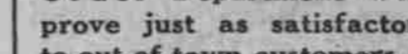
WAHL FOUNTAIN PEN



Stop in at your dealer's and get your Wahl Fountain Pen today

TO-NIGHT Tomorrow Alright

To Give an overtaxed and tired system a night of refreshing rest and a bright tomorrow in the work of NR Tablets. Nature's Remedy keeps body functions regular, improves appetite, relieves constipation. Used for over 10 years.



Chips off the Old Block. NR JUNIORS Little Nibs. One-third the regular dose. Made of same ingredients, the same way. For children and adults.

Get a 25-Box Trial Pack

Beauty Contested

You are always confident that your beauty has been developed to the highest of its possibilities by using Gouraud's Oriental Cream.

Send 15c. for Trial Size Ford, T. Hoelke & Son New York

GIRLS! LEMONS BLEACH SKIN WHITE

Squeeze the juice of two lemons into a bottle containing three ounces of Orchard White, which any drug store will supply for a few cents, shake well, and you have a quarter pint of harmless and delightful lemon bleach. Massage this sweetly fragrant lotion into the face, neck, arms and hands each day, then shortly note the beauty and whiteness of your skin.

Famous stage beauties use this lemon lotion to bleach and brighten their soft, clear, rosy-white complexion, also as a freckle, sunburn and tan bleach, because it doesn't irritate. Adv.

Sour Stomach. When the quality of food taken is too great or the quality too rich, sour stomach may result and especially so if you are constipated. Eat slowly, masticate your food thoroughly, eat sparingly of meats. Let fully five hours elapse between meals and when you feel a fullness and weight in the stomach, after eating your supper, take one of Chamberlain's Tablets, and in most cases sour stomach may be avoided. Adv.

NUXATED IRON FOR RED BLOOD STRENGTH AND ENDURANCE

Phone, your want ads to The Oregonian, Main 7070, Automatic 560-95.

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