

VOL. XX.

PORTLAND, OREGON, SUNDAY MORNING, MAY 26, 1901.

NO. 21.

FURNITURE

HEADQUARTERS GADSBY HEADQUARTERS

Corner First and Washington Streets.

BEAUTIFUL FURNITURE AND CARPETS

The furniture of a family is a part of the life history of that family. It is the setting of the home. Bears evidence of prosperity and good taste...

METALLIC BEDSTEADS, MUSIC CABINETS, PARLOR CHAIRS, DESK CHAIRS, ROCKERS, TABOURETS, PARLOR TABLES, LIBRARY TABLES, DINING TABLES, COMB. BOOKCASES, REED FURNITURE, COUCHES.

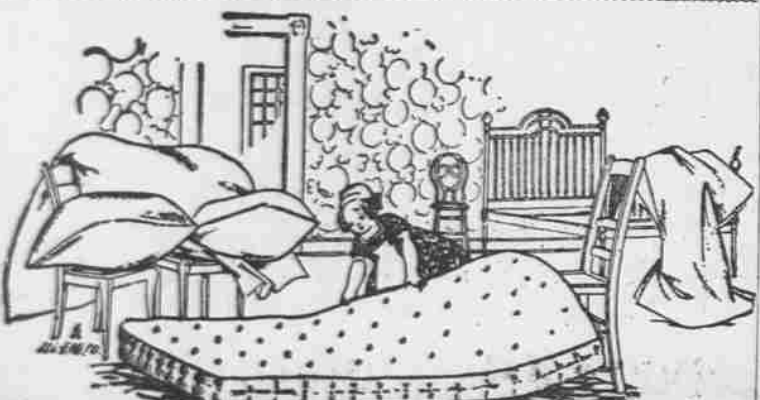
Our Special Sale

Of genuine 8-Wire Tapestry and Brussels Carpet, made and laid on your floor with lining, per yard

75c

CONTINUES THIS WEEK.

\$19.50



We want you to call and examine our Special Gray Hair Mattress at \$30.00; 30 pounds weight; all hair, no moss, no filling; the real thing. We have others as high as \$22.50, of pure white curled hair, but we recommend this because it is within the reach of all, and only costs a trifle more than most.

\$10

THE DRIVING SEASON IS AT HAND...

ARE YOU READY FOR IT?

YOU FURNISH THE HORSE WE WILL DO THE REST.

CARRIAGES, WAGONS, HARNESS, ROBES AND WHIPS

STUDEBAKER

320-338 EAST MORRISON ST.

SPECIALS FOR TODAY at the Always Busy Store

The entire unclaimed stock of Tailor-Made Garments bought by us for cash at less than the cost of the trimmings, from the Royal Tailors, Chicago. Positively the Best Line of...

FARNSWORTH-HERALD TAILORING CO.

NEW FAILING BUILDING, 248 WASHINGTON STREET

FIRST CONSUL

CLEAR HAVANA KEY WEST CIGAR LEADS THEM ALL

Blumauer & Hoch, 108-110 Fourth St. SOLE DISTRIBUTORS.



Maryland Club Pure Rye Whiskey

It tastes old because it is old

CANN, BELT & CO., Baltimore, Md.

FLECKENSTEIN MAYER CO., Sole Distributors Portland, Oregon

TEST CASE BEGUN

New Primary Election Laws Taken Into Court.

EXPENSIVE TO THE TAXPAYERS

Clerk Holmes, of the County Court, Ordered to Show Cause Why He Should Not Be Restrained From Creating Liability.

A suit to test the constitutionality of the two primary election laws passed by the Legislature this year was filed in the State Circuit Court yesterday.

The complaint sets forth that the two acts purport to require the Clerk of the County Court to perform a number of duties which will create pecuniary liabilities for the county.

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Both laws local legislation.

Morgan Measure an Outrageous Invasion of Personal Liberty.

Wallace McCamant, one of the counsel for the plaintiff in the suit brought to test the constitutionality of the primary laws, in an interview with an Oregonian reporter, gave a statement of the grounds on which the acts are attacked.

The Morgan bill, known as the Hunt or Lockwood bill, is equally unconstitutional with the Morgan or House bill 138, but is open to much less serious objection in its practical operation.

However, everything has a use, and these Morgan and Lockwood bills will serve, if the courts will carefully consider them, to lay down rules and guides for future legislation upon this important subject.

Direct primary legislation is a novelty. California enacted laws of this character in 1896, 1897 and 1898, each of which was in turn declared unconstitutional.

Portland, and the other only to Multnomah County. They are in conflict with the provision of the constitution which forbids local laws with reference to elections, and the Morgan bill is in conflict with the provision which forbids local laws for the punishment of crime.

The Morgan bill purports to apply only to political parties which polled 10 per cent of the vote at the preceding election. Inasmuch as there was no Democratic ticket on the Pacific coast at the last election, and inasmuch as the prohibition ticket polled less than 3 per cent of the total vote, these bills would apply only to the Republican party.

For these and many other reasons, plaintiffs contend that these laws are unconstitutional. They would entail a large and ruinous expense on the taxpayers.

E. W. Bingham, in an interview with an Oregonian reporter, said that he had advised Mr. Morgan and also Mr. Lockwood, from advocating the salient features of their bills.

The Senate committee was not happily organized to consider legal questions. One was a stove merchant, another a doctor, and the third member was a druggist.

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FREED BY MCKINLEY

Alexander McKenzie, Nome Receiver, Pardoned.

FAVOR OF ATTORNEY-GENERAL

McKenzie Is Too Ill to Be Moved From Jail—He Alleges Attorney Advised Him Not to Comply With Order of Court.

WASHINGTON, May 25.—The President has pardoned Alexander McKenzie, who is confined in the jail at Oakland, Cal., for contempt of the Circuit Court of Appeals for the Ninth Circuit. The

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came a great political boss in Dakota, and ultimately in North Dakota, when the territory was divided and admitted as two states. McKenzie has been the political dictator of North Dakota for many years. He is the power that has kept H. C. Hansbrough in the United States Senate. As Republican National Committee man for North Dakota, McKenzie formed the acquaintance and gained the warm friendship of Mark Hanna. Through Hansbrough, Hanna, et al., McKenzie procured the appointment of Judge Noyes as Judge of the Second District of Alaska, and then followed the scandals which resulted in the sending of McKenzie to jail for contempt of court by the Circuit Court of Appeals. McKenzie's enemies assert that he, not Noyes, is the court defactor. The contempt case grew out of McKenzie's being made receiver of several large mining properties by Noyes.

While the strong Hanna influence has been behind the fight for McKenzie's pardon, aid has been given from the Democratic side of the House. When the Noyes scandals were under discussion in the United States Senate, Senator Pettigrew, of South Dakota, surprised the country by rising in his place and defending both McKenzie and Judge Noyes. This was undoubtedly due to former friendly relations that existed

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CELEBRATE JULY 4?

Mayor Rowe Decides to Call a Meeting of Merchants.

COMMITTEE TO TAKE CHARGE

Portland Owes It to the State to Get Up an Attractive Program—Features Suggested by a Pioneer Manager of Celebrations.

The question that is agitating some of the old-time Fourth of July organizers is: "What is Portland going to do on the fourth?" There has been considerable discussion among business men of the best plan to pursue to ascertain public sentiment on the question, and Mayor Rowe recently called for suggestions. As a result of his investigations he has decided to call a meeting this week of those interested in the celebration of the Fourth. The matter will then be fully discussed and action taken looking to the formation of a general committee to take charge of the details. To an Oregonian reporter, Mayor Rowe said yesterday:

"There appears to be a general understanding of feeling that the observance of the National holiday in Portland should not be neglected. I have called for suggestions as to the course to be pursued, and for volunteers to serve on the committee. In pursuance of this plan, I will call a meeting of all interested in having the regular Fourth of July celebration, for which Portland has become famous."

"One of the pioneer Fourth of July organizers said yesterday: 'There is a general feeling among the business men that the observance of the National holiday should be on as large a scale as a plan as the previous celebrations that have been so successful. And I want to say, right here, that Portland will have a Fourth of July celebration that will live up to the reputation of the city among the people of the state, who expect Portland to spring some novel plan for the day's observance. The illuminated parade of last year was one of the finest things that the city has ever had in the way of patriotic processions.'

"This year we shall not have any trouble in arranging entertainment for the people of the city or for the host of visitors who will pour in from all over the state. We may have a yachting regatta and rowing races on the river, baseball and field sports of all kinds, bicycle road races, patriotic exercises, parades, fireworks on the river, and fireworks on the heights. Just think for a minute of the enthusiasm of the crowds when they see a beautiful set piece flaming up with the letters, 'Lewis and Clark Centennial, 1806.' There will be horse races of all kinds, too, on the Irvington track, with open-air concerts in the parks and plazas. The fact is, it would be a bitter disappointment to young folks if our celebration of the great National holiday should not eclipse our former efforts. I have some ideas of a marine parade at night and several other attractions that shall outline later when things get to going in good shape as they undoubtedly will, now that the Mayor has called a meeting of all business men interested. They should be enthusiastic and show up at the meeting. Without a great and glorious Fourth we should all be dead ducks on that day, and you could fire a cannon ball up and down the streets and not hit a soul."

FOR FRUITPACKING HOUSE. San Francisco Firm Will Investigate Conditions at Vancouver.

SENTECED TO PENITENTIARY. C. N. Gordon, who was convicted by a jury in the Superior Court here two weeks ago of assaulting William Kruger with a knife, was sentenced by Judge Miller today to five years in the penitentiary at Walla Walla.

Judge Miller Qualifies. Judge A. L. Miller, who was elected a director of the Vancouver schools at the recent school election, with reference to which the question has been raised as to his right to hold the office, qualified for the office today in response to the urgent solicitation of his friends.

Northwest Army Orders. WASHINGTON, May 25.—The following Army orders of interest on the Pacific Coast, have been issued: Captain George H. Fenrose, Quartermaster at Fort Douglas, Utah, has been ordered to proceed at once to Seattle, for assignment as Quartermaster and Commissary on the transport Egbert, relieving Captain Patrick H. McCull. Captain George H. Jamerson, Twenty-ninth Infantry, has been relieved from duty in Alaska, and ordered to rejoin his regiment at Fort Sheridan, Ill. Captain Robert S. O'Leary, Thirtieth Infantry, has also been relieved from further duty in Alaska, and assigned to his regiment in the Philippines. Changes have been made among Commissary Sergeants as follows: Sergeant William Hartlaub, now at Vancouver Barracks, has been ordered to Fort Ringgold, Tex., to relieve Sergeant Henry C. Simon. Sergeant Simon will then proceed to Fort Egbert, Alaska, relieving Sergeant Louis W. Smith, the latter taking the place at Vancouver Barracks vacated by Hartlaub. Post Commissary Sergeant Richard M. Scott is assigned to duty at Fort Stevens, Or., where he has been stationed recently without position. Post Commissary Sergeant Samuel W. Shaffer is to go from Vancouver Barracks to Fort Wright, Wash., relieving Sergeant John W. Stubbley, who goes to Fort Gibbon, Alaska, to relieve Sergeant Clarence S. Gould. The latter in turn will go on duty at Vancouver Barracks.

Insect to Destroy Hessian Fly.

HILLSBORO, May 25.—The farmers of West Union are talking of importing, from the Eastern states, an insect that is a destroyer of the Hessian fly. The pest is doing considerable damage in Washington County.

ALEXANDER M'KENZIE.



THE NOME RECEIVER WHO WAS PARDONED YESTERDAY BY PRESIDENT MCKINLEY.

Attorney-General yesterday made the following report to the President by wire:

Have delayed report in McKenzie case to make personal investigation as to wherein he is still in default, and in order that the effects of your act of clemency should be so disposed, might not be defeated by contentiousness as to the fact of compliance by McKenzie with the court's orders, the court advises me two specific things are yet to be done. I therefore report in lieu of the previous statement prepared by me, under mistaken information, as to the fact of compliance, that in view of McKenzie's ill health, and the recommendation of the court whose writs he disobeyed, that his sentence be commuted so that he may be released when the contempt is purged by full compliance with the writs of supersedeas issued by the United States Circuit Court of Appeals of the Ninth Circuit. If you will telegraph to McKenzie this day fully complied with the order of the Circuit Court of Appeals by turning over to the defendant the remaining property which came into his hands as receiver in the case in which he stands committed for contempt."

Last night the following telegram was received from Judge Morrow: McKenzie's ill health, and the recommendation of the court whose writs he disobeyed, that his sentence be commuted so that he may be released when the contempt is purged by full compliance with the writs of supersedeas issued by the United States Circuit Court of Appeals of the Ninth Circuit. If you will telegraph to McKenzie this day fully complied with the order of the Circuit Court of Appeals by turning over to the defendant the remaining property which came into his hands as receiver in the case in which he stands committed for contempt."

The Attorney-General thereupon sent an additional telegram to President McKenzie advising the immediate and unconditional pardon of McKenzie. Upon receipt of the President's telegram notifying him that the pardon had been granted, the Attorney-General by wire instructed the jailer at Oakland to release the prisoner immediately.

McKenzie, who was appointed receiver of a number of gold mines in Alaska by Judge Noyes, of the District Court of Alaska, refused to turn over certain gold dust, the products of the mines, when ordered to do so by the Circuit Court of Appeals at San Francisco. He previously, by order of the court, had returned to the defendants all property which had come into his possession except the gold dust. For his failure to turn the latter over, he was imprisoned for contempt of court. McKenzie alleged that he was granted the Attorney-General by wire following the advice of his counsel. The amount involved was over \$100,000.

Deposition of McKenzie Taken. OAKLAND, Cal., May 25.—The taking of the deposition of Alexander McKenzie in the suits against Judge Noyes and Attorney Dudley Dubose and Thomas J. Geary was proceeded with at Alameda County Jail this morning, notwithstanding the precarious condition of the witness. The deposition was taken by United States Commissioner Heacock, and was attended by Attorneys Geary and Madison. McKenzie had received word of his pardon by President McKinley a few minutes before the Commissioner appeared. McKenzie testified that he acted upon the advice of Attorney Geary when he refused to turn over moneys collected as receiver at Nome, as ordered by the Circuit Court, and for which he was sentenced to a year's imprisonment for contempt of court. McKenzie was not able to be moved today.

PARDON NO SURPRISE.

McKenzie Has Many Friends of Influence—Something of His Career. SEATTLE, May 25.—The pardon of Alexander McKenzie, the Nome receiver, by President McKinley, did not come as a surprise to those who are familiar with the inside history of the case, and who know the strong influence which McKenzie was able to bring to bear in his behalf. McKenzie started his public career as Sheriff of a county in Dakota in 1877. He was decidedly of the ruffian order, and thrilling tales are told of his daring deeds while the chief peace officer of his county. He worked himself up to the exalted position of railroad lobbyist, and in this manner be-