

LAW MAY BE TESTED

Is County Consolidation Act Constitutional?

ATTORNEYS RAISE QUESTION

Has Legislature Power to Restore County Clerk's Office After Adding County Recorder and Clerk of Circuit Court?

There is a rumor current at the Court-house that the constitutionality of the law consolidating the offices of Clerk of the County Court, Recorder of Conveyances and Clerk of the Circuit Court may be tested. Formerly a County Clerk performed all of these various duties, and in 1887 the office was divided into three, and at the last session of the Legislature the three offices were again consolidated into one.

The section of the constitution relative to the matter provides as follows:

"A County Clerk shall be elected in each county for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances and perform the duties of Clerk of the Circuit and County Courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed 100, the Legislature may authorize the election of one person as Clerk of the County Court, one person as Clerk of the Circuit Court, and one person as Recorder of Conveyances."

Attorneys who allege that the act consolidating the offices of the law have been separated is unconstitutional, contend that the population limit is binding, and that the word may is used as shall, and that the office of County Clerk having once been divided into three parts cannot be joined together again.

These attorneys call attention to the section of the constitution under which the Supreme Court was created, as follows:

"When the white population of the state shall amount to 200,000, the Legislature shall provide for the election of a Supreme and Circuit Judges in district courts."

Originally the Judges of the Circuit Court acted also as Supreme Court Judges, hearing each other's cases on appeal, and when the state acquired the required amount of population, "200,000," the Supreme Court was established by a Legislative act.

Lawyers who argue that the office of County Clerk, having once been divided by the Legislature, cannot again be brought together as one office, "County Clerk," contend that if it can be done, then the Legislature has power to abolish the Supreme Court and again install the Circuit Judges as Supreme Judges over each other's cases. They argue that both sections of the constitution read alike, and both contain a population limit under which the Legislature may or shall act—"200 voters in a county" and "200,000 white population in the state."

The point at issue plainly is, that if the act consolidating the three offices into one is unconstitutional, then Clerk of the County Court J. C. Sweetland, Recorder S. C. Beach and Clerk of the Circuit Court J. P. Kennedy would hold their offices for the next two years under the provision of law "that their successors have not been elected and qualified" in the person of Frank Fields, County Clerk-elect, because he has been elected to an office which does not exist.

Neither County Clerk Sweetland nor Recorder Beach have stated or given any sign that they intend to dispute the election of Mr. Fields on these constitutional grounds, although there are rumors abroad. Major Kennedy, Clerk of the State Circuit Court, has, however, stated that he is prepared to retire when the present term expires to engage in the real estate and insurance business.

The section of the constitution under which a separate Board of County Commissioners was created in Multnomah County by Legislative action, and afterwards done away with by the Legislature, which the Supreme Court upheld, does not contain a population proviso.

It simply reads that the Legislature may provide for the election of two Commissioners to sit with the County Judge whilst transacting county business, or may provide for a separate board for transacting such business.

Attorneys who maintain that the office of Clerk of the County Court, Recorder and Clerk of the Circuit Court cannot be consolidated also contend that the separate Board of County Commissioners created for Multnomah County could not have been done away with if the governing section of the constitution contained the population or voter clause, as in the other case.

Albin Floss's Suit Dismissed.

The suit of Albin Floss against Myrtle E. Reed for the appointment of a receiver for a fishing business at Corbett was dismissed by Judge Frazer yesterday on motion of plaintiff's attorney.

PROFESSOR IVEY TO COME

Noable Attraction for This Year's Chautauqua.

To the lover of beauty and the student of nature no more welcome announcement could be made than that Professor John Ivey, of Monterey, Cal., has been engaged for the Chautauqua Assembly which convenes at Gladstone Park, July 1. Professor Ivey will not only have a class in watercolor painting during the session, but has consented to deliver his famous lecture, "Painting and Painters; Some Facts and Some Fancies About Them." The afternoon of July 10 has been selected for this lecture.

At a great National gathering recently, when all the "names" and "cliques"—scientific and commercial—had been discussed, and the very air was tense with the awful importance of "microbes and money," a modest speaker arose and said: "My friends, if you will only let your strenuous life for a moment, and look out of the window, you will see what is of vastly more importance, and what makes life worth living." It is told that, as the great audience turned, eagerly to the window and saw nothing but trees and flowers and the landscape beyond, a voice began to sing, "My Country, 'Tis of Thee," and as it swelled from hundreds of throats and the words came:

I love thy rocks and rills,
Thy woods and templed hills,
My heart with rapture thrills,
That comes with awe and thrill,
A sovereign dwelling lies
In thee, thy soul doth thrill,
How oft the light of the stars,
And I, and my tiny shell,
Have talked with you, till morrow,
You have replied, "my dear fellow,
You are not so small."

Every heart did with rapture thrill and a new spirit like that from above hovered over the future proceedings of that convention, and a new element entered in. Amidst the more practical deliberations of the Chautauqua Assembly Professor Ivey's work will be like the open window, when all who look must be refreshed and strengthened and made better by the beauty of art and nature. He is a past master in the art which he portrays. He has always contended that an untiring love of nature at all times, and in all places, and in all her moods, should be the fundamental basis of landscape painting and of the subtle charms of nature he talks and paints, not as the lecturer or artist, but as one who has entered into its mysteries, which are the glory of God. For the past two years Professor Ivey has confined himself almost wholly to painting California scenery, giving special attention to old and new Monterey, but many bits of Oregon and English scenery will be remembered

among his fine exhibit in Portland last winter. His pictures, while very popular in California, have their largest sale abroad and in the Far East. In the watercolor collection of the late C. P. Huntington, which is admittedly the finest in this country, three of Professor Ivey's have a prominent place. A picture of Emerald Bay Lake Tahoe, was selected during Professor Ivey's last trip to England by a committee of experts as a presentation picture to Sir Robinson, millionaire and friend of Cecil Rhodes. This incident and the exhibit of his work by invitation under the corporation seal of the City of York were compliments as flattering as they were profitable. Nor can it be said a great artist has been lost to literature, for while Professor Ivey has done little in the way of book-making, his lectures, if printed, might easily take a place among the classics.

The Daily Post, of Liverpool, Eng., said of his lecture, "The Basis of Poetry and Landscape Art": "The gifted lecturer handled his subject with all the grasp of principle, breadth of treatment and fullness of illustration which were natural to so accomplished a professor of the art he was unfolding. The lecture occupied over an hour in delivery and was listened to with rapid attention throughout. It was an address quite unique of its kind in the history of the society, now in its 84th year."

Professor Ivey will be at the Chautauqua from July 8 to July 12 inclusive. His portfolio will be on exhibition daily in a large tent provided for that purpose.

FOR A NAVAL HERO.

George Wright Post Adopts Resolutions for Admiral Sampson.

The following resolutions have been adopted by George Wright Post, No. 1, G. A. R.:

PORTLAND, Or., June 13, 1902.—D. K. Huff, Commander: Year committee appointed to prepare a tribute of respect to the memory of our late comrade, Admiral William Thomas Sampson, begs leave to submit the following report:

William Thomas Sampson, born at Palmyra, N. Y., February 9, 1840; sailing Midshipman, U. S. Navy, September 1859; Lieutenant, June 1, 1861; Lieutenant, July 16, 1862; Lieutenant-Commander, July 25, 1866; Commander, August 8, 1874; Captain, March 28, 1880; Commodore, July 1, 1888; Rear-Admiral, August 30, 1898; retired, February 9, 1902. Died at Washington, D. C., May 6, 1902.

Serving his apprenticeship in naval warfare during the great Civil War, he remained in the regular establishment, serving his country with honor in every capacity until retired under the age limit. At the commencement of the Spanish-American War we find a galaxy of naval veterans whose names have become famous, from among whom Sampson was selected to plan the grand naval strategy that resulted in the total destruction of the entire Spanish fleet in American waters, and the end of the war.

We deeply regret that his last days were embittered by the wrangling and jealousies of rival cliques in high places, and by the injustice and ingratitude of some of his countrymen, and we feel confident that time will soon dispel the mists in which ignorance, prejudice and malice have endeavored to envelop him and belittle his achievements, his name and fame will give the brighter for the attempts to lead him with obliquity, and impartial history will place him in the foremost rank of our most eminent naval commanders. His public character is evidenced by his disciplined silence under slanderous aspersions, calmly trusting his vindication to time and that sense of justice that must eventually prevail, and as a true gentleman, gallant sailor and eminent commander, our country will ever honor the name of William Thomas Sampson.

To the sorrowing widow and family of our late comrade we extend our heartfelt sympathy in their sad bereavement.

R. T. CHAMBERLAIN, Committee.
G. E. CAULKIN,
A. C. ELSON.

The above report was adopted by a unanimous vote of the post.

D. K. HUFF, Commander.
R. T. CHAMBERLAIN, Adjutant.

THREE FOR MONDAY.

Of Course There Are Many Others, Also, but These Three Are Immense.

Just as an indication of what we are able to do just at the present time in the way of furnishing good pianos for mighty little money, here is a fancy mottled walnut-cased largest size manufacturer's sample piano, brand new, the latest style, every modern improvement, tone quality that cannot be superior in even the most renowned makes; worth everywhere East \$450; take it tomorrow, at Elfers Piano House for \$235, \$25 down and \$19 a month, with interest on deferred payments at 8 per cent.

A nearly new mahogany cased cabinet Grand Jacob Doll piano, fully warranted, tomorrow, and tomorrow only, for it will surely be sold then—for \$193-\$113 down and \$9 a month, if bought like.

A large-size, dark mahogany-cased Fischer upright, in excellent order, received by us last week in part payment for a new Kimball; take this Fischer tomorrow for \$15, \$12 down and \$4 a month. And as a fourth, to make it full measure, here is an elegant mottled walnut Kimball upright, used a couple of years, but in every way as good as new, which we have just received in part payment for a beautiful new baby grand. Take this Kimball now, for we almost said half-price—but we'll take a great deal less. Come and see it.

See these instruments first thing Monday morning, or if you are out of town, write the telephone first thing. They are bargains worth coming hundreds of miles to get.

Reductions on all new pianos continue for the week. Remember the where. Elfers Piano House, greatest and busiest piano store, 351 Washington street, opposite Corvairs.

LOW EXCURSION RATES.

Portland to Minneapolis and Return, \$52. Portland to Chicago and Return, \$72.

On June 28, July 1 and July 3, the Great Northern Railway will sell round-trip first-class tickets from Portland to Minneapolis and return, and Portland to Chicago and return at above rates. For full and complete card, time and other information, call or address city ticket office, 122 Third street, Portland.

BUSINESS ITEMS.

If Baby Is Cutting Teeth,
Be sure and use that old and well-tried remedy, Mrs. Winslow's Soothing Syrup for children's teething. It soothes the child, softens the gums, allays all pain, cures wind colic and diarrhoea.

COOL FOOD For Hot Days.

Better health comes with less meat and fat during the warm weather. By proper and pleasant diet you can prepare the body for summer and feel from 10 to 20 degrees cooler than your neighbor.

Grape-Nuts and cream, a little fruit and possibly a couple of soft boiled eggs, is sufficient for the breakfast. An ordinary portion of Grape-Nuts contains sufficient nourishment to fully sustain the body until the noonday meal; being a predigested food, it does not overtax the stomach and contains none of the heat supplied by the heavy carbonaceous foods.

Fully cooked at the factory by food experts, brings it to you ready to serve, and does away with the heat of cooking and the time necessary to prepare ordinary food, and the crisp delicatessen is pleasing to the palate of young and old.

Many delicious recipes are found in each Grape-Nuts package, so that the form of eating this wholesome food can be changed to suit the user.

These suggestions, if followed for 10 days, will convince the most skeptical that a simple, active body, an active brain and an energy hitherto unknown will prevail and the general lassitude peculiar to warm weather will disappear.



If you want to know what smartly dressed men will wear this season, ask BEN SELLING about it.

Summer Days ARE HERE

And the demand for comfortable clothes is growing. Our sale of Outing Suits increases daily, and while we have the largest stock in the city the assortment will soon be broken.

OUTING SUITS in plain and NORFOLK styles are the fad East and West. The fabrics are HOMESPUN FLANNELS and CHEVIOTS—nothing nicer for Summer wear—modestly priced,

\$8.00, \$10.00
\$12.50, \$15.00

FLANNEL TROUSERS \$3.50, \$4.00, \$5.00, \$6.00
WHITE DUCK TROUSERS \$1.00, \$1.50
LEATHER BELTS 50c, 75c, \$1.50
MEN'S SHIRTWAISTS \$1.50, \$2.00

The only complete line in the city.

Ben Selling

LEADING CLOTHIERS
Southeast Corner Fourth and Morrison



Straw Hats

In endless variety. Our Morrison-street window will give you but a faint idea of the styles shown inside. From the

Genuine Panamas

at \$5.00, \$10.00 and \$15.00, to the plain straws at 50c. We show complete lines—and the best values in the city. Come and look us over, and we will save you from 50c to \$2 on your Summer hat.

THE BREWER

The Best
\$3.00 Hat in the
World



Ben Selling

SPECIAL SALE

WHITE GOODS

A commanding sale of White Goods that should bring every style-lover, and every woman who cares a rap for her bank account to this bargain feast tomorrow. WHAT IT MEANS TO YOU—that you will be able to choose among this matchless stock of ladies' and children's muslin underwear or any other white goods at a radical price reduction from the price you have paid or will pay in any other month of the year.

Muslin Underwear

An endless variety of soft muslin gowns, corset covers, skirts, drawers, etc., in round neck, short sleeves, drawn in with ribbons; Cossack, Russian, Marguerite, Bishop, lace yokes, etc.

Ladies' drawers of good soft muslin, tucked and lace or embroidery trimmed, regular 25c values, all at..... 19c

Ladies' drawers of fine, soft muslin, umbrella style, with deep ruffle of embroidery; regular 50c lines, all at..... 39c

Ladies' drawers of fine cambric, with deep ruffle, trimmed with two rows of insertion and lace; regular \$1.00 ones, for..... 63c

Ladies' skirts of fine soft muslin, with deep flounce and lace or embroidery; \$1.25 grade, for..... 89c

Ladies' skirts of fine soft cambric, with 18 rows of tucks, and flounce, lace-trimmed, worth \$2.00, for..... 1.53

Ladies' skirts of good soft muslin, full length, with plain muslin ruffle, for..... 25c

Ladies' gowns of good soft muslin, nicely tucked and embroidered, for..... 48c

Ladies' gowns of best cambric, tucked yokes and fancy trimmings of lace and insertion, regular \$1.25, for..... 98c

Ladies' corset covers of fine soft cambric, tucked and well trimmed with lace and insertion, \$1.25 grade, for..... 93c

And all others are here, from the cheapest to the best, all going at cut-rate prices this week.

Every-Day Needs at Less

Sheets, \$1x90, best muslin..... 60c
Sheets, \$4x90, best muslin..... 34c
Bedspreads, regular \$1.75..... 1.37
Bedspreads, regular \$2.25..... 1.55
Lonsdale muslin, yard..... 6c
Fine linen towels, 25x54 inches, drawn and hemstitched..... 67c
Turkish towels, large size, regular 15c..... 12c
White apron lawn, 45 inches wide, bordered, 15c grade..... 9c
Fine white India linen, 10c grade..... 9c
Ladies' white sleeveless vests, 15c grade..... 9c
Ladies' initial kerchiefs, 12c ones..... 6c
White grosgrain or satin ribbons, No. 22, only..... 9c

Sale of Neck Ruffs

A fine lot goes on sale at quick-moving prices. They are made of feathers and lustrous liberty silk; full at neck, and the ends are long and graceful. There are three sorts in this collection, all black with white and white with black.

All the \$3.50 to \$4.50 ones for..... 2.95
All the \$1.50 ones for..... 1.10
All the \$1.25 ones for..... 85c

Baby Wear

We pay just as much attention to the baby's dress as we do the most expensive costume, and we sell a great deal more, which says volumes for the business done. A case filled with the beautiful white goods at the front of the store, first floor, will just give you a faint idea. We have everything that is needed in this line, all at a wonderful saving, this week.

Table Linen Sale

We are paying you handsomely to take them away. Don't get mixed up or expect more than we can fulfill, though you can come for almost double your money's worth. Here's a word of description:

66-inch fine linen table damask, regular 90c, for..... 59c
68-inch good heavy unbleached linen damask, regular 55c..... 39c

Come and choose among this peerless stock. All are on sale at a great saving; none reserved.

Drapery Dept. Values

Lace curtains of good Brussels net, in ecru, neat patterns, \$3.00 values, this week, for only..... 1.85
Brussels net curtaining, with ruffle, lace and insertion, 16c and..... 27c
Swiss curtaining, with insertion ruffle and lace edge, at 25c and..... 19c
Serims, good wide width and fancy stripe patterns, 12 1/2c grade, for..... 9c

Boys' Clothing Talk

This is fast becoming a popular department for shrewd buyers. There are reasons for it, just as there are reasons for the sun shining. Good, up-to-date and reasonable clothes, without any foolishly high prices. This week's showing is a fine line of all the latest in \$2.50 to \$5.00 suits at any clothing-house; our prices, \$1.50, \$2.50, \$2.75 and \$3.95.

Extraordinary Inducements in

'Children's Pretty White Dresses

Don't wait another day. Don't sew another stitch, but come tomorrow and you will see what you will see.



White Waist Sale

Just when you are looking for these lines in view of Summer comfort. Hundreds of the finest and most up-to-date waists in the city, and most wonderful of all is the price. Every one marked for quick selling.

200 Fine White Waists at 50c on the Dollar

75c for a fine lot of good lawn waists, tucked and insertion trimmed, worth \$1.50; and a few \$2.00 ones going at 98c.

ANOTHER GREAT Wrapper Sensation

Plenty of good, washable calico wrappers, neatly made and carefully sewed, while 100 lasts,

43c instead of 75c

And about 150 of the finest percale wrappers we've sold over a counter, with deep knee flounce, ruffle about the shoulders and fancy yokes, good value at \$1.50; you get them while they last at \$1.19 apiece

Hosiery at Less

Ladies' black maco cotton hose, fast colors, full seamless high spliced heels and toes, regular 20c ones for..... 10c

Fancy figured and striped hose, worth 25c and 50c, while they last..... 22c

Infants' Florence silk lace hose, in white, blue, pink, red and black, 35c ones go for..... 25c

Children's fast black ribbed hose, double knees, all sizes, regular 15c ones going for..... 6c

Still a Few Left

Of those 50c and 75c corsets, most all sizes yet; while they last you get them for 29c apiece

L. Shanahan
144-146 THIRD, BET. MORRISON AND ALDER