

DEMANDS BE IGNORED

Dispute Arises Between the Commission and the Corporation.

HINGES ON SECTION SIX

State Board Puts a Different Construction on the Law Than Does Goode's Organization—Letters Are Exchanged.

Section 6 of the Lewis and Clark law upon which the State Commission bases its claims in the dispute with the Lewis and Clark Exposition Company follows:

"That the allotment of space for exhibitors, classifications and exhibits, plan and scope of the Exposition, the appointment of all judges and examiners at the Exposition, and the awarding of premiums, if any, shall be done and performed by the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, subject, however, to the approval of the commission created by this act. That after the plans of said Exposition shall be prepared by said company and approved by said commission, the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges and interests of the exhibitors or of the public, shall be fixed or established by said company, subject, however, to the modification or approval of said commission, and in case of dispute, subject to reference for arbitration to the Governor, Secretary of State, and State Treasurer, whose award on such question made by the whole, or a majority thereof, shall be binding and final."

Strained relations that have existed for some time past between the Lewis and Clark Exposition Company and the Lewis and Clark State Commission took active form yesterday afternoon as the result of the corporation's refusal to comply with the terms of an ultimatum issued by the Commission at a special meeting on Friday.

The Commission demanded recognition in the regulation of several important functions of management, claiming that right under a chapter of the Exposition law. President H. W. Goode, on behalf of the corporation, refused to comply with the demand, basing this decision on an opinion rendered some months ago by State Attorney-General Crawford.

As the matter now stands, neither side seems inclined to recede from its stand. At an open meeting which consumed most of the afternoon, the State Commission empowered Commissioner President Myers to employ counsel to interpret the enactment in question. A special committee was also instructed to meet with the executive committee of the corporation next Wednesday evening.

The issue will not in any way affect the progress of the Exposition, so both sides declare, nor will the outcome affect the rights of exhibitors as already outlined. Just what the direct outcome of the difficulty will be neither side can state with authority at this time, but at all events no impediment of any nature will be allowed to stand for a moment in the way of the Exposition.

The Commission's Stand.

Briefly stated, the Commission takes the view that it is being deprived of certain prerogatives as enumerated in section 6 of the Lewis and Clark law. This enactment states that the corporation may take the initiative, but that certain matters pertaining to the rights of exhibitors and the public may be subject to the modification or approval of the Commission. In its ultimatum the Commission demanded strict compliance with the provisions of section 6, and asked to be presented with a general plan of the allotment of space for exhibitors, plans and scope of the exhibition, appointment of all judges and examiners, and also a statement of the rules and regulations governing the rates for entrance and admission. In addition to this President Goode was directed in a resolution to present immediately to the Commission a list of all passes issued by the Corporation to the Exposition.

Ultimatum of Commission.

The ultimatum and a copy of the resolution were sent to President Goode in charge of Commissioner Secretary E. C. Giltner. An answer was asked for at a date not later than Saturday at 3 P. M. which was the date of the monthly meeting of the Commission.

President Goode called the executive committee of the corporation together at once and laid the matter before it. Here it was decided that the Exposition company was acting entirely within its rights as defined by State Attorney-General Crawford. President Goode worded his reply to the ultimatum accordingly. This reply was delivered to the Commission at 2 o'clock yesterday afternoon, just prior to the opening of the meeting.

The ultimatum served on Mr. Goode, the Commission's resolution, follows:

Portland, May 12.—Hon. H. W. Goode, President of the Lewis and Clark Centennial American Pacific Exposition and Oriental Fair, Exposition Grounds, City.

Dear Sir: The Lewis and Clark Centennial American Pacific Exposition and Oriental Fair, Exposition Grounds, City, is at the present time in session and has directed me to make upon you as the representative of the Lewis and Clark Corporation above mentioned, a demand for strict compliance with the conditions of section 6, of an act approved January 20, 1903, by immediately submitting to said commission a plan of the allotment of space for exhibitors, classification of exhibits, plans and scope of the exhibition, appointment of all judges and examiners, and the awarding of premiums for their approval, and also a statement of the rules and regulations governing the rates for entrance and admission fees, etc., as fixed by your corporation for the Exposition. Yours very respectfully, EDMOND C. GILTNER, Secretary.

Demand for Pass List.

The demand for a pass list was couched in the following resolution:

Resolved, That the President of the Lewis and Clark Corporation is respectfully requested to submit to the State Commission on or before the next monthly meeting on Saturday, May 14, a list of all passes issued by the corporation up to this time, and that it is further requested said corporation, through its president, to cause the same to be furnished, on or before the above-mentioned date, with a full report of the plans of the corporation governing the issuance of passes from this time to the end of the Exposition.

President Goode's Answer.

President Goode made answer in the following communication:

To the Lewis and Clark Centennial Ex-

position Commission for the State of Oregon, Exposition Grounds, Dear Sir: I have the honor to acknowledge the receipt of a communication from your commission, under date of May 12, demanding strict compliance with certain conditions set forth in section 6 of an act approved January 20, 1903, touching on the control and management of the Exposition; also a copy of a resolution adopted by your honorable commission, requesting a full report of the plans of this corporation, and its future policy, etc., etc.

The executive committee of this corporation, before whom your demand was laid, has arrived at the conclusion that all the above-mentioned matters are comprised strictly within the administrative functions of the corporation, and that it is the duty of the corporation to comply with your requests, inasmuch as the entire financial and other obligations rest upon the corporation. The executive committee feels that such details as have been requested for submission for approval are outside the jurisdiction of your commission.

I beg leave further to call the attention of your honor to the opinion of the Attorney-General, Hon. A. M. Crawford, concurred in by the advisory board appointed under the act mentioned in your communication, under date of February 23, 1904, clearly defining the functions to be carried on by the Oregon State Commission. From that opinion a copy of which is herewith inclosed, it appears that all powers of initiative and control are vested in the corporation, and furthermore that the state act expressly relieves the State Commission from any responsibility of management or jurisdiction over the affairs of said Exposition. Therefore the policy of the corporation with reference to the matters upon which detailed information is required is that they are necessarily administrative details, and do not affect the State Commission and the duties with which it is charged.

The executive committee of the corporation avails itself of this opportunity to express the conviction that the members of the State Commission are actuated by the highest motives and a sense of their official responsibility. It is the desire of the committee to work harmoniously and co-operate with all agencies for the advancement and best interests of the Exposition, and particularly the State Commission, within the limits of reasonable achievement and the spirit of the law. Very truly yours,

H. W. GOODE, President.

When the commission was assembled to hear Mr. Goode's reply there were present Commissioners Jefferson Myers, president; Dr. Day Bradley, F. G. Young, J. H. Albert, Frank Williams, Richard Scott, G. Y. Harry and W. E. Thomas. In bringing the matter before the commission, Secretary Giltner was instructed to file preliminary letters which had developed the present unpleasant situation. This letter was written by President Myers to President Goode protesting that the commission was being ignored in the preparations for opening day. President Goode's reply was not regarded as satisfactory by the commission, as it stated that the plans for opening had not yet been completed, but would be submitted when they were.

The Answer Discussed.

President Goode's answer to Friday's communications was then read, and at the conclusion Mr. Albert arose to say that was not satisfactory. Mr. Spencer then moved that the matter be referred to a special committee to learn exactly the commission's rights and desires, and this motion was seconded by Professor Young.

"We must act carefully," said Professor Young, "and must define our grievances carefully. We cannot act because of lack of courtesy, but must reach a tangible basis of operation. First let us know exactly what our rights consist in and then insist upon them. For the Exposition Company to try to curtail the rightful privileges of this commission is to insult the dignity of the state."

Commissioner Thomas took another view of the whole situation. He said he had been opposed in the first place to making any demand on Mr. Goode, and believed that the commission do notice to the State Commission, but that if anything was to be done it should be worked out on a logical basis.

Commissioner Williams here gave his opinion declaring that as State Commissioners they were sworn to look fully after the taxpayers of Oregon, who had put up \$500,000 for the Exposition. He was in favor, however, of being careful in talking with the corporation. "This issue is now fairly joined," said he. "Neither side is going to recede, and we have got to prepare to plead our cause. We will have to have an interpretation placed on section 6."

Conference Committee Named.

On motion of Mr. Harry, a conference committee was then instructed to look up the legal phase of the controversy. This committee is composed of Commissioners Myers, Harry, Albert, Thomas, Scott and Spencer.

Mr. Williams next moved that President Myers be authorized to employ the best obtainable counsel to interpret section 6, and the commission adjourned.

Immediately afterward the conference committee held its first meeting to determine upon a course of action. It was at once decided to wait on the executive committee of the corporation and advise the members of the action taken by the commission and to ask for a joint meeting to be held next Wednesday evening at 8 o'clock.

The Attorney-General's opinion upon which the executive committee based its stand in the matter was concurred in at the time it was rendered, February 23, 1904, by the advisory board which was to settle all matters of dispute arising between corporation and commission. This board is composed of the Governor, Secretary of State and State Treasurer.

Letter of Advisory Board.

The following is the letter from the advisory board:

Hon. H. W. Scott, President, Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, care Hotel Shoreham, Washington, D. C.

Dear Sir: In reply to your inquiry as to our construction of the act of Legislature of 1903 appropriating \$500,000 for this State's exhibition at the Exposition of the Lewis and Clark Centennial American Pacific Exposition and Oriental Fair, we beg to refer you to the enclosed copy of an official opinion given to us by the Attorney-General. We heartily concur in this opinion and will be governed by it if it is any way confirmed or supported by the State Commission and your corporation should at any time be referred to us in accordance with the provisions of said act. As we understand it, the Exposition was undertaken and planned by and for the Lewis and Clark Corporation, in which all powers of initiative and control are vested, and the State of Oregon will make an exhibition at and participate in said Exposition in the manner and on the terms indicated in the act. We do not conceive it to be our duty, much less is it our purpose to interfere with the officers of the State of Oregon, or by virtue of anything contained in said act, to in any way interfere with the corporation and its management and control of the Exposition.

Yours very truly,

GEO. E. CHAMBERLAIN, Governor.

F. I. DUNBAR, Secretary of State.

CHAS. S. MOORE, State Treasurer.

ATTORNEY-GENERAL'S OPINION

Interpretation Placed on Relation of State to Exposition.

Attorney-General Crawford in the following places his interpretation on the law defining the relations of the state to the Exposition:

Salem, Or., February 23, 1904.

Hon. George E. Chamberlain, Frank I. Dunbar, Charles S. Moore, Governor, Secretary of State and State Treasurer, of the State of Oregon, Salem, Oregon.

Sir: In reply to your inquiry as to the proper construction of the Act of the Legislature, Assembly, entitled "An Act to celebrate the one hundredth anniversary of the exploration of the Oregon country by Lewis and Clark, etc.," approved January 20, 1903, and the relation of the State to the Exposition and corporation therein referred to and mentioned, I beg to reply as follows:

To arrive at a correct construction of this act, it is necessary to consider the facts and circumstances leading up to and existing at the time of its enactment. The plan of holding in Portland, Or., in 1905 the Exposition referred to in that act originated in the year 1903 with the citizens of the Northwest of the Exposition of that year the movement crystallized in the organization, under the general incorporation laws of the State of Oregon, of the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, the corporation mentioned in the act with a capital stock of \$500,000. In and by its articles of incorporation, an office in the city of Portland was organized, and its purpose and business is declared to be to manage and conduct the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair and an exhibition of the industries, arts, manufactures and products of the land, mines and sea, in the city of Portland, Oregon, during the year 1905, to be state, international in its character. Before the bill for the act was introduced in the Legislature, this corporation was organized and organized with the late ex-Senator Henry W. Corbett as its president and a number of its most prominent citizens for its directors, nearly all of its capital stock had been subscribed for and payments thereon had been made by the subscribers thereto, a site for the Exposition had been selected and secured and the plan and scope of the Exposition decided upon by said corporation. The corporation was organized and incorporated and undertaken by said corporation was to be such as to enlist the cooperation and assistance of the State and territories, especially those west of the Mississippi River, and secure the active and direct recognition of the State and general Government, and the participation of Oriental countries, as the event to be celebrated was both national and international in its character. The bill for the act in question was prepared by the legislative committee on the part of the directors of said corporation and was introduced in the Legislature by a member from the Northwest of Portland who was and is general counsel for said corporation, and the bill as prepared and introduced was passed without amendment by the almost unanimous vote of the Legislature. The facts stated in the foregoing brief review are not only known by the people generally of this State, but are also known by the purpose and intention of the Legislature, by this act to recognize and endorse the corporation and to aid it with an appropriation of \$500,000 for its participation therein, and to authorize the board of directors of the State of Oregon to enter into any agreement or contract or to do any act or thing in the nature of a supervising or controlling agency of the State to the corporation and for the purposes stated in the act—the State having chosen, in making this appropriation for its exhibition, to participate in the said Exposition, to point out and define the manner and extent in and to which it should exhibit and participate, and to disavow any disagreement or controversy between said commission and said corporation in reference to your application for a permit to hold an exhibition of its products and resources at the Exposition, which was to be held and conducted by said corporation, and to authorize the board of directors of the State of Oregon to do that or any other act. The act distinctly recognizes said corporation and the Exposition referred to in the act as clearly the Exposition so planned and undertaken by said corporation. All powers of initiative and control are vested in the said corporation, as such, must necessarily be vested in said corporation, and there is nothing in the act, as a practical matter, which would give to the State a controlling or supervising or controlling agency of the State to the corporation and for the purposes stated in the act. There is nothing in the act which would give to the State or upon any of its officers or agents the right to interfere with the corporation or to do any act or thing in the nature of a supervising or controlling agency of the State to the corporation and for the purposes stated in the act. There is nothing in the act which would give to the State or upon any of its officers or agents the right to interfere with the corporation or to do any act or thing in the nature of a supervising or controlling agency of the State to the corporation and for the purposes stated in the act.

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MANY MAKING PROTEST

THOSE FAILING IN POLICE EXAMINATION DISPLEASED.

Forty-two Eligibles on the List From Which Forty Patrolmen Will Be Taken.

Secretary McPherson, of the City Civil Service Commission, had troubles of his own all day yesterday on account of the announcement of the names of the successful candidates in the examination for patrolmen. Each applicant is required, under the rules and regulations of the civil service system, to reach a standard of at least 75 per cent in order to become eligible for a position in the Police Department. Some of the applicants fell a point or two below the mark, and in consequence there was a gigantic protest, the secretary of the board invariably coming in for the lion's share of the blame.

As a matter of fact, neither the secretary nor any member of the commission has any option in the matter of determining the points of eligibility. The method observed in rating the papers at the examination makes it impossible for them to have any voice in the matter. Each subject is given an separate sheet. After an examination is held, the papers are arranged by sheets or subjects and rated. After the papers are rated, the names of the successful candidates are placed in the order of their standing in the examination, and the Chief of Police, in addition to two others whose names were already on the eligible list, Merritt O. Collins, 163 Park street, and Ellis M. French, 268 North Sixteenth street, came first upon the list of eligibles of the four certified to the Chief of Police March 20, but failed to appear at the examination. They were replaced by Charles B. Jodon, 60 East Eighth street, and J. N. Atterbury, 1001 Grand avenue, who were the two remaining on the list certified at that time. This means 42 names transmitted to the Chief yesterday, and from these eligibles will be drawn the 40 patrolmen necessary to meet the requirements of the increase in force.

In the event that any of those certified should fail to respond, or anything should occur within the next six months that would tend to invalidate their appointment in any way, the next highest in percentage will be selected from those of the 42 eligibles remaining who were successful in passing the recent examination, and so on until the requisite number is secured. The following is a list of those certified to the Chief of Police yesterday, and who remain on probation for six months, at the end of which time, in case of ineffectual development, they will become permanent local policemen:

Charles A. Quisenberry, 215 First street; Harry E. Parker, 491 Burnside; Allison C. Lester, 78 East Twenty-eight; Axel L. Gustafson, 31 Stanton; Clinton T. Alden, 1011 Williams avenue; Bernard P. McGulona, 13 East Thirty-first; Fred Kilgore, 62 North Nineteenth; C. M. Richmond, 25 East Seventh; Willie M. Hunter, 214 First; Harry Riley, 30 First; Albert O. Armondson, 300 First; F. E. Wanless, 24 East Fourteenth; Patrick R. Maloney, 126 Texas; Edward Sinnott, 22 Thayer; Albert Blackman, 31 Tenth; Edvin Thorne, 234 Third; Benjamin P. Wade, 400 Kerby; Ed A. Schneider, 135 Fourth; H. S. Roney, Engine Company No. 5, Edward Barker, 135 East Main;

Electrical Tests Postponed.

Owing to inability to complete all of the wiring at the Exposition grounds, the electrical tests announced for Monday night will not take place until a later date. As soon as the work of wiring all the buildings can be completed, the test will be made, the date being announced as soon as it is known definitely when the work will be finished.

Order of Pendo Celebrates.

The American and British flags, side by side, were loudly applauded last night in Drew's Hall, Second and Morrison streets, on the occasion of the entertainment given by the supreme council, Order of Pendo. The hall was crowded by men, women and children, and they all sang in chorus several National songs. A lecturer was present who by means of stereopticon and moving pictures took his audience, in fancy, to different parts of this country and Europe, and the pictures were well worth seeing. A talk was also given on the spirit of fraternity.

PIONEER WOMAN PASSES AWAY.

Mrs. Elisabeth Scheurer, who died Sunday, May 7, at her home, 247 Third street, was one of the best known pioneers in Oregon. She was born at Melheim, Germany, August 25, 1832, and came with her parents to Fayetteville, Ill., at the age of 5 years. In 1849 she was married to John Scheurer and three years later they left St. Louis for Oregon, crossing the plains with an ox team. They arrived at their destination six months later, and settled on a farm at Butteville, where they remained until 1867, when they moved to Portland. Five children survive her, two sons and three daughters: Joseph and W. R. Scheurer, of Butteville, Or.; Mrs. R. Eversding, Mrs. George Langford and Mrs. F. F. Gillette, of this city. The funeral took place Tuesday morning, and the remains were laid to rest at Butteville, beside the bodies of her husband and a son.

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The price now includes installing—that is, for the purchase price we will set it up ready for use, which includes a run of 40 feet of pipe. On a cash sale or if you pay for it within 30 days, we make you a discount of ten per cent. Where a fuel stub is already in the kitchen and no pipe is necessary a discount of 20 per cent is made.

ANOTHER CONVENIENCE IS THE CIRCULATING GAS WATER HEATER

It is attached to the boiler in the kitchen and heats water in a few minutes. It is more economical than lighting your wood or coal stove and ever so much cleaner and quicker. It is very simple in construction and easy to handle—when you need hot water for the bath or other purposes, you simply light the heater a few minutes and you'll have plenty of hot water. Let us show you how they operate and how inexpensive they are.

The Price of Gas Water Heaters Includes Installing

To any consumer now using a Gas Range we will install a GAS WATER HEATER for

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PORTLAND GAS CO.

FIFTH AND YAMHILL STREETS

GRAND JURY IS WORKING

Body Inquires Into Several Cases of Alleged Felonies.

The county grand jury is still engaged in the investigation of municipal scandals and the irregularity of contracts. B. Brethaupt, a draftsman in the City Engineer's office, was one of the witnesses examined. Several policemen were called to testify regarding robbery of the Victoria lodging-house, in which two women were engaged. The forenoon session yesterday was given up to the inquiry into the Italian shooting scrape five weeks ago, when a fight which started in a saloon between John Canale and Tortoni over a game of cards, terminated in a knife and pistol engagement at Third and Lincoln streets, in which Tortoni was seriously wounded. The case of Andrew Jensen, alias Stefano, who was arrested in Pennsylvania three weeks ago for obtaining money under false pretenses from Kirk Hoover, a wood dealer, was also investigated. Jensen obtained several hundred dollars from Hoover by representing himself to be Herman Fred, and borrowing money on wood which Fred owned down the river.

RECEPTION TO NEW MEMBERS.

A reception to the new members and to the Portland pastors with their wives, was held Friday night in the auditorium of the Sunnyside Methodist Episcopal Church. The pastors who were the guests of the evening were: Rev. L. E. Rockwell, D. D., presiding elder East Side district; Rev. W. D. Hollingshead, presiding elder West Side district; Rev. F. Burgette Short, First Church; Rev. D. L. Rader, elder Pacific Christian Advocate; Rev. F. L. Young, Central M. E. Church, Albina; Rev. A. N. Fisher, Rev. C. E. Cline, Rev. W. T. Kerr, Rev. G. L. Tufts, Rev. E. M.

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reflection on the progress of Methodism, and speaking for a still more forward movement. Dr. Rader followed in a pleasing talk, after which the remainder of the evening was taken up with refreshments and good fellowship. The ladies furnished ice cream and cake. Since Dr. Ford became pastor more than 75 new members have been received, and the church largely improved, the auditorium being enlarged, so it will accommodate 500 persons, sparkling with good humor and serious souls.

BABY'S VOICE

Is the joy of the household, for without it no happiness can be complete. How sweet the picture of mother and babe, angels smile at and commend the thoughts and aspirations of the mother bending over the cradle. The ordeal through which the expectant mother must pass, however, is so full of danger and suffering that she looks forward to the hour when she shall feel the exquisite thrill of motherhood with indescribable dread and fear. Every woman should know that the danger, pain and horror of child-birth can be entirely avoided by the use of Mother's Friend, a scientific liniment for external use only, which toughens and renders pliable all the parts, and assists nature in its sublime work. By its aid thousands of women have passed this great crisis in perfect safety and without pain. Sold at \$1.00 per bottle by druggists. Our book of priceless value to all women sent free. Address

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The merchant who says he has "JUST AS GOOD" as the "KAYSER" has a reason.

THE KIND THAT DON'T WEAR OUT

If you have the name Kaiser you have the genuine, unquestionably the best silk glove ever made.

Twenty Years of Success

In the treatment of chronic diseases, such as liver, kidney and stomach disorders, constipation, diarrhoea, dropsical swellings, Bright's disease, etc.

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Complaints, painful, difficult, too frequent, milky or bloody urine, unnatural discharges speedily cured.

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Such as piles, stricture, fissure, ulceration, mucous and bloody discharges, cured without the knife, pain or confinement.

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Blood poison, gleet, stricture, unnatural losses, impotency thoroughly cured. No failure.

YOUNG MEN troubled with night emissions, dreams, exhausting drains, bashfulness, aversion to society, which deprive you of your manhood, UNFIT YOU FOR BUSINESS OR MARRIAGE.

MIDDLE-AGED MEN, who from excess and strains have lost their MANLY POWER.

BLOOD AND SKIN DISEASES, Syphilis, Gonorrhoea, painful, bloody urine, Gleet, Stricture, Enlarged Prostate, Sexual Debility, Varicocele, Hydrocele, Kidney and Liver troubles cured without MERCURY OR OTHER POISONING DRUGS, Catarrh and rheumatism CURED.

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