

ANTI-SCALPING LAW IS UPHOLD

Judge Frazer Renders His Decision in Important Litigation.

HE GIVES HIS REASONS

Court Claims That the Statute Confers the Right to Prevent Ticket Scalping and That It Is Not Unconstitutional.

In upholding the anti-scalping law yesterday, Judge Frazer held that a railroad ticket was not property in the ordinary sense of the term, but was more in the nature of evidence of the right to travel, a contract or a license, and the ultimate right remained in the railroad company. The passenger had no authority to sell a nontransferable ticket to a ticket broker; nor the broker a right to sell it. The court held the law to be constitutional and said it was meant to prohibit any person not appointed by any railroad company as a ticket agent from dealing in any railroad tickets, and left no loophole for a person holding a certificate of appointment for selling tickets over a logging road to sell tickets over a regular railroad line with which the logging road had no connection.

Judge Frazer explained that it was perfectly lawful for an agent of the Great Northern road to sell a ticket which from Portland to Seattle carried the passenger over the Northern Pacific road, or an agent of the Union Pacific to sell a ticket, a portion of which carried the passenger over the line of the O. R. & N. Co., and so on. This was a traffic arrangement between the companies and the agent was selling property. The statute reads, one section, that the company appoints an agent "to sell its own ticket." The court found the agent was selling "its own ticket," even though part of it was over another line.

Not Contrary to Constitution.

The court further held that the law was not contrary to the constitutional provision which says: "No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens."

Thomas O'Day for the defense contended in his argument that this clause in the constitution was violated in the law; also the 14th amendment to the constitution of the United States because railroad companies only were allowed to appoint agents to sell tickets, and others under the law were deprived of the right.

Judge Frazer held, considering decisions rendered in other states, that unfortunately for this contention, the authorities generally held that ticket scalping was such a business as came within the police power of the state, and so the contention fell to the ground. "This was true if the rule was that the business was subject to the police power."

Discussing the case further, Judge Frazer said: "Another reason the provision of the constitution does not apply is that railroad tickets are not property. They are more in the nature of evidence of the right to travel, contracts or licenses. The state has the right to say that the companies can appoint agents to sell and to say who shall redeem tickets. The courts hold the ticket is really the property of the railroad company. It is not regarded as property in which the purchaser has any vested right or interest. It is a mere token of the right to travel and cannot be sold without the consent of the carrier. The company has a right to make contracts. It has the right to say who shall represent the company as its agent, and the right to say contracts are not transferable, and if transferable, who by."

What Defense Held.

"Counsel for the defendants have contended that under this law a road in Africa or in Canada, or a little logging railroad somewhere can give the privilege to any person here to deal in tickets of all kinds. I do not construe the act that way. It is meant to prohibit any person not appointed by any railroad company from dealing in any railroad tickets. It leaves no loophole for a little logging railroad to come here and sell tickets over a road with which it has no connection."

Dan J. Maloney and Arthur C. Spencer represented the railroad companies and Thomas O'Day, M. L. Pipes and John F. Logan the defense.

The cases against the scalpers were precipitated by a gang who came here from St. Louis and have been fleeing passengers. Cases are pending against them in the Police Court, but they will be dismissed if the scalpers will leave town.

THEY SUE FOR DAMAGES.

Two Men Say They Were Beaten and Insulted.

Lester L. Neal, 25 years old, engaged in the bicycle repair business, says he was maliciously beaten and insulted at the Oaks because he refused to place a street-car ticket prior to leaving the grounds. Yesterday he brought suit against the Oregon Water Power & Railway Company, in the State Circuit Court, for \$100,000 damages. Harry C. Couch, a companion of Neal, who says he was similarly treated, has sued the company for a like sum. Thomas O'Day appears as attorney for the plaintiffs.

The complaint recites that the Oregon Water Power & Railway Company is the owner of the Oaks, and carries people there on its cars. Neal and Couch visited the grounds on the evening of June 24, last, and desiring to return, boarded a car for that purpose. It is alleged that because they had previously refused to purchase car tickets a special policeman employed by the company endeavored to compel them to return to the grounds and force them to go through a certain gate, and to purchase a ticket, and maliciously and for the purpose of degrading, belittling and disgracing them, placed them under arrest, and struck and beat them, and detained them for an hour. They were afterwards released and told to be "good dogs."

Sues Wife for Divorce.

Warrey W. Johnson yesterday began suit against Alice Johnson, in the State Circuit Court, for a divorce because of desertion beginning November 27, 1902. They were married in Victoria, B. C., in 1900, and have no children.

Will Marry Divorced Wife.

John Lee, of Tacoma, who was divorced from his wife, Caroline Lee, seven years ago, applied to the County Clerk yesterday for a marriage license. He said they had agreed to remarry. Mrs. Lee is 58 years old, and his wife is 45.

It has been found that a pale green light used in the clock faces of the lower of the English House of Parliament shows the figures and the hands on the dial much more distinctly than the whitish light hitherto used.

The Absolutely Reliable Dentist

No Pain



DR. B. E. WRIGHT.

The Skillful and Modern Dentist

No Pain

THE HIGHEST CLASS DENTAL WORK GUARANTEED. CROWN AND BRIDGEWORK A SPECIALTY. PROMPTNESS OUR MOTTO. NO DELAY. FINEST OFFICES IN THE NORTHWEST. TEETH EXTRACTED WITHOUT PAIN. TAKE CARE OF YOUR TEETH, THEN THEY WILL CARE FOR YOU. REASONABLE FEES. CONSULTATION FREE.

DR. B. E. WRIGHT THE PAINLESS DENTIST

342 1/2 Washington Street, Corner Seventh

Office Hours: 8 A. M. to 5 P. M.; 7:30 P. M. to 8:30 P. M., Sundays 9 to 1. Phone Main 2119.

Risks Complexion For Stage Art

Charlotte Vidot (Mrs. Kolb) Leads the Ballet In Picturesque Maori Dances.



CHARLOTTE VIDOT-KOLB.

CHARLOTTE VIDOT is a courageous young woman, for at every performance she takes her complexion in her hands, for she smears her pretty face with the most objectionable kind of greasy clay which gives the desired effect in New Zealand dress. It is not pleasant stuff to wear, as she does every time she leads that weird Maori dance at the close of the Kolb & Dill performance, but she really likes it, and wouldn't have her specialty changed to white face for worlds.

Off the play-bills, she is Mrs. William C. Kolb, wife of the elegant comedian who, with his partner, Mr. Dill, has kept Portland laughing all summer.

Some months ago the company played a season in Australia, and on their return to this country stopped over for some time in New Zealand, where Mrs. Kolb had the unusual opportunity of seeing the native Maori dance, which is a national institution in New Zealand. She conceived the idea of reproducing it in this country, and with that end in view, bought a number of the picturesque costumes worn by the dancers. Upon her return to San Francisco she coached a troupe of girls in the intricacies of the dance, and introduced it at the Bay City for the first time outside of New Zealand.

The novelty of it made a decided impression at once, and it has ever since been one of the principal features of the big musical show.

Charlotte Vidot-Kolb is entitled to consideration as a producer, for she has given the stage something new under the sun.

Auto Racing in Southern California

Farmers Make Objection to Use of Public Roads, and Prominent People Are Arrested.

SAN FRANCISCO, Aug. 2.—(Special Correspondence.)—There has been no cessation in the speeding contests down the state. The record was again broken this week. George Hensley made the run from San Francisco to Los Angeles in 21 hours and 11 minutes. The distance is 360 miles, and the best previous time was 24 hours and 30 minutes. Hensley had planned to set a new figure for the round trip, and a few moments after his arrival in Los Angeles started on his return to San Francisco, but after he had covered half the distance lost the road and was forced to abandon the attempt. Auto racing, needless to state, is not popular with the farmers. This week some of San Francisco's most distinguished citizens have been arrested at their instance. Mrs. Rudolph Spreckels was accused by the authorities of Watsonville of exceeding the speed limit, and was forced to contribute to the treasury of the municipality. Thomas Magee, a young society man of this city, offended the majesty of the law in Napa by driving his touring car on the mountain grades. He has decided to fight his case and the constitutionality of the ordinance will be tested. At the same time the people of Marin County, just across the bay from

With it, he gives away practically his last cent, and the church has made provision for his support during the rest of his life. Dr. Besse came to California originally in 1860, but returned to the East some years later, where he gained a high reputation as a thinker and pulpit orator. He spent most of his time in Illinois. Upon his retirement from the ministry some year ago, Dr. Besse came to California to spend the rest of his days in his early manhood. Dr. Besse had invested in Illinois real estate and it grew in value until the pastor had become a wealthy man. He then sold his property and invested in stocks and bonds. Here, again, he was fortunate, and his wealth grew even more rapidly than before. A few years ago the minister decided to devote his fortune to the church, and since then has been lavishly with gifts. In all, he has given almost \$200,000 to Methodist institutions. He says that all he desires is enough to live on, and the church has agreed to see that he wants for nothing during the rest of his life.

Not to be outdone by Jimmie Britt, Jim Jeffries, pugilistic fame, has planned a bear hunt with Governor Sparks, of Nevada. Britt has been hobnobbing with Nat Goodwin of late, the chagrined of his more humble friends, who see but little of their idol when Goodwin is about. Jeffries, it seems, has also friends among the notables. He and the Nevada Governor have been friends for some time.

When Jeffries was in Reno to umpire the big fight in July, he and the Governor made plans for the hunt. They will start about the middle of the month, and will go into the wildest part of the Sierra Nevada.

Reports from the East, where her novel has been put on the stage, inform us that Miriam Michelson, of this city, that "The Bishop's Carriage" has scored a great success. Additional interest is given to the play by the fact that the leading lady, Miss Julia Deane, is claimed as a Californian by the people of the state.

The novel in the year that it appeared ranked as one of the six best-selling books of the year. It was the first appearance of Miss Michelson among the ranks of the writers of long stories. Since then she has written one other novel, and has been a frequent contributor to the magazines.

The political scandals are breaking early this year. Usually they come out after the election, but now they are preceding it. It seems that there has been a form of stuffing not known before in San Francisco. The registration rolls showed a vast number of names from the racy hotels of the downtown district. An investigation at the hotels has failed to reveal the persons whose names are on the registers. They are not known to the landlords, and their identity is a mystery. The grand jury will try to trace the guilt.

H. E. Huntington, the Los Angeles millionaire, has secured an option on Catalina Island, and may soon be the owner of the famous resort in the southern part of the state. The island is at present the property of the Banning brothers, and has yielded them a fair return on their investment. It is the plan of Huntington to spend more than \$100,000 in improvements. He figures that he can make the place more attractive than any of the beauty spots of the Riviera, and there has been some talk of the introduction of Monte Carlo methods, but it is highly improbable that anything of that sort will be attempted.

Another enterprise which appears to have Huntington backing is the improvement of the Pismo beach, on the coast, midway between San Francisco and Los Angeles. The beach is about 20 miles long and is said to be unsurpassed for automobile racing. The place has been turned into an attractive resort, and it is planned to hold a series of motor races there next year.

SENATORIAL COURTESY.

Writer Asks How Long Public Must Keep Convicted Senators.

SALEM, Or., Aug. 4.—(To the Editor.)—Much is said at the present time, by all right-thinking people and the press of the land is quite active in criticizing supposed wrongdoings of members of Congress. I read in different papers comments like this: "Senator Burton was never asked to resign." "Senator Burton has not been asked to resign." "The inquiry is, is it necessary they should be asked to resign?" "Senatorial courtesy" may require that the public conduct of one of its members, should not be questioned, and that when a man is elected to the Senate he forthwith becomes a "white" senator. But has the American Senate as between the members composing that body, resolved itself into a mutual admiration society? The rest of this article will be a simple reminder of the manner in which these things were viewed, something like 100 years ago. It is common understanding that John Quincy Adams was elected to the Senate from Massachusetts as a Federalist, and that he took the side of the Republicans as soon as he qualified as Senator. If I should fail to impress the idea that the Senate may expel for any cause, one of its members, I will still emphasize the fact that John Quincy Adams had a very vigorous way of expressing himself. He was chairman of the committee to which was referred the proposal of expelling Senator John Smith, of Ohio. Excerpts from his report read as follows: "It (the Constitution) has not subjected him (Senator Smith) to removal by impeachment; when the darling of the people's choice has become their deadliest foe, can it enter the imagination of a reasonable man that the sanctuary of their legislation must remain polluted with his presence, until a court of common law, with its pace of snail, can ascertain whether his crime was committed on the right or left bank of the river? Is it conceivable that a traitor to that country which has loaded him with honors, guilty to the common understanding of all mankind, should be suffered to return unscathed to that post of honor and confidence, where, in the zenith of his fame, he had been placed by the esteem of his countrymen, and in defiance to their wishes, in mockery of their fears, surrounded by the public indignation, but inaccessible to its bolt, pursue the purpose of treason in the heart of the National Council? Must the assembled rulers of the land listen with calmness and indifference, session after session, to the voice of notorious infamy, until the stupor of municipal justice can overtake his enormities?"

AT THE FAIR

Free MONARCH MALLEABLE RANGE Free

At the Monarch Booth, Manufactures building, southeast corner, we will give away one of the beautiful sample Ranges now there on exhibition. Call and have your name on our register book, and you will have just as good a chance as anybody to get this Range. We want as many people as possible to see this exhibit. That is why we will give the Range away.

FREE
Japanese
Fans

FREE
at
Monarch
Booth

Monarch
MALLEABLE
The Stay Satisfactory Range

Four-fifths of the work of a range is the cooking done on top. Malleable tops are not so thick as other kinds—heat quicker, cook in half the time, saving half the fuel.

Body made tight with rivets so it will not leak. Good and arranged to suit. Call and see why.

Get Our Free Book First
You can't afford to buy a range until you know all about a Monarch. Ask us for the book, state when you intend to buy, and we will send you a set of Measuring Spoons, postpaid. Address: Malleable Iron Range Co., Beaver Dam, Wis.

FREE
Aluminum
Souvenir
Pins

FREE
at
Monarch
Booth

In city and country, hotels or public institutions, and repairs. They show it.

Come Just to See the Monarch Range at the Fair
We will make it agreeable for you. A comfortable resting-place, plenty of fresh ice water and a fan—all just because we want you to see the best Range yet produced anywhere.

H. E. EDWARDS
185-191 First Street HOUSEFURNISHER Agent for Portland

With Electric Light

Come many possibilities of inexpensive luxury, numerous little electrical conveniences, now so necessary in every up-to-date household. Reduced rates for meter service make the COST LESS THAN YOU THINK.

CALL TELEPHONE EXCHANGE 13.

LOW EXCURSION RATES EAST.
On August 24, 25, and September 16, 17, the Great Northern Railway will sell excursion tickets to Chicago and return, \$71.50; St. Louis and return, \$67.50; St. Paul, Minneapolis and Duluth and return, \$60.50. Tickets good for passage for ten days; final return limit, 30 days; good going via Great Northern Railway, returning same or any direct route; stop-overs allowed going and returning.
For tickets and additional information call on or write H. E. Edwards, C. P. T. A., Great Northern Railway, 122 Third Street, Portland.

One fact remains—you cannot eat life's cake unless you have the dough.

MEXICAN LANDS
500,000 ACRES
State of Sinaloa, Mexico

This company has exclusive concession for survey of public lands in this state, and offers for sale about 500,000 acres at various points, including flat, level agricultural lands in rich valleys, stock ranges, in the foothills and timber tracts, containing great quantities of pine and oak in the higher mountains.

Tracts From 500 to 50,000 Acres
Titles Direct From Mexican Government and Include Coal and Oil Rights

The State of Sinaloa has a coast line of 260 miles on the Gulf and Pacific, averaging 100 miles inland; the best-watered state in Mexico; ten large rivers, from 30 to 35 miles apart. These river valleys are in comparatively rich and fertile, and American colonists are flocking to the state in great numbers.

The Southern Pacific Railroad Company has been granted concession to build a trunk-line railroad from the seaport of Guaymas, in Sonora, to the City of Guadalajara, passing through the entire length of the State of Sinaloa, about the middle of the state, and touching at all principal towns and cities.

Now is the time to purchase land before the railroad begins construction and values begin to climb.

For full information regarding the state and its resources and lands to be purchased therein, apply to

Sinaloa Land Company
Suite 218-19 Conservative Life Bldg., Los Angeles, California

GREAT LAKES OF AMERICA

Two Ways East by Water
The Northern Steamship Co. will operate steamship "North-West" between Duluth and Buffalo and steamship "North-Land" between Chicago and Buffalo, calling at intermediate points of interest. Return rail tickets good for this water route on slight additional payment.

EUROPEAN OR AMERICAN PLAN.
American Plan includes all expenses on one ticket.
S.S. "North-Land" leaves Chicago Saturdays.
S.S. "North-West" leaves Duluth Tuesdays.
For full particulars apply or write H. Dickinson, C.P. & T.A., 122 Third St., Portland, Or.

DR. WING LEE
THE GREAT CHINESE DOCTOR
LOCATED IN PORTLAND SINCE 1880

He is called great because he cures all diseases without resorting to the knife. Call and have a free examination. He will tell you the exact nature of your trouble. He treats successfully every form of female complaint, all private and blood diseases, cancer, paralysis, tumors, rheumatism and all disorders of the stomach, liver and kidneys. He has had great success in curing consumption when the victim is not too much run down by the disease, and will stop hemorrhages in an incredibly short time. He brews his own medicines from Chinese roots, herbs, oils, barks and vegetable teas, all of which are entirely harmless, and whose medicinal properties are unknown to American doctors. He uses in his practice over 500 different Oriental remedies. Hundreds of testimonials from grateful patients.

DR. WING LEE
11 NORTH FOURTH STREET PORTLAND, OREGON

The Berlin municipal authorities have decided to establish public "sun and light baths," at which first, second and third class fees will be charged.

"Alcohol" is the English form of the Arabic "alkohol," spirit or essence. In the original the word corresponds exactly with our word "ethereal."

DR. WING LEE
THE GREAT CHINESE DOCTOR
LOCATED IN PORTLAND SINCE 1880

He is called great because he cures all diseases without resorting to the knife. Call and have a free examination. He will tell you the exact nature of your trouble. He treats successfully every form of female complaint, all private and blood diseases, cancer, paralysis, tumors, rheumatism and all disorders of the stomach, liver and kidneys. He has had great success in curing consumption when the victim is not too much run down by the disease, and will stop hemorrhages in an incredibly short time. He brews his own medicines from Chinese roots, herbs, oils, barks and vegetable teas, all of which are entirely harmless, and whose medicinal properties are unknown to American doctors. He uses in his practice over 500 different Oriental remedies. Hundreds of testimonials from grateful patients.

DR. WING LEE
11 NORTH FOURTH STREET PORTLAND, OREGON

The Berlin municipal authorities have decided to establish public "sun and light baths," at which first, second and third class fees will be charged.

"Alcohol" is the English form of the Arabic "alkohol," spirit or essence. In the original the word corresponds exactly with our word "ethereal."