

LAYS ITS RAILS ON PENINSULA

North-Bank Road Selects Position of Vantage in Struggle.

WILL CROSS O. R. & N.

Legal Struggle Across the Columbia Begins by Harriman Seeking to Keep Hill From Cape Horn.

That shrewd maneuvering is being done by the forces of both the Harriman and Hill railroad officials in the advance of the railroad building movement is becoming more apparent each day.

Wednesday night a force of about 20 men distributed the ties and laid the rails along a stretch of right of way across the northwest corner of College Place, north of Portsmouth, crossing Columbia boulevard.

Acquires Right of Way. The land on which the new track is built was acquired by the Portland & Seattle Company from A. H. Masgry, but satisfactory terms were not agreed upon for the right of way desired for the O. R. & N. Company.

Conflict on Peninsula. The first conflict on the peninsula was presented when the survey of the Oregon Railway & Navigation Company came in opposition to surveys of the Portland & Seattle through the peninsula.

Richly illustrated with new and exceedingly beautiful views of our Cascade Mountains, the annual number of Mazama, published by the Mazamas and edited by Gertrude Metcalf.

ANNUAL MAZAMA NUMBER

Beautiful Illustrations and Much New Matter Concerning Cascades.

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Charles E. Fay, of Tufts College, Mass., president of the Appalachian Club, who with about 30 New Englanders, came 100 miles to join the Mazamas in the storming of Rainier, has some breezy words to say concerning it.

PHASES OF PRIMARY LAW

CONSIDERATION OF SOME OF THE PROBLEMS PRESENTED BY IT.

Oregonian Editorial on "Unwilling to Seek Office" Made Text for Discussion by Judge Woodward.

PORTLAND, Dec. 22.—(To the Editor.)—An article in the editorial column of The Oregonian, the issue of the 19th of December last, under the above caption, suggests some of the phases of the laws of Oregon for the government of the primary elections.

That the law as it stands and in its operation, effectually eliminates the evil of "boss" rule in party politics is evident, and in this respect is all that can be desired, and is a notable improvement on the old system of party action as carried on in this state for the past 25 years or more—and yet, it may reasonably be questioned whether with all the advantages and distinct improvement above noted, it is not more than offset by defects which necessarily inhere in the operation of the law.

As instance in more recent years of the government's history, the policy of the Republican party and laws enacted in accordance therewith, in establishing and maintaining a tariff tax on imports, not alone for revenue, but as well, protection to our own people—and the Democratic policy enunciated favorably to free trade.

It is frequently stated that in our local or state affairs, the questions involved are of such narrow consequence that no political principle is involved, and therefore, each man should vote for himself, and not for party men only. There may be instances where this course is justifiable, and it should be conceded that it has occurred in the recent past—but whenever there has been a gross fault and wrong done in the nomination of the candidate, or that of friends, with the ultimate expectation of reaping a harvest of graft in one direction or another.

It is fairly to be presumed that the promoters and framers of the direction primary law in this state had in view the very object above expressed, and in theory and to some degree in practice, the object is accomplished.

But it may be questioned, even assuming that it has effectually wiped out what is known as "boss rule" in party politics—whether it has not introduced an evil almost, if not quite, as bad in effect—upon the part of the voters, and the less added by something outside of the law itself. As it stands alone, and as put in operation up to the present time, its effect is to dissolve all parties, and make political action a personal equation, calling upon each self-sufficient individual (who more often has no other sufficiency), to announce himself as a candidate of a party for the office he may desire, and then, amidst and amidst among the few friends he may have, and bring them out at the primary election.

It is to be noticed that recently there have been meetings of self-constituted committees of thirty and forty—supposedly political leaders, chiefs or sachems of the disorganized branches of the Republican party, and so forth, to harmonize the party and make it successful in election assured. But all such gentlemen should remember that they do not now carry in their vest pockets the votes of the "people," as they used to do, and that what is imperatively required is not that

those who consider themselves as leaders of the factions of the party should bury the hatchet and act in harmony, but rather that the conduct of the party organization should be such that all would be assured that the single purpose is the public good, and that the men selected as the candidates of the party are chosen by the people themselves acting freely, and that such nominations are not the result of scheming politicians' work, who have in view only the advancement of themselves, or that of friends, with the ultimate expectation of reaping a harvest of graft in one direction or another.

There is another feature of the law, which it is believed is equally vicious in its operation—the necessity that each man who is to stand for office shall announce himself and become a candidate by his own suggestion, defining his own individual platform of principles, if he has any, if he is so inclined. It is a well-recognized fact that ordinarily the men best qualified to serve the public in office are those who are most disinclined to push themselves forward, and on the other hand, the most superficial and unworthy, are the first to step into the political arena—the result being that the modest citizen who is truly worthy of the confidence of his fellow-citizens, is eliminated from the contest, and the choice is among those self-sufficient gentlemen who have chosen to announce themselves.

In the above there is no purpose to speak disparagingly of those who have already announced themselves for office, as in fact, it is a necessity under the law—but it is in this necessity which is to be deplored. The question remains whether or not there is any means whereby, under the operation of this law, a political party may maintain its integrity and continue able to act as a concerted body for the carrying out and enforcement of the principles of government, for which it stands; and if there is any, it does not lie in any self-constituted committee of 20 or 40 or any other number of leaders of separate factions of any party, or in any loose feast of harmony brought together by these same gentlemen, to agree on unity of action, but rather, it may well be believed in such action of the party organization, as that the people themselves in a truly representative body, either for city, county, state or National purposes, with deliberation, announce the principles that are to control the party and to nominate for the office to be filled such men only as deserve the confidence of their fellow-citizens, without regard to the clamor of the chronic office-seeker, and without regard as to what particular faction of his party he had formerly affiliated. Such

refrain from voting at all at the election or to vote for the candidate so nominated, or for the candidate of a party the political principles of which they have never approved—and we have before us examined as an honest purpose, looking simply to the public good, most certainly will be ratified at the primary election and confirmed at the final election.

With such action there is good reason to hope that what has heretofore existed as an effective unit, even though corrupted by the selfish motives of some of its members, may come forth purified in its exercise of advocacy, and as farward as an important adjunct of a Republican form of government, accomplishing good and not evil, rather than to accept the effect of the law referred to, as a dissection of all political parties, changing what before was an organized body, capable at least of doing something with effect, into a disorganized mob of voters, with an invitation to all, even the most unworthy, to scramble for office—as the ultimate end of all government.

JOHN H. WOODWARD. Assers Criminal Negligence. In his suit against the Oregon Water Power & Railroad Company for \$25,000 damages, W. W. Bristow yesterday filed an amended complaint in which he charges the company with criminal negligence. The company was engaged in construction and excavation work on East Water street in November, 1904. Bristow alleges that the planks on the street were carelessly and negligently left loose, and while he was passing along East Water street, at its intersection with East Morrison street, because of the loose planks he fell through to the bottom below and narrowly escaped death. He says he was permanently injured.

Corporation May Buy Its Stock. "A corporation can purchase its own stock where the rights of creditors are not interfered with," said Judge Frazer yesterday in overruling a demurrer to the complaint in the suit of E. C. Johnson against the Multnomah Fair Association.

Johnson owned several shares of the association's stock, and entered into a contract with the corporation to sell this stock back for \$1,000, the shares to be delivered on a certain date last Summer. When the day arrived, Johnson tendered his stock to the officers of the association for \$1,000, but they refused it. This refusal is said to have been made after

poolselling had been stopped at the local racetrack. A suit was at once begun by Johnson to compel the association to live up to the contract. A demurrer was at once entered against the complaint stating that the suit should be dismissed on the grounds that a corporation could not buy its own stock. Judge Frazer held to the contrary, although saying the authorities were divided on the subject.

Suit Over Real Estate Deal. A. J. Farmer, a grocer, avers that he purchased lot 2, block 139, Portland, from Otto Reinecke on December 9, for \$5,000, and paid \$500 on account. Farmer alleges that subsequently he tendered the balance, \$4,500, to Reinecke to complete the deal and asked for a deed. Reinecke, he asserts, declined to take the money or execute the deed. Farmer alleges that as a consequence he has suffered damages to the extent of \$2500, and yesterday he filed suit against Reinecke in the State Circuit Court to recover this sum.

Contributions to Loubet Fund. Contributions to the fund for Miss Loubet continue to be received at the Oregonian office. The latest contributions are \$15.55, from employees of the Southern Pacific car shops, and cash 50 cents.

To All Our Friends and Patrons GREETING

IN this the season of universal gladness and good cheer, we extend to you all our sincere wishes for a Merry Christmas and a prosperous New Year. Hoping that you have enjoyed the prosperity of this, the never-to-be-forgotten "Centennial Year," we thank all for the liberal patronage bestowed upon us in the past. May peace and plenty always reign in your home.

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