

HAY TO RETAIN JOB; CROWN LOSES

Supreme Court Decides Noted Election Contest Case at Olympia.

TWO OF JUDGES DISSENT

Four Different Opinions Given. Majority Holds to View That Candidate May Publish Picture in Papers.

OLYMPIA, Wash., Feb. 6.—(Special.)—It took four different opinions by members of the State Supreme Court today to confirm M. E. Hay in the office of Lieutenant-Governor, from which Charles E. Crown sought to oust him by merit of quo warranto. The five judges who denied the writ had three different reasons to give for their decision, while Chief Justice Rudkin and Justice Fullerton, in an opinion as long as that of the other five, gave their reasons for believing the writ should be issued.

Statute Not Definite.

These two judges give as their reason for denying the writ "the statute is so cloudy and its meaning so uncertain it would not be just to take office of Dunbar as long as the office upon one who might chance to misinterpret its provisions."

Two Opposed to Hay.

These two judges find also that the Attorney-General, in an opinion to candidates, has published his photograph, irrespective of whether it is with a statement of support or not; that the legend under the picture that it is of a candidate for the Republican nomination is of itself a bid for votes, and finally, that by law the Attorney-General is required to give opinion only to state officers respecting their duties and cannot be accepted by the court as construing a statute.

Unlawful, Chadwick Says.

Judge Chadwick says that if Section 28 of the primary law which prohibits such publication is legal, he agrees with Rudkin and Fullerton and that he cannot agree with the reasoning of Judges Mount, Crow, Dunbar nor Gore. He holds the action unconstitutional because it attempts to fix an unreasonable qualification upon a candidate beyond those fixed by the constitution. Under this theory he holds that if the Legislature is prohibited by the constitution from adding any qualification Hay is entitled to his office. If the Legislature may add reasonable qualifications he cannot be ousted for his office is unconstitutional. And therefore Chadwick holds the writ should not issue.

This finally determines the case, as the only other way out of the case attacked Hay was by contest when the Legislature canvassed the vote.

NO SALES WITH WHEAT \$1

Colfax Farmers Expect Even Higher Price for May Market.

COLFAX, Wash., Feb. 6.—(Special.)—All records were broken in Whitman County today in the price of wheat when warehousemen offered the bluestem. No offers were accepted by the farmers as the majority are holding for the May market. Bluestem commands the best price, being in demand for milling and feeding.

SCHOOLTEACHERS CONVEENE

Institute Addressed by Prominent Educators of State.

WOODBURN, Or., Feb. 6.—(Special.)—The local teachers' institute, held in this city today, was well attended and much interest was manifested in the discussions, exercises and addresses. Chapter 4, 5 and 6 of Bagley's classroom management was discussed by J. H. Martin, who spoke on the "Boy Problem." Professor Tausch on "Manual Training as a Method in Every Subject," and addresses were made by Colonel G. H. Hofer and Superintendent Ackerman. There were exercises by pupils of the Woodburn school and other members. The institute was a marked success.

FRUITGROWERS ORGANIZE

Wasco County Fruitmen Expect Full Crop of Cherries.

THE DALLES, Or., Feb. 6.—(Special.)—At a meeting of the Wasco County Horticultural Society held this afternoon at the Commercial Club rooms, plans were perfected for the formation of a fruitgrowers' union. The Dalles Fruitgrowers' Union was the name selected, and the following committee was appointed by the chairman of the meeting to prepare a constitution and

by-laws. Dr. Sanders, George Webb, E. C. Curtis and George Cooper. The committee was instructed to report at the next meeting of the union to be held in this city, Saturday, February 20, at which time officers will be elected.

Fruitmen from every section of the county were in attendance and every member spoke in favor of organizing a fruitgrowers' union. There is every reason to expect a full cherry crop here this year. Dr. Sanders brought in a cherry bud from his fruit farm on Three Mile, which was a perfect specimen and every man interviewed said not one cherry tree in a thousand was injured.

Mosier Phone Company Formed.

THE DALLES, Or., Feb. 6.—(Special.)—Articles of incorporation were filed at the County Clerk's office in this city yesterday by the Mosier Valley Telephone Company. The headquarters of the company will be located in Mosier. A. P. Batesham, J. K. McGregor and E. Evans are the incorporators. The capital stock of \$1200 is divided into 60 shares of the denomination of \$20.

BIG MILL FOR ORO FIND

WEYERHAEUSER COMPANY ANNOUNCES PLANS.

Factory Will Utilize Finest Body of Standing White Pine Timber in the World.

SPokane, Wash., Feb. 6.—(Special.)—A Spokane-Review special from Orofino, by courtesy of the Orofino Press, contains definite plans for the development of the Clearwater timber, owned by the Weyerhaeuser Company, and asked for support by the City Council in securing right of way for a railroad to be built from Orofino to a mill site at the mouth of Whiskey Creek, three miles up Orofino Creek.

Classification by Counties.

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THREE COUNTIES NOT REPRESENTED IN PENITENTIARY.

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OTHERS OVER SUPPLIED

Multnomah Leads—Umatilla, Baker, Union and Wasco All Lead Marion, Second in Population.

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Timmons will succumb to heart failure before the day of execution. At the time of the murder Timmons either cut his own throat or it was cut by a second party. Timmons adhering to the latter story. He lay all night in bed in this condition and was removed to a hospital where he died 111 for weeks. Physicians state that the loss of blood on the night in question is responsible for his present condition, and that he is now suffering from acute heart trouble. His new appears pale and wan, and is far from being in good physical condition.

Four-Story Brick for Salem.

SALEM, Or., Feb. 6.—(Special.)—It is announced that the Gray brothers, of Portland, are planning the erection of a handsome four-story building at State and Liberty streets, this city. Stores and offices will occupy the structure.

Horticultural Society Elects.

SALEM, Or., Feb. 6.—(Special.)—The Marion County Horticultural Society today elected the following officers for the ensuing year: C. J. Kurtz, president; John Pemberton and Enos Irenhall, vice-presidents; R. C. Armstrong, secretary and treasurer.

McIntyre Adjudged Insane.

SALEM, Or., Feb. 6.—(Special.)—Will McIntyre, a well known local character and well known in police circles of Portland, was committed to the insane asylum here today.

WIFE IS QUIETED WITH LATH

TROUBLES CAUSED BY NOISY SPOUSE BRING DIVORCE.

Husband Testifies "Good, Old-fashioned Spanking" Allows Family to Sleep in Peace.

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