ASHLAND TIDINGS.

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ASHLAND TIDINGS.

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Supreme Court Decision.

W. H. Biggs, railroad commissioner of the state of Oregon, appellant, vs. Geo. W. McBride, secretary of state of Oregon, respondent; appeal from Marion county; judgement of the lower court affirmed. Opinions by, J.

SYLLABUS.

Statute—When Same Takes Effect—Emergency.—An act which passes both houses of the legislature, and which contains an emergency clause, followed by the words that the same "shall take effect and be in force from and after its approval by the governor," but which the govenor never approves, but vetoes and the same is then duly passed by both houses by the necessary majorities, notwithstanding the veto, takes effect and is in force from and after its passage. Statute—Emergency Clause—Veto—When Takes effect.—Such act takes effect when the law making power has done every act or thing necessary under the constitution to its complete enactment as a law.

Constitutional Law—Emergency—Power of the Legislature.—The constitution has vested in the legislature the power to declare in the body or preamble of an act, the emergency by which it may be put in force in less than ninety days after the adjournment of the session and when the emergency is specified in the act, the same is conclusive upon the courts and is not reviewable.

Executive—Office—Power to fill vacancies.—By article V, Sec. 1, of the constitution, the chief executive power of the state is vested in a governor but this does not include the power to fill vacancies in office. When and under what circumstances that power may be exercised by the govenor is prescribed and defined by Sec. 16 of the same article.

Constitutional Law—Contemporaneous—Construction.—When a power has been exercised by one department of the government ever since the adoption of the constitution, and such exercise has been constantly acquiesced in by the other department as well as by the people, such practical construction is of great weight in doubtful cases and could not be highly regarded in any case.

Official Removal for Cause—Is the Power Judicial or Executive?—The question stated but not decided—Opportunity to be heard—Whether the power to remove an officer "for cause" may be conferred upon the governor, or belongs exclusively to the judicial department of the government under the constitution is not decided, but by whomsoever the power of removal for cause may be exercised, it must be done upon notice to the delinquent of the particular charges against him and an opportunity be given him to be heard in his defence.

Trial — Title to Office—Mandamus—Mandamus is not the proper proceeding by which to try the title to an office.

Is Consumption Incurable?

Read the following: Mr. C. H. Morris, Newark, Ark., says: "Was down with abscess of lungs, and friends and physicians pronounced me an incurable consumptive. Began taking Dr. King's New Discovery for consumption, am now on my third bottle, and able to oversee the work on my farm. It is the finest medicine ever made."

Jesse Middlewart, Decatur, Ohio, says: "Had it not been for Dr. King's New Discovery for Consumption I would have died of lung troubles. Was given up by doctors. Am now in best of health." Try it. Sample bottles free at Chitwood Bros. drug store.

American Riflemen.

On Wednesday a small body of Massachusetts militiamen sailed from Boston to Liverpool, to take part in a shooting match in England. The team numbers sixteen men, Major James P. Frost, of the second brigade, in command. They went clad in regulation suit, and in heavy marching order, with preparations for camping. They take their regular services rifles, the Springfield pattern, to compete with the English Martini-Henri rifle, and this will be the first time that the service rifles of the two nations have been brought into competition. Since 1885 this has been the champion rifle team of the United States, and it will shoot under both state and national colors, full sets of which have been presented by public-spirited Boston women. In the success of this team every American will feel the deepest interest.

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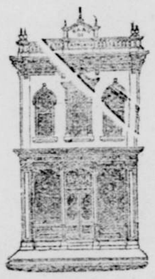
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BUILDING AND LOAN ASSOCIATIONS.

Their Value to Both Borrowing and Non-Borrowing Members.

Subscriber's Magazine for June contains a comprehensive and very interesting paper upon building and loan associations, giving a historical sketch of their origin and growth, analysis of their character and methods, and a eulogy of their benefits. Following is an excerpt in which is explained the comparative value of loans of these associations and loans of other kinds:

The most perplexing problem that presents itself to a person whose attention is first directed to the Building and Loan Association system of borrowing is this: How can a member be benefited by a loan on which he pays *a premium*, in addition to the regular rate of interest? It is well, therefore, that this feature of the system be perfectly understood.

At the start it must be remembered, first, that this premium is in reality only a payment made by a borrower for the privilege of having the immediate use of the par value of his shares, for which the non-borrower is obliged to wait a term of years; and, second, that the money in the treasury is put up at auction, in quest of a premium, only in order to give all the members an equal chance to secure it. In England, and, I think, in this country, other plans of assigning loans have been tried. Sometimes they have been assigned by lot; but, under this scheme, the money would often go to members who did not care to use it, and they would dispose of it to other members at a premium which went into their own pockets. In other associations a list of applicants for loans has been made out, and the money paid over to them in turn; but this did not prove satisfactory.

Again, in considering the premium feature it must be remembered that, as the premiums all go into the common treasury, each payer of a premium shares the premiums paid by all the other borrowers, and that the larger the average premiums, the greater are the profits of the association, and the sooner is the stock matured and the borrower's mortage cancelled. I have heard the statement made, "I would rather belong as a borrower to an association whose money brings thirty per cent. premium than to one which gets only three or five, because my debt would be so much the sooner discharged." Practically, this only means that such a person is able to make larger payments in order to shorten the time. By the majority of members of such organizations easy payments are most desired.

Courts have held that the fixing of a minimum premium is illegal, but they have held that usury cannot be pleaded when the premium is determined by open competition. Thus the Supreme Court of New York (25 Barb., 263) held: "The statute of usury is repealed as to the taking of premiums, and also to interest on premiums although previously deducted. The greater the premiums and the greater the amount drawing legal interest, the sooner will the association have the necessary funds to pay off all the shares, the shorter will be the life of the association, the number of payments by the borrower will be less, and the mutuality of the whole scheme removes the ordinary objections to the unusual interest." The New York Court of Appeals (1 Abbots Decisions, 347) has sustained this reasoning.

But let us look further into the profits of these associations, which premium-paying borrowers share.

If each member of a Building and Loan Association, the par value of whose stock is $200, contributed $1 a month to its treasury, and there were no expenses and no profits, the shares would mature in two hundred months, or sixteen years and eight months. But in a prosperous association, while the expenses are very small, every dollar that comes into the treasury is kept earning other dollars, the interest, as I have explained, being compounded monthly. The profitableness of this system of lending may be seen from the statement that while $1,000 at six per cent., simple interest, will earn only $300 in five years, it will, if the interest is compounded annually, earn $338.22 6-10, and, if the interest is compounded monthly, will earn $348.83 2-10; and the gain goes on increasing with every successive year. From this cause the members of a Building and Loan Association, instead of waiting sixteen years and eight months for their shares to become worth $300 each, find the par value attained in a much shorter period. And just as soon as this is attained a borrower's mortgage disappears.

Exactly how long a series of shares must run to reach maturity cannot be calculated precisely in advance, because it is impossible to foresee the rate of premiums offered, the expenses, the number of withdrawals, etc. An association—to use Wrigley's illustrations—that (1) makes a profit of ten per cent. per annum on the average of time will mature its stock in ten years and ten months; (2) making thirteen and a quarter per cent., will mature in ten years; (3) making twenty-seven per cent., will mature in eight years. In calculating the withdrawal value of shares in associations using the "gross" or "net" system of paying premiums (to be explained hereafter), it is customary in this country to estimate the life of a series at ten years, and in England at twelve years. Albert Shaw, Ph. D., in his papers on "Co-operation in a Western City," published by the American Economic Association, says of the Mechanics' and Workingmen's Loan and Building Association of Minneapolis, which began business in 1874 with a membership of forty-five, and whose receipts are now from $80,000 to $90,000 a year: "The average premium bid for loans has been forty-two and one-eighth per cent., and the final cost to the borrower is about eight per cent., while the 'free holders' (those whose shares remain unpledged to the close of the series) gain about twelve per cent. annual compound interest on their savings." These statements are sufficient to show that the premiums need not be a cause of alarm to borrowers in these associations.

But I may illustrate this fact very clearly by simple figures.

Suppose that A and B each borrows $3,000 at the same time, A of a Building and Loan Association on fifteen shares at five per cent. premium and six per cent. interest, and B of a private lender at the same rate of interest but without any premium, B to pay his principal at the same time that A's shares mature. Supposing that maturity is reached (1) in ten years and (2) in thirteen years, the two accounts will stand as follows:

A, Paid in monthly dues	$1,800
Paid in interest	1,800
Paid in premium	150
Total payments	$3,750
B, Principal	$3,000
Interest	1,800
Total payments	$4,800
2.	
A, Paid in monthly dues	$2,340
Paid in interest	2,340
Paid in premium	150
Total Payments	$4,830
B, Principal	$3,000
Interest	2,340
Total payments	$5,340

Under the first example A pays $1,050 less than B, and under the second $510.

If the person of whom B borrows permits him to pay the interest and $180 (the amount of A's annual dues) of the priacipal annually, under the system of partial payments, it will require between thirteen and fourteen years to liquidate the debt.

A further analysis of these figures, that is sometimes made in Building and Loan Association prospectuses is this: A's total payments in ten years being $3,750 and the principal actually borrowed on being $3,000, the total amount he has to charge to interest is $750 for the ten years, or $75 a year, which is at the rate of two and one-half per cent. per annum; or, if his series runs thirteen years, his interest charge is $1,380 or $140.77 a year, which is at the rate of four and seven-tenths per cent. per annum. Expert accountants, who have been employed by savings institutions to find flaws in the Building and Loan Association system, have made haste to point out that a member of an association continues to pay interest on the whole amount borrowed, while his dues are constantly decreasing that amount, and hence that this is only an apparent interest rate. But the vital question with a person who borrows a few hundred or thousand dollars with which to secure a home, and which is to be paid back in small installments, is, "How large a sum out of my income for the next ten or twelve years will be required to make my payments?" If anyone will lend him the required amount, with the understanding that he is to pay the principal at the end of ten or twelve years and only annual interest meanwhile, can he find any way in which to invest his accumulating principal (if he *does* accumulate it) which will so rapidly increase it to the required amount as the Building and Loan Association increases it for him? If he is A in the above examples, he will be a good way ahead of his neighbor B financially when their respective debts are paid. A's payments are small, systematic, and at the same time imperative. When he goes home from every meeting of the directors he says, "My house is so much nearer being my own." And when he attends a quarterly or annual meeting of his association at which the profits are reported, and he finds a sum to his credit beyond any that he has paid in, he learns, perhaps for the first time, the secret of making money saved earn other money.

It is quite as easy to show by figures the economy of buying one's house with the assistance of a Building and Loan Association compared with paying rent. The following statement is only given as a form of comparison: every prospective borrower can change the figures to suit his own locality.

C and D occupy houses worth $3,000 each (lot, $600, and building, $2,400). C is a tenant, paying $25 per month. D, with $600 in cash, has borrowed $2,400 on twelve shares of a Building and Loan Association, and built his house. Supposing that D's shares mature in twelve years, their accounts at the end of that period will stand thus:

C has paid out $3,600 in rent, and has nothing to show for it.

D has paid out:

Monthly dues	$1,828
Interest	1,728
Premium, five per cent.	120
Search	50
Taxes	260
Insurance	100
Interest on value of lot	432
Total	$4,418

The neighborhood must be a very inactive one where the increased value of the property will not more than offset the cost of repairs. We find then, that D owns his premises by paying out only $818 more than C, who, at the end of the end of the period named, has nothing to show for his money.

One or two things remain to be said in explanation of the premium system. There is a constant discussion among writers on the subject about the advantages and disadvantages on very large premiums. As I have pointed out, *average* high premiums mean larger payments for a shorter time An element of trouble comes in when high premiums in the early years of an association are followed by low ones later on. Then, evidently, the earlier borrowers pay a higher rate of interest than those who follow them. In actual practice, where no minimum premium is fixed, the amount bid will be regulated by the law of supply and demand. Start a pioneer association in a place of considerable size, where, for the first time, an opportunity is afforded to secure homes under this easy system of payments, and competition will probably run the premiums offered to a high figure; and this rate may be kept up for a good many years in places like St. Paul and Minneapolis, whose growth is rapid and whose accession of wage-earners is constant. But with the demand for loans will certainly come new associations, an enlargement of the loan fund, and a diminution of premiums. Take, for example, the cities of New York and Philadelphia; the former has been very slow to take advantge of this kind of co-operation, most of its existing organizations being only a few years old. Premiums of sixty per cent., and perhaps more, have been paid for loans in New York within the last year. In Philadelphia, Mr. M. J. Brown, editor of *Building Association Home Journal*, writes me: "Very few associations are obtaining any premium on loans. Good borrowers can obtain all the money needed without a premium. The premium is no longer a factor here."

There are about thirty-five associations in New York City, and some four hundred and fifty in Philadelphia. Hence the difference. High premiums were once as eagerly offered in the latter place as they are now in the former

There are different ways of paying the premium. Under what is known as the "gross plan" the premium is deducted in advance from the sum that is loaned, while interest is charged on the whole amount. Under the "net plan" the premium is deducted as before, but interest is charged only on the sum which the borrower receives. Under a third system, known as the "instalment plan," the premium is paid in monthly instalments. This last plan avoids many difficulties encountered under the others, as in calculating the value of shares at any time, and I think it would be well for every new association to adopt it. A fourth method, sometimes practiced, is to issue to a borrower additional stock whose par value shall equal the premium paid; this makes his payments of dues on the additional stock instalment payments. Still another plan which has been tried is to have the rate of interest determined by competition. This is again the instalment plan. A premium of five per cent. on the gross plan is equal to about eight cents per month on the instalment plan.

At first glance it might seem as if there was unfairness in the positions occupied in an association by the two classes of members, the borrowers and the non-borrowers, the former sharing the premiums and interest paid by the latter. But this is a superficial view. I doubt if any association is ever organized in these days in which those members who wish to borrow at one time supply the requisite sum in dues; so that immediate borrowers require the non-borrowers' assistance. Besides, a large class of borrowers is supplied from among those who may be mere investors at the start. As most associations lend only on first mortage, requiring a borrower to own a fee in the land, many persons purchase shares who own no land and have no money to buy any, and very likely never would have any without the aid of some systematic plan of saving. But after they have been non-borrowing members for a certain time, they find that their savings are large enough to enable them to buy the coveted piece of land. So they withdraw their accumulations, secure their lots, take shares in a new series, and become borrowers in turn. The non-borrowers, too, are, or should be, liable to peremptory retirement whenever their assistance is no longer necessary.

Considered abstractly as a beneficial feature in a community, an association of this kind would be commendable if it only induced a number of persons to lay aside small sums every month, without paying them any profits. And it is the submission of the habit of saving which is one of the best arguments in favor of the Building and Loan Association system, especially as such associations can be formed where the establishment of a savings bank would be impracticable.

Patriotic Sons of America.

[Washington Dispatch, June 18.]

The annual meeting of the Patriotic Sons of America opened to-day with a strong speech by President Geo. F. Smith. In the course of his remarks, President Smith made the following reference to foreign societies in this country.

"Now, bretherern the question comes up as to what we can do to hasten the day when we shall become thoroughly organized. A few more Haymarket riots and Cronin murders, instigated by organized bodies of foreigners who have been permitted to become citizens of this free country, America, and who have shown their gratitude by sending messengers loaded with dynamite back to their native country for the purpose of destroying innocent women and children; who have foully murdered their own members when they failed to carry out their hellish plans, and there will not be in our western country lamp posts and telegraph and telephone poles enough in this country for societies like the Clanna-Gal, that are not in harm ony with, but are injurious to, American institutions; that are dangerous to American order, disloyal to American government, destructive to American principles, repugnant to American ideas, and disgusting to all Americans who have any sense of justice, any regard for consistency, and respect for sanctity of human life. Have we room for societies whose officers contract with men to commit wholesale murder, and then starve and betray their tools that they themselves may have more money to spend on their own personal benefit? The time has come for us to be aggressive and to carry war into the enemy's camp."

The Pride of Women.

A clear pearly transparent skin is always a sign of pure blood, and all persons troubled with dark greasy, yellow or blotched skin can rest assured that their blood is out of order. A few doses of Beggs' Blood Purifier & Blood Maker will remove the cause and the skin will become clear and transparent. Try it, and if satisfaction is not given it will cost you nothing. It is fully warranted. Chitwood Bros. druggist.

How Women Rest.

How differently men and women indulge themselves in what is called resting spell. "I guess I'll sit down and mend these stockings and rest awhile," says the wife; but the husband throws himself upon the easy lounge, or sits back in his arm chair, with hands at rest and feet placed horizontally upon another chair. The result is that his whole body gains full benefit of the half-hour he allows himself from work and the wife only receives that indirect help which comes from change of occupation. A physician would tell her that taking even ten minutes rest in a horizontal position, as a change from standing or sitting at work, would prove more beneficial to her than any of her makeshifts at resting. Busy women have a habit of keeping on their feet just as long as they can, in spite of backaches and warning pain. As they grow older they see the folly of permitting such drafts upon their strength, and learn to take things easier, let what will happen. They say, "I used to think I must do thus and so, but I've grown wiser and learned to slight things." The first years of housekeeping are truly the hardest, for untried and unfamiliar cares are almost daily thrust upon the mother and homemaker.—[New York Graphic.

Bucklen's Arnica Salve.

The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, fever sores, tetter, chapped hands, chilblains, corns, and all skin eruptions, and positively cures piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by Chitwood Bros.

Cellular Clothing.

The new cellular clothing now coming into use in England is said to be a success. It is woven out of the same material as common weaves of cloth, being simply as its name indicates, closely woven into cells, the network of which is covered over with a thin fluff. Its porous quality allows the slow passing of the outside and inside air, giving time for the outside air to become of the same temperature as the body, obviating all danger of catching cold, and allowing vapors constantly exhaled by the body, to pass off, thus contributing toward health and cleanliness. The common objection to cotton clothing—that it is productive of chills and colds—is removed if woven in this manner, and the invention can certainly be said to be strictly in accordance with hygienic and scientific principles.

Is Life Worth Living?

Not if you go through the world a dyspeptic. Acker's Dyspepsia Tablets are a positive cure for the worst forms of dyspepsia, indigestion, flatulency and constipation. Guaranteed and sold by Chitwood Bros.

We Can and Do

Guarantee Acker's Blood Elexir for it has been fully demonstrated to the people of this country that it is superior to all other preparations for blood diseases. It is a positive cure for syphilitic poisoning, ulcers, eruptions and pimples. It purifies the whole system and thoroughly builds up the constitution. Chitwood Bros.

Rooms to Rent.

Nicely furnished rooms to let at the residence of Mrs. H. Ralph on Main street near business part of town. 3t]

SIMMONS LIVER REGULATOR
[NOTHING LIKE IT] Its peculiar efficacy is due as much to the process and skill in compounding as to the ingredients themselves. Take it in time. It checks diseases in the outset, or if they be advanced will prove a potent cure.
No Home should be Without It
It takes the place of a doctor and costly prescriptions. All who lead sedentary lives will find it the best preventive of and cure for **Indigestion, Constipation, Headache, Biliousness, Piles and Mental Depression.** No loss of time, no interference with business while taking. For children it is most innocent and harmless. No danger from exposure after taking. **Cures Colic, Diarrhœa, Bowel Complaints, Feverishness and Feverish Colds.** Invalids and delicate persons will find it the mildest Aperient and Tonic they can use. A little taken at night insures refreshing sleep and a natural evacuation of the bowels. A little taken in the morning sharpens the appetite, cleanses the stomach and sweetens the breath.
FOR WHOSE BENEFIT
A PHYSICIAN'S OPINION.
"I have been practicing medicine for twenty years and have never been able to put up a vegetable compound that would, like Simmons Liver Regulator, promptly and effectively move the Liver to action, and at the same time aid (instead of weakening) the digestive and assimilative powers of the system."
L. M. HOYOS, M.D., Washington, Ark.
Marks of Genuineness: Look for the red Trade-Mark on front of Wrapper, and the Seal and Signature of J. H. Zeilin & Co., in red, on the side. Take no other.