

DEFECT IS NOT VITAL

Judge McBride Says Municipal Elections May Be Held Under Provisions of Old Law.

RIGHT TO VOTE INALIENABLE

Conventions May Make Nominations as Heretofore and Proceeding Will Be Quite Regular.

Circuit Judge McBride last night expressed the opinion that the defect in the direct primary law would not interfere with the elections to be held in Oregon cities prior to the convening of the next legislative session. As has been pointed out before, the defect results from the provision governing registry of voters. The law provides that all voters must register, stating their political faith, in order to be eligible to vote at primary elections, and, as practically all of the voters of Oregon have registered heretofore, they would, taking the opinions of Portland attorneys for it, be excluded from voting at the primaries to be held this fall.

Judge McBride is a warm advocate of the direct primary law. He admits that it is calculated to help the minority party, but says he would support any bill calculated to better political conditions, even if the bill might have the effect of turning Oregon over to the democrats. He is disgusted with the crooked political methods which have characterized elections in this state, and is of the belief the direct primary law will do much to eliminate illegal voting.

Every Man May Vote.

"I regard all this talk about the defect in the law as bosh," declared Judge McBride, in conversation with a representative of The Astorian. "The law has failed to make provision for the few municipal elections to be held this fall, but that will not interfere with the elections. The constitution guarantees to every man the right of suffrage, and it can not be taken from him because of some defect in a law. In view of the fact that the new law is defective, the provisions of the old law will apply. In other words, nominations will be made this fall by conventions. I am satisfied that this view of the situation is correct.

"A somewhat similar case, so far as the vital issue involved is concerned, came up many years ago, when the county court of a southern Oregon county failed to make provision for an election in one precinct. There were no judges and clerks of election, no polling places, no ballots. The voters of the precinct got together and proceeded to select judges and clerks. Then they set about to improvise registry books, tally sheets and ballots, and held their election. The vote in the precinct in question decided the result of the election in the county, and contests followed. The case was tried out before Judge Williams, who held the election there was legal. The idea is that voters have the right to vote, and such defects as that in the primary law can not deprive them of this right. Where no machinery is provided under the new law, that of the old law holds good.

Favors the New Law.

"I believe the direct primary law to be a blessing. There has been consid-

erable opposition to it, but it is at least worth a trial. If it is found worthless, it can easily be repealed. Why, think of the howl that went up when the old method of voting was abolished! In former years men used to go to the polls and cry out the names of the candidates for whom they desired to vote. If Smith and Jones were running for county clerk, the voter would be asked his choice. 'Smith,' he would answer, and the clerk of election would score one for Smith. When it was proposed to substitute the secret ballot, honest men declared that the secret ballot was a proposition of villainy, for the reason that no man should be ashamed of his political course. We will like the direct primary law better after we have tried it.

Could Register Again.

"So far as the inability of voters to register again this fall is concerned, I believe county clerks generally would not refuse to register applicants. It is my impression that the early registration does not necessarily deprive a man of the privilege of again registering.

"There need be no fear that the direct primary law is going to interfere seriously with the municipal elections, for it is impossible to legally take away from any man his right to vote. Candidates may be nominated by conventions, and elections following will be held to be legal."

BILLION FEET OF TIMBER DESTROYED IN COLUMBIA

Loss from Forest Fires in Neighboring County Estimated to Have Been Fully \$7,000,000.

One billion feet of timber has been destroyed by fire in Columbia county alone the past month, according to Donald McRae and Ole Ritan, two prominent timberland men, who have visited the scene. The spread of fires has been stopped by the showers of yesterday, however, and all danger for this year is considered past.

"But a billion feet of timber means a good deal to Oregon," says Mr. McRae. "It means \$7,000,000 loss to the land owners and a consequent loss to the state at large. Besides this, the loss in taxable property will be felt keenly by Columbia county, as the owners of these burned-over lands can not afford to pay taxes on them as high as before.

"The various quarter sections will thus finally be bought in by the county for taxes and as the lands can not be sold for even the taxes, the loss will be far-reaching.

"Much of the land burned over is mountainous. It might be fit for pasture, but as other people's stock would get the benefit of the grass, the original land owner would derive no profit from this.

"Timbermen hope to see more stringent laws enacted by the Oregon legislature next winter in order that the valuable timber of the state may be better protected from the ravages of fire. We had a good law passed two years ago, but Governor Chamberlain vetoed it, and thus worked an injustice to the property-owners of the state.

"Most of the timber destroyed in Columbia county was owned by eastern men, but a large proportion was still in the hands of the original entrymen. The latter class of property-owners have in many instances lost their all as a result of the carelessness of hunters and farmers. Hunters leave campfires burning and the flames spread rapidly in the dry grass and underbrush; farmers put fires in the slashings to burn off little clearings, and the fire gets away from them into the adjacent woods."

NONSUIT IS ASKED FOR

Attorney Seeks to Have Court Dismiss Grimberg Damage Case.

DELICATE POINT INVOLVED

Defense Avers That Vessel Belongs in California, Where Action Should Have Been Brought.

Whether or not the American ship St. Nicholas, owned by George W. Hume & Co. of San Francisco, was Oregon or California state "soil" at the time Fisherman Grimberg fell to his death from the mizzen top-gallant yard is the question upon which hinges the case of Charlotte Grimberg vs. the Columbia River Packers' Association. Circuit Judge McBride will render his decision on the point this morning, and the case will be thrown out of court or continued before the jury, as the decision may necessitate.

Yesterday morning the plaintiff finished her evidence. Attorney G. C. Fulton, for the packers, moved for a nonsuit, alleging, first, lack of evidence for a cause of action; second, that the accident was due to the negligence of the deceased or some other employe; third, that the accident occurred without the boundary of the state of Oregon, and that the action for damages was not properly brought in this court.

Arguments on the motion were then commenced. Attorneys Winton and Noland, representing Mrs. Grimberg, contended that the action was properly brought here, for the reason that the ship was temporarily the property of the defendant corporation, which was, therefore, liable for damages. They admitted that the vessel was registered in California, but insisted that the place of residence of her owners and not the place of registry determined the question of the state to which she belonged and was part.

Mr. Fulton contended that Hume & Co. had never surrendered the ship to the possession of the charterer; that the master of the vessel was employed by Hume & Co., and that certain portions of the vessel were excluded from the use of the charterer; that the ship could not be held to have been even the temporary property of the defendant so long as certain parts of the vessel had been reserved for the San Francisco company. He argued that the vessel was part of the state of California, and that the action should have been brought there, although this was now impossible, because the statute of limitations prevented. Mr. Fulton said the Columbia River Packers' Association could not be held accountable for the death of Grimberg, for the reason that the vessel belonged to Hume & Co., who were necessarily responsible for her rigging and for the safety of the men employed aboard.

It was 8:30 last night before the attorneys finished their arguments. Judge McBride immediately retired to study the case. He stated that the point at issue was a very delicate legal proposition and that upon its settlement hinged the fate of the case. If he decides this morning that the Columbia River Packers' Association was temporary owner of the vessel under the terms of the charter, the motion for

the nonsuit will not be granted. This will make it necessary for the defense to introduce its evidence. If he holds that the vessel was part of the state of California, the motion will be allowed, and the case will end. The court remained up until a late hour, considering the propositions of law involved, as the jury is held together pending his decision.

TROUBLE AT SEASIDE.

County Commissioner Clark and Jack Callahan Involved.

The following dispatch from Seaside appeared last night in the Telegram: County Commissioner Clark and "Jack" Callahan, a local saloonman, are slated to appear for trial here Monday, on charges of disorderly conduct, the culmination of a shooting scrape in Callahan's saloon early Tuesday morning, when five shots were fired and no one hurt. It is said the trouble arose over a woman. After the first shooting, the county commissioner was thrown out, after receiving a severe beating.

Clarke then returned with a shotgun, and is alleged to have expressed the intention of shooting Callahan "full of holes." The city marshal took his gun away and started him home.

This was the last of a number of brawls which have resulted in a determination to "clean up" Seaside, and the place is now in the throes of a moral revolution. Gambling was prohibited here after the Larry Sullivan shooting scrape and the burning of the old Grimes hotel. Tuesday evening a number of reputable citizens met to consider conditions, and it was at first resolved to run all objectionable characters, men and women alike, out of town; but better counsel prevailed, and a committee was selected to make preparations for the city election in November, which would result in election of closed-town officials.

Refused to Register.

Telegram: Chester A. Whitmore, president of the Irwin-Hodson Printing Company, and one of the best known traveling men in the northwest refused to register as a voter this morning because he was required to state the name of the party with which he was affiliated. Mr. Whitmore applied for registration, but when informed that he would have to tell his politics decided to have his name left off the books. This morning only 11 voters were registered. Ten of them were republicans and the remaining one was a populist.

What is Life?

In the last analysis nobody knows, but we do know that it is under strict law. Abuse that law even slightly, pain results. Irregular living means derangement of the organs, resulting in constipation, headache or liver trouble. Dr. King's New Life Pills quickly adjust this. It's gentle, yet thorough. Only 25c at Chas. Rogers' drug store.

Notice to Taxpayers.

The county board of equalization will convene at the county clerk's office on September 26, 1904, and continue in session daily thereafter for a period of one week, for the purpose of publicly examining the assessment roll for the year 1904 and correcting all errors in valuation, description or quality of land, lots or other property, and all interests are notified to appear at the above time and place for the purpose of lodging objections, if any there be, to said assessment.

T. S. CORNELIUS,

Assessor of Clatsop County, Oregon. Dated Astoria, August 29, 1904.

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We will have on display a complete line of millinery, including "Gages" Fine Tailored Hats, New York and Chicago Hats and Hats of Our Own Creation.

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