

DOCKET FILLED WITH CASES OF IMMENSE IMPORTANCE, THERE WILL BE LITTLE PROGRESS BEFORE CONGRESS MEETS.

Washington, Oct. 8.—An unusual situation will face the supreme court of the United States when it convenes Monday for the term of 1910-11. With a docket literally overburdened with important cases awaiting argument and decision, the supreme tribunal will probably be obliged to mark time for two months or more before it will be able to take up the important work that is before it.

The necessity for delay arises from the lack of a full bench. At the present time the court is without a chief justice and without that dignity it will be found almost impossible to proceed with the important business at hand. It is pointed out that the chief justice, in addition to being the balance wheel between the other members of the court, is required to pass individually upon many delicate and important motions, requiring a deep knowledge of the procedure of the court.

The successor to the late Chief Justice Fuller, whoever may be the man chosen for that high honor, assumed the seat until after the time the new chief justice will have been confirmed and the successor of Justice Moody, who has availed himself of the special act passed by congress and has retired, will have been named and confirmed. Then there will be a full bench and the most important cases in the last half century can be heard.

Thirty Cases for Argument. Thirty cases heard at the term of the supreme court which ended last June must be reargued at the term about to begin, owing largely to the fact that there were but seven members on the bench at the last term. Many of the cases will be heard at the same time in January. The 15 involving the constitutionality of the corporation tax were heard as one case, and doubtless will be so presented at the next meeting. Two involve the question whether the penalties for violating the 28 hour law for the transportation of livestock shall be determined by the individual shipments or by the train.

Two suits on the docket bring up the dissolution of the tobacco corporation. Two more cases involve the validity of indictments for grazing sheep on forest reservations without permission from the government; two others, the use of the water of the Walker river in California and Nevada, and two more the enforcement of the prohibition laws of Oklahoma in interstate shipments.

Standard Oil and Others. Other cases to be reargued are the dissolution suit against the Standard Oil company, and cases involving the constitutionality of the hours of service law for railroad employees, and that arising out of the use of the water of the upper Gila river in Arizona for irrigation. Six cases argued remained without action when the court adjourned for the summer vacation. Of these, the only one of general interest was that involving the rights of forwarding agencies to demand carload rates from railroads.

Kansas Depository Law. One of the first questions on which the court will probably pass will be the application for a review of litigation in the federal courts in Kansas over the constitutionality of the Kansas bank depository guarantee law. The United States circuit court for the district of Kansas, in an opinion handed down by Judge Pollock, held that the law was unconstitutional, as being in violation of the fourteenth amendment, and as unlawfully discriminating against national banks, and destroying their efficiency. However, the United States circuit court of appeals reversed the lower court and held the law to be constitutional.

United States v. Lutz. The United States will figure very largely in the business before the supreme court at its coming term. Many of the cases in which its representatives appear are of general public interest. In addition to the corporation tax cases and the Standard Oil and tobacco corporation issues, there are the controversy involving alleged contempt by Sampel Gompers and boycotts by the American Federation of Labor; a case under the railway rate law in which is brought up the question of the liability of an original carrier for loss in transit; so called government Panama Ibel suit against the Press Publishing company of New York, and the suit against the Hippolyte Egg company, the latter being first to come up to the supreme court under the pure food law.

HOFFSTOT WANTS THOSE INDICTMENTS QUASHED

Pittsburg, Oct. 8.—Frank M. Hoffstot, a prominent Pittsburg banker, who is under indictment for alleged bribery of city officials and for alleged conspiracy, through his attorneys today asked that the indictments be quashed. Hoffstot was indicted during the crusade on municipal graft. It was charged that he conspired with city officials to procure the naming of banks in which he was interested as depositories for city funds.

TURKISH SITUATION PROMISES TROUBLE

(United Press Leased Wire.) Athens, Oct. 8.—The situation in Turkey has become acute, according to official advices received here today. The Greek minister to Turkey has been recalled owing to persistent aggressions on the part of Turkey against Greece. It is feared that the "four protection powers" will intervene to the detriment of both Greece and Turkey.

Electrical Show at Denver.

Denver, Col., Oct. 8.—The myriad uses of electricity for power, lighting, transportation and as a labor-saver in office, shop and house work are illustrated in a great exhibition which opened in the Auditorium today under the auspices of the Colorado Electric company. The spectacular feature of the exhibition is an imitation of a mountain sunset provided by 3000 variable electric lights.

MRS. HELEN ANNIS



Latest photograph of Mrs. Helen Annis, widow of William E. Annis, who was shot to death by Captain Peter C. Hains two years ago, who will vigorously oppose the application for Haines' pardon, which was filed with Governor Hughes last week.

CARLOAD ENTRIES AT APPLE SHOW TO CLOSE NOV. 6

Entries in other contests accepted to 6 o'clock p. m. Nov. 9; individual exhibits from one orchard only.

(Special Dispatch to The Journal.) Spokane, Wash., Oct. 8.—Official announcement was made today by Ren E. Rice, secretary and manager of the National Apple show, that entries in carload contests for prizes aggregating \$1800, including the championship sweepstakes of \$1000, will close in Spokane at 12 o'clock noon on November 6. Entries in other contests for \$14,200 in premiums will be accepted up to 6 o'clock the afternoon of November 8. Professor H. F. Van Deman and his assistants will begin judging the morning of November 14, with a view to completing their work on November 18.

The rule requiring that each exhibit, except district displays, must be of fruit grown on one orchard only, is not open to broad construction, Mr. Rice added. "It means just what it says. The reason for insisting that an exhibit shall be taken from one orchard is to make the competition fair. It is apparent that if a grower with a number of orchards from which the apples entered were grown on one orchard, in all other classes the exhibitor pledges his word of honor to the same effect when he signs the entry blank. "There are no restrictions as to the number of orchards from which the fruit was gathered for the district displays. However, these contests, one for fruit grown on irrigated land and the other on non-irrigated land, cannot be entered by individuals. They are for collective displays exhibited by commercial clubs, associations, unions, counties or districts."

SAYS HUSBAND THREW BUCKET OF BEER AT HER

One of the causes alleged by Mrs. Marion Cumby in a suit for a divorce from James Cumby, filed in the circuit court today, is that he threw a bucket of beer in her face October 1. She also states that her husband cursed and swore at her, and that he struck her with a bottle.

WATERWAY MAN TALKS TO FARMERS' CONGRESS

Lincoln, Neb., Oct. 8.—Addresses by speakers of wide prominence made this evening at the most interesting and profitable days of the convention of the Farmers' National congress. Headline the list of speakers at the forenoon session were William J. Bryan, who delivered his lecture on "The Farmer's Share of the Revenue," and Congressman Joseph E. Ransdell, of Louisiana, who spoke on "Rivers and Harbors." No regular session of the gathering was held this afternoon, the time being devoted to entertainment provided by the local committee.

Texas Man Extradited.

(Sales Bureau of The Journal.) Salem, Or., Oct. 8.—W. C. Hawley, Bowlerman has honored a requisition for the return to the state of Texas of Ray Layton, now under arrest at Portland, and wanted in Texas for burglary with an attempt to commit theft. The authorities are directed to turn Layton over to Officer V. G. Maltborow, who will return the fugitive to Texas for prosecution.

Hawley Spends \$1089.00.

(Sales Bureau of The Journal.) Salem, Or., Oct. 8.—W. C. Hawley, candidate for reelection to congress from the first district, spent \$1,089.00 to secure his renomination, according to his statement filed with the secretary of state.

NEW WATER MAIN AMENDMENT WILL FIND OPPOSITION

Labor Council Announces Its Belief That the Proposed Measure Is Pernicious and Framed for Speculators.

Union labor, through the Central Labor council, is out after the scarp of the proposed "water main" amendment to the city charter. Labor leaders declare that the amendment is most pernicious, that it is framed in the interest of the land speculator and against the equity of the great mass of the people of the city, and that it should be defeated at the polls November 8.

At a meeting of the labor council last night it was decided to prepare an argument against the amendment and file it with City Auditor Barbur for publication and distribution among the voters of the city. Should Barbur refuse to publish the argument, as he has said he would, the Central Labor council will institute mandamus proceedings in the circuit court to compel him to do so.

H. J. Parkinson, one of the committee appointed by the council to take charge of the proceedings, stated the position of the council this morning. "In the belief of the committee who investigated the question, the proposed amendment is most pernicious," said Mr. Parkinson. "It proposes to put the burden of water main extension upon the water consumer and not upon the benefited property. It gives the city council and the water board absolute power to do as they please. They can project vast extensions to vacant districts and issue bonds for the immediate payment of the improvement. These bonds are to be taken care of by the rental collected from the water consumers, without respect to the benefit accruing to property supplied by water mains."

"It is further intended to pay back to property owners all the money they have spent in main extensions since 1907. "I make the statement that Mayor Simon and members of the executive board are personally and financially interested in large tracts of land to be covered under the provisions of the proposed amendment, and should it be adopted they will benefit to the extent of tens of thousands of dollars by the legislation, to the disadvantage of the common people of the city."

Labor Council Opposes. "The Central Labor council is opposed to the amendment, and intends to oppose it. A committee has been appointed to prepare an argument against it and to present this argument to the city auditor. "There is a 'nigger in the wood pile' some place. I have been unable to secure a copy of the amendment. I had great trouble in seeing it at all. City Auditor Barbur says he will not publish it, or will not publish an argument against it, as he is clearly required to do by law. "The session laws of 1907 clearly cover the question, and clearly make it the duty of the city auditor, not only to publish the law, but to publish an argument that is made against it. Section 10 of the act carrying into effect the initiative provides for the conduct of a city auditor in such cases, and makes it his duty to follow the same procedure that the law requires of the secretary of state in presenting initiative matters before the people. We intend to prepare our argument and present it to the auditor, and if he refuses to print it and distribute it, we will bring mandamus proceedings in the circuit court and decide the question there."

MINING CONGRESS WILL BE HELD AT SUMPTER, OCT. 20

Two Days' Convention of Mining Men to Be Most Important Meeting Ever Held in the Northwest.

(Special Dispatch to The Journal.) Sumpter, Or., Oct. 8.—The Sumpter Mining congress to be held at this place October 20 and 21, promises to be the most important gathering of mining men held in the northwest in recent years. At the congress or convention of mining men there will be representatives from all the important mining districts in the three states of Idaho, Washington and Oregon.

For the entertainment of the visitors here on those days Sumpter is making great preparations. Invitations have been sent to everybody interested in the promotion of legitimate mining in the northwestern states. An especial effort will be made to give the visitors at the congress an opportunity to inspect the mines operating in the district.

For the past four or five years mining has been very quiet in eastern Oregon, but during the past summer there has been a great renewal in mining activity, and now there is work going on in many quarters, indicating a steady growth of the mining industry.

BAUDETTE, MINN., SWEEP BY FIRE

Reports From Winnipeg Say Several Other Hamlets Have Been Destroyed.

Fort William, Ont., Oct. 8.—A special from Baudette, Minn., about 250 miles west of here on the Canadian Northern railway, which was destroyed last night by forest fire, says: "The most disastrous forest fire in the history of northern Minnesota and western Ontario, visited this vicinity last night in which a number of hamlets were lost and millions of dollars worth of property was destroyed. It broke out northwest of the town about 6 o'clock and by 8:30 the whole towns of Baudette and Spooner were on fire. "The down-coming trains report the right of way strewn with corpses, five have been found between here and a point five miles west. The parties were endeavoring to get away from fires and got out on the track only to be burned to death between the rails, the bodies being charred except the shoes. "One woman was found with a six months' old babe in her breast, both so completely charred by flames as to be unrecognizable. "It is feared that hundreds of settlers south of here have perished, as it is known that yesterday they were packing up to come to town and they have not reached here yet."

HOOD RIVER FARMER KILLED IN RUNAWAY

(Special Dispatch to The Journal.) Hood River, Oct. 8.—P. D. Hinrichs, wealthy farmer of Hood River valley, was killed in a runaway near his home on a train several months ago. The other is accused of forgery, and formerly worked for a local paving company.

POPULAR FIREMAN DIES AFTER LONG ILLNESS

Martin Metzler, driver of engine company No. 4 of the city fire department, died at the Good Samaritan hospital yesterday morning after an illness extending over several months. Five and a half years ago Mr. Metzler entered the fire service and soon became popular with his comrades at the several stations. Funeral services will be held at 2:30 Sunday afternoon at Holman's.



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PEOPLE ARGUING ON SALMON STREET

Protest Against Laying of the Tracks of Oregon Electric on Thoroughfare; City Executive Board Has Franchise.

The application of the Oregon Electric railroad for franchise on Salmon and Tenth streets to connect its present terminus with the United Railway line was under discussion yesterday before the street committee of the city council. The committee decided to send the franchise to the executive board for valuation. The Hill interests are very desirous of securing this franchise, which would eventually give them direct connections from Salem to the sea.

At yesterday's hearing strong petitions were presented from residents of Salem, McMinnville, Newberg, Forest Grove, Hillsboro and Albany, urging the city council to grant this franchise so that residents of the Willamette valley may gain direct access to the business center of Portland. The city council of Salem has also adopted resolutions urging that the franchise be granted.

More than 50 per cent. of the property owners on Tenth street have given their consent to the granting of the franchise, but opposition has developed on Salmon street.

John F. Logan appeared before the street committee in behalf of protesting property owners on Salmon street and urged strongly that the franchise should not be granted. He declared that the value of property on Salmon street would not be injured, but benefited by the building of the line.

Judge Carey declared that the Hill interests are spending vast amounts of money in and around Portland, and that it is of vital importance, not only to the railroad, but to the people of the Willamette valley that the franchise should be granted. Since the business district is growing westward, he argued that Tenth and Salmon streets will soon be in the heart of the retail business section.

DOUGLAS GRAND JURY FINDS 2 INDICTMENTS

(Special Dispatch to The Journal.) Roseburg, Or., Oct. 8.—Two indictments were returned by the Douglas grand jury at the opening of the preliminary term of circuit court here yesterday. One was against Max Weiss, a local cold storage operator, who is accused of violating the local option law. The other was against a negro named Lowmyer, accused of attempted assault upon young Gladys Pass girl, on a train several months ago. The other is accused of forgery, and formerly worked for a local paving company.

SUFFRAGAN BISHOP AMENDMENT FAILS

(United Press Leased Wire.) Cincinnati, Oct. 8.—At the Episcopal convention the proposed suffragan bishop amendment to the church constitution, as favored by the house of deputies and opposed by a committee of negro clergymen, was rejected yesterday by the house of bishops.

GABY UNDER CONTRACT; ONE YEAR IN NEW YORK

(United Press Leased Wire.) New York, Oct. 8.—Florence Ziegfeld, Jr., announced today that he had secured an option for one year on the services of Miss Gaby Deslys, to appear in America at \$500 per week. "I never heard of her escapades with King Manuel before. I signed her because she was a beautiful girl and an exquisite dancer and singer. I have called my European representatives to ascertain if she will be here at the time her contract calls for."

Pendleton Man Married.

(Special Dispatch to The Journal.) Pendleton, Oct. 8.—Cecil R. Wade, son of Mr. and Mrs. E. T. Wade, was married at Coos Bay on Wednesday, September 28, to Miss Margaret Beatrice Murphy, a young lady of Marshfield. They are now upon their wedding trip and expect to visit several days with Mr. Wade's parents in this city. Since leaving Pendleton several years ago Mr. Wade has been living at Bandon where he is practicing law and is serving as city recorder.

SENATOR LA FOLLETTE

Three Pages of Election Pamphlet Will Be Devoted to Argument Favoring Non-Political Judiciary.

Three pages in the election pamphlet will be occupied by the executive committee of the non-political judiciary with an argument why the supreme court of Oregon should be taken out of politics, and kept out. The argument will be signed by Martin L. Pipes, chairman, and Alexander Bernstein, secretary of the committee. Accompanying it will be personal data regarding the non-partisan judges advocated, all of whom are now incumbents of the supreme bench.

There is much activity at the non-political judiciary headquarters, where the unexpectedly good showing at the recent primaries gave great encouragement. September 24, not only did several thousand Republican voters write in the names of Justices Will R. King and Woodson T. Slater, Democrats, but the partisan Republican nominees fell far short of their party vote, indicating that several thousand more desire the non-political candidates, but were unfamiliar with the method of writing in their names.

ELECTION OFFICIALS DISREGARD LAW

Judges and Clerks Fail to Credit Judicial Candidates With Votes Cast.

Completion of the election returns for Multnomah county shows that the judges and clerks of election plainly disregarded the law in making the count of the Democratic ballot. This is apparent particularly in the count of the candidates for judges, both for circuit and supreme court positions.

It is known that there were many votes cast for Supreme Judge F. Moore, and for Thomas McBride, while some were cast for Wallace McCann and George H. Burnett. In making up the returns, the judges and clerks evidently disregarded the law in that these candidates did not need Democratic votes for they made no returns on their tally sheets showing that these votes had been cast.

While this omission of the election officials would not have made any difference in the results of the count, in all probability, yet it is contrary to the law for the officials to omit noting any and all votes cast.

HUNT NEW HOME FOR CITY PARK ANIMALS

Work of selecting a site upon which to place the city zoo was taken up this morning by Mayor Simon, Park Superintendent Mische and Dr. J. H. Weatherbee. Several places are in view, and the members of the park board visited them this morning.

The matter of the removal of the zoo has been brought up by the complaints of residents in Parkside addition and other residents adjoining the City park, who say the roar of the lion and the yelp of the coyotes disturb their sleep. They further say the odor from the old barn and animal dens has become unbearable. The park board is working with the idea of securing a large tract of land, which can be developed into a first-class zoo. No less than 100 acres is desired. It has been suggested that the animals be moved to the peninsula or to the Mount Tabor park.

SHEEP COMPANY HAS \$100,000 CAPITAL STOCK

Articles of incorporation were filed in the county clerk's office today as follows: Baldwin Sheep company, Portland; capital stock, \$100,000. Incorporators, James Rice, G. N. Standifer and James Elwood. The principal business for which incorporation was made is to deal in sheep and other livestock.

WALL STREET BANKERS TO SEE N. Y. OF WEST

Next Friday, October 14, the New York bankers returning from the meeting of the National American Bankers' association closing at Los Angeles today, will visit Portland. There will be 75 in the party. They will arrive in four special trains over the Southern Pacific.

Lineman Injured at Albany.

Albany, Or., Oct. 8.—S. T. Cronley, a lineman in the employ of the Northwestern corporation, came in contact with a live wire while at work at 10:45 this morning at the corner of Ninth and Lyon streets, and his death is momentarily expected. He is 28 years of age, has no family and has been here but a short time. Cronley was working on a pole when the accident occurred. He was seen to fall across a wire where he hung limply for a minute and then fell to the ground, a distance of 35 feet, striking on his face, which was badly injured.

WILL HIGH COURT SHOULD BE TAKEN OUT OF POLITICS

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Probably 2000 votes that were actually written in were never returned to the secretary of state, judges and clerks in numerous authenticated instances refusing to count such votes for King and Slater as Republican nominees, or else transferring them to the Democratic column.

Epists Carried Out. In the case of the Democratic ballot, where Justices King and Slater received the regular nomination and Justices McBride and Moore, Republicans, had no opposition and were written in by enough Democrats to make them the regular Democratic nominees, the spirit of the non-political judiciary principle was carried out in full.

The following is the thread of the argument to appear in the election pamphlet: "The official ballot will contain the following names as candidates for justices of the supreme court: "For the four-year term: "Henry J. Bean, Republican. "Thomas A. McBride, Non-Political Judiciary, Republican, Democrat. "Woodson T. Slater, Non-Political Judiciary, Democrat. "For the six-year term: "George H. Burnett, Republican. "Will R. King, Non-Political Judiciary, Democrat. "Frank A. Moore, Non-Political Judiciary, Republican, Democrat.

There will be prohibition and socialist candidates, but the four judges to be elected will be four out of the six. Four of the six are present incumbents of the supreme court, to wit: Justices Moore, McBride, King and Slater.

Against Political Influence. "Now, judges, administer the law, which ought to be the same for all men, high or low, rich or poor, and without regard to party. Judges are chosen from the best of the citizens without regard to party, and no juror can be asked as to his political opinions as a test for jury service. There is no more reason for inquiring into the political opinions of a juror as a test of his qualifications, than there is for inquiring into the political opinions of a juror as a test of his qualifications. Both the judge and the juror decide cases, the one deciding the law and the other the facts in the case. Both ought to be equally free from political influence.

Judges Moore, McBride, King and Slater are running upon the principle that their political opinions do not relate to their judicial duties, and that their merits and not their politics ought to be the test. George H. Burnett and Henry J. Bean are now seeking places on the supreme bench upon the opposite principle, viz.: that they ought to be elected not merely on their merits, but because they are the nominees of a political party.

Principle Advocated. "The principle we advocate is a good principle, and the ticket to represent it is a good ticket. There is no good reason why two good judges should be put off the bench on account of politics and two other judges put in their stead on account of politics."

The argument then proceeds to establish the partisan principles of the present judges and Burnett by pointing out that the former was a candidate for nomination before the Republican assembly and when defeated, he ran in opposition to the assembly candidate, and that the latter actually ran with the name of the assembly candidate following his name. Little of the number of Justices Hughes, of the United States supreme court, former governor of New York state, are quoted. Justice Hughes is a strong advocate of a non-political judiciary.

JOHN DAY GAINING BUT WANTS A GOOD DOCTOR

John Day wants a physician. According to a letter received this morning by the Portland Chamber of Commerce, that town has now grown sufficiently in population to support a good practitioner, and it is further said, he would find it worth while to grow up with the country, as the population is steadily increasing.

SENTENCE SALARYLESS MAN FOR NON-SUPPORT

E. C. Roland was sentenced to a 90 day term from the county rock pile by Judge Cleston yesterday. The charge made against Roland was that of non-support of his family. Roland said that he was employed to work in the mechanical department of the bankrupt Oregon Daily Democrat and that he had not received any wages.

STANDARD CAFETERIA ASKS RELIEF FROM DEBTS

The Standard Cafeteria, an eating place doing business on Fifth street between Oak and Stark, today made an assignment of all its assets for the benefit of numerous creditors. Chief among the bills outstanding is that of Milton J. Jones for meats furnished the cafeteria. It amounts to \$511.

Journal Want Ads bring results