

POWER OF PARDON IS NOT APPLICABLE IN THE CITY CASES

Governor West Cannot Legally Free Prisoners Serving Time for Violating Ordinances, Says City Attorney Grant.

Governor West has no power to pardon persons serving sentences for violation of city ordinances and the governor and his predecessors, who have had to grant pardons to such offenders have therefore exceeded the powers vested in them by the state laws, according to an opinion submitted to Mayor Houghton this morning by City Attorney Frank H. Grant.

If the city attorney's opinion is correct in its interpretation of the law, then all the pardons that have been issued to city prisoners in the past are illegal and the question now arises, will those whose sentences were cut short by gubernatorial absolutions have to serve out their sentences? City Attorney Grant said this morning that he has no opinion to submit on this phase of the question, as some had been requested.

Until the voters of the city shall decide otherwise the city council alone has the pardoning power over municipal prisoners, according to a further statement in the city attorney's opinion. This power of the council may be conferred by charter amendment upon the mayor.

Miss Mc Power. City Attorney Grant says there are only three judicial decisions on record, in which the pardoning power of a governor over municipal prisoners has been the point at issue. After carefully digesting these decisions, the city attorney concludes:

"In the light of these adjudications and the fact that the constitutional provisions construed therein are substantially the same as the Oregon constitution, I am of the opinion that no authority exists in the governor of the state of Oregon to pardon offenses against city ordinances, and that his pardoning power is limited to offenses against state laws.

"A careful examination of the charter of this city discloses no direct delegation of authority in the mayor to exercise this pardoning power as far as offenses against city ordinances are concerned. The pardoning power is not naturally or necessarily an executive function, and where the constitution is silent vests no more in one branch of the government than in another.

Offenses Against City. The constitution of Oregon having vested the pardoning power in the governor, so far as state offenses are concerned, is silent as to the pardoning power as to offenses against city ordinances, and being a governmental power its exercise could, in his opinion, be delegated to the mayor, the same as any other governmental function can be delegated, by the legislature to a municipality, but no such delegation having been made by the legislature, in the enactment of the present charter, and it being a governmental power, it now rests in the council, under and by virtue of sections 3 and 71 of the charter, and can only be exercised by ordinance.

"The constitution of Oregon reserves unto the legal voters of every municipality the right to enact, amend or alter their own municipal charter, and under such provisions the pardoning power could, by charter amendment, be taken away from the council and vested in the mayor, subject to the right of the council to enact general laws carrying out its exercise."

"I will certainly not make any effort to retain the pardoning power which has been questioned by City Attorney Grant," said Governor West this afternoon over the telephone from Salem. "If he is right, I will be relieved of a lot of unpleasant duties."

SAYS LOVE STORY IS A "PIPE" DREAM



Lillian Schreiber.

Portland women who are among the partners of the Orpheum have been weaving a charming little romance around dainty Lillian Schreiber and the little man who are on the bill as Lilliputian athletes.

"She must be the wife of one of the little fellows," was whispered around the auditorium at the matinee Monday and Tuesday. It finally reached the ears of the little woman, and caused her the greatest amusement.

"I am sorry to shatter that little love story, but it is what you Americans call a 'pipe' dream," said Miss Schreiber. "The young men are not even related to my family, and it is only a coincidence that we are on the same bill. They are of German parentage, while I am of English descent."

Miss Schreiber presents much animation and intense force when she is talking upon any subject which interests her—rain and imagination. She entertains positive views on the suffragette movement of the Tight Little Isle.

as the Sackett's Harbor navy yard, is a woman. By that fact alone, she makes the United States navy unique among all the navies of the world, as none other has a woman in command of any naval establishment.

For official purposes it matters not that the station at Sackett's Harbor, which is on the lake shore of New York, at the source of the St. Lawrence river, consists only of a flagpole, and that the only ships are some hulks which have been rotting in the shallow water since the war of 1812. Congress has never given permission for the abandonment of the navy yard, and so it goes on.

In 1906 Albert H. Metcalfe was holding the position as commandant, though he was not an officer of the navy. In March of that year he died, and President Roosevelt appointed his widow to his post. The only duty is that of raising the flag daily, and seeing that no one walks off with the worthless naval junk.

CALL FOR ALUMINUM RAPIDLY INCREASING

(United Press Leased Wire.) Washington, Oct. 12.—From brochures to skyscrapers, the use of aluminum, or aluminum, as it is popularly known, is rapidly extending, according to a report on the advance of the aluminum industries, made by the United States geological survey. The utilities of aluminum seem almost endless, according to the report. It is already certain that it can be used for structural material, as it has been demonstrated that it is highly resistant to chemical action. It can be readily machined and rolled and drawn into wire, also.

Already the nations are beginning to be worried about the supply of iron ore and this fact makes the advance of aluminum take on a tremendous importance. Back of the Franco-German trouble over Morocco, for example, is said to lie, among other things, the fact that Morocco has vast supplies of iron ore which Germany needs and covets.

Not over a generation ago, aluminum was little more than a curiosity, principally because of its low specific gravity. It was worth \$16 a pound or more, and its total production in the United States was less than 100 pounds a year, notwithstanding the fact that aluminum is the most abundant of all the metals in the earth's crust, of which aluminum oxide forms about 15 per cent.

The consumption of aluminum in the United States for 1910 was 47,784,000 pounds, with a total value of nearly \$12,000,000. The price, it is thus seen, has dropped from about \$1 an ounce to about 25 cents a pound or one and one-half cents an ounce. The supply, according to the geological survey experts, is practically unlimited, only since the process of extraction. It is at present produced only from bauxite, a comparatively scarce mineral.

U. S. MILITARY ATTACHES MUST PAY LIVERY BILLS

Washington, Oct. 12.—United States military attaches at foreign embassies hereafter will have to pay their own carriage hire. A decision to this effect was handed down by the comptroller of the treasury, Tracewell. Several attaches have recently sent in bills for carriages used at official functions to which they had been invited. They contended that under the terms of the army appropriation bill providing "for transportation of army officers" they were entitled to reimbursement. Comptroller Tracewell ruled that the act does not apply to officers abroad and that, therefore, these officers must pay their own carriage bills.

An Italian electrician has perfected a method for employing an ordinary phonograph to record telephone conversations.

INDIAN MAY GO TO JAIL FOR LIFE FOR DEBT OF BUT \$100

Curious Problem Confronts U. S. Commissioner Cannon—Indian is Awaiting Sentence and Cannon Wants Aid.

United States Commissioner Cannon is confronted with the curious problem of how to avoid sentencing a man to imprisonment for life for debt. Hugh Hough, an Indian from the Klamath reservation, is the man. His debt is the amount of his fine owing to the federal government. His crime was the introducing of liquor on the Klamath Indian reservation.

Although the constitution of the United States forbids cruel and unusual punishments, there seems to be no getting around a federal statute providing that persons convicted of taking liquor on a reservation shall be imprisoned until they pay the amount of their fines. Hough says he has no money and can not pay his fine of \$100 and costs. If he doesn't pay it the life sentence is staring him in the face.

Cannon Wants Aid. "It is a curious situation," said Mr. Cannon today, "and I wish some lawyer who wants to make a name for himself would take Hough's case and bring habeas corpus proceedings to secure his release."

"It seems unreasonable that he should be kept in jail indefinitely and probably an attorney would be able to find some way out of the dilemma. The matter has been placed up to me for a ruling, but I am in hopes some one will come to Hough's aid."

Hough was a more or less quarrelsome Indian who got in a fight on the Klamath reservation, shot one of his opponents and tried to shoot the other. He was prosecuted for bringing whiskey on the reservation, convicted and sentenced to spend six months in jail and pay a \$100 fine. He served his six months and one month over, supposing the extra month would entitle him to get out without paying his fine and costs. But although that action would be all right in nearly every offense, it does not work with the one Hough is charged with.

Law Says "Serve Sentence." In 1812 a law prohibiting the introduction of liquor on a reservation was passed, providing a maximum penalty of two years imprisonment and \$200 fine. In January, 1901, a new law was passed, which placed the maximum of not less than \$100 and more than \$200. No maximum of jail sentence is given. The law states in case a convicted man does not pay his fine and costs he shall stand committed until he does.

There is a difference of opinion as to whether the act of 1891 was an amendment to the act of 1822 or whether it superseded it. If it superseded it there is no maximum penalty, and the man could stand in jail for life. If it was merely an amendment the two years maximum fixed in the old act could be used in the present case and Hough could only be kept in jail two years. But even that seems excessive for a \$100 fine and costs.

United States Attorney Walter Evans are trying to find a way out of it.

JURY FINDS ANOTHER WHITE SLAVER GUILTY

Chris Lewis was found guilty of violating the white slave act by a jury in the federal court today. Sentence was postponed until a week from Monday at the request of the defendant's attorney. Following the verdict Frank Chasica, a cousin of Lewis and one of his witnesses, was arrested for perjury. It being charged he swore falsely as to Lewis' character while on the stand.

Lewis and Chasica live in La Grande, Ore. Lewis, it was charged, brought a 17-year-old girl from Swida, Wis., to Portland and later to La Grande, where it was claimed, she became the prey of a gang of Greek slaveholders. The jury found him guilty on four counts. Chasica, for whom he worked, is said to have said Chief of Police Walker, in Portland and later to La Grande, where it was claimed, she became the prey of a gang of Greek slaveholders. The jury found him guilty on four counts.

Chasica was examined before United States Commissioner Cannon following the verdict in the Lewis case. He was asked several questions by the commissioner and he testified to the facts of the case. He was then committed to the grand jury or not until this afternoon.

JOSSELYN OBJECTS TO VACCINATION ORDER

President E. S. Josselyn, of the Portland Railway, Light & Power company, wrote a letter this morning to City Physician C. H. Wheeler stating that he considered it an unnecessary hardship on the company and its employees to cause the motormen and conductors to submit to vaccination because some time ago a case of smallpox had been reported on the Piedmont division.

"Mr. Wheeler has issued an order that all of our motormen and conductors be vaccinated," said Mr. Josselyn this morning, "but I don't see the good of it any more than if he ordered every man, woman and child in the city to be vaccinated. Even if it is deemed justifiable to vaccinate the men who work on the Piedmont division, there is no more reason, in my mind, for vaccinating employees on other divisions than there would be for vaccinating the employees of all department stores in the city because a case of smallpox was reported in one of them."

"I have written to Dr. Wheeler explaining my views and the hardships and inconveniences that the order is placing upon the company, the employees and the public."

Apparatus by which shutters may be opened and closed without opening a window has been patented by a Connecticut inventor.

MULTNOMAH CLUB GOSSIP

George W. Young, chairman of the building committee, speaking at a surprise on the board of trustees of the Multnomah Amateur Athletic club last evening, by predicting that the new clubhouse would be completed before Christmas (instead of New Year's, as has been stated).

The interior finishing of the clubhouse is being finished as rapidly as possible and faster than was expected.

The first soccer game of the Multnomah amateurs will not be played until late in November, when three games will be played in quick succession.

The bond sales continue in a lively manner and only a few thousand of each is to be sold of the \$10,000 worth that were demanded by the stock investors.

The track is nearly completed and finishing touches on the grandstand are being made.

The handball tournament will start next Friday for the Holiday cup, eight of the best players in the club have entered in the tournament.

The injury to Ralph Dimick is expected to badly weaken the club eleven in the big game against Williams university on Multnomah field Saturday.

The social swim last night at the Portland Swimming bath, Fourth and Yamhill, was a great success. Professor Cavill entertained the clubmen and women with an entertaining aquatic stunt. These swims are held every Tuesday night.

Work has been started on the new bleacher sections and they will be completed in plenty of time for the big games of November. For the present the smaller bleachers will suffice.

Superintendent Dow Walker is one of the hustlers.

The 12 billiard and pool tables are ready for installation in the new building as soon as the room is ready. The new billiard room will be one of the handiwork in the country.

Tommy Ryan, the new boxing instructor, was introduced to the members of the board of trustees last night, and Ryan outlined his plan of teaching the clubmen during the season.

W. M. Hamilton, one of the well known seniors, is moving to Salem, where he will have charge of the Portland Railway, Light & Power company.

Advertisement for Scott's Emulsion, featuring the text 'THE BRAIN is the force that keeps the nerves well poised and controls firm, strong muscles. Men and women who do the world's work can avoid Brain-fag and guard their health by feeding brain and body with Scott's Emulsion.'

Halloween Novelties of All Kinds, Main Floor and 4th Floor--High-Class Picture Framing, Fourth Floor Optical Department on the Main Floor -- Manicuring and Hair Dressing Parlors on the Second Floor

Large advertisement for Olds, Wortman & King, featuring various clothing and goods. Includes sections for 'Where the Word "Sale" Has a Meaning', 'Bargain Circle', 'Mother's Week Sale', 'Unl'dered Shirts', 'Learn to Knit and Embroider-Free Lessons', 'Women's Fine Coats', 'Silk Petticoats, Reg.', and 'Boys' Clothing, Regular'.

WOMAN COMMANDER WILL LOSE HER PLACE

(United Press Leased Wire.) Washington, Oct. 12.—Incidentally with the plan of Secretary of the Navy Meyer to abandon the unused navy yards of the nation, it has developed here that if the plan goes through, the only woman in the world in command of a navy yard will lose her job.

GOLD DUST makes pot and pan spick and span

Soap and muscle won't clean your pots and pans properly—thoroughly.

Ordinary washing of cooking utensils passes over whole hidden nests of little wigglers—commonly called germs.

Gold Dust is a sanitary washing powder that not only removes the visible dirt and grease, but digs deep after every trace of germ life—sterilizes pots, pans, pails and kettles—leaving them clean, wholesome, safe.

Shake a little Gold Dust in your dish-water and see the startling results.



"Let the GOLD DUST TWINS do your work!"

Dry cordwood. Albina Fuel Co.