

DIRECT PRIMARY IS PERFECTLY PROPER FOR OTHER MAN

But Senators Turn Thumbs Down on Proposition, as Shown by Report of Committee on Elections.

How the minds of certain United States senators work when they view a primary nominating election for membership in their exclusive set is shown in an interesting manner by the report made in the case of Senator Isaac Stephenson of Wisconsin, whose title to his seat is now under fire.

A copy of the report and testimony in the case, comprising two bulky volumes, has been received by Arthur I. Moulton, who was recently in Washington and heard the report read in the senate chamber. An interesting feature is the way the majority of the senate committee on elections, composed of standpat Republicans and conservative Democrats, turned thumbs down on the direct primary system, declining to recognize it as of any consequence in the election of a senator.

According to their view, while corruption and extravagant expenditures might disgrace the primary, it could not affect the seat of a senator, who gained his nomination by such means, as the senatorial primary directed by the law of a state is held to be void, and the senate, when inquiring into the title of its members, need only be concerned with what took place in the legislature.

File Minority Report. Several progressive members of the senate committee did not agree with these conclusions, and filed a minority report. Senators Clapp of Minnesota, Kenyon of Iowa and James of Washington, Republicans, Kern of Indiana and Lea of Tennessee, Democrats, decided Stephenson was not entitled to his seat.

The majority report of the reactionary senators makes interesting reading in Oregon. It was signed by Dillingham of Vermont, Gamble of South Dakota, Heyburn of Idaho, Sutherland of Utah, Bradley of Kentucky and Oliver of Pennsylvania, Republicans, and Johnston of Alabama, Fletcher of Florida and Pomerene of Ohio, Democrats.

Heyburn of Idaho stated his reasons, and the extreme reactionary view is shown by the following: "It was doubtless competent for the legislature to provide for direct primaries for the nomination of candidates for the legislature and to place legal restrictions about them to secure the integrity of their elections, but it is not competent for the legislature to provide for the nomination of candidates for the United States senate at direct primaries.

"The direct primary, legally speaking, is no part of an election of a United States senator. The duty of a senator does not end under the election with the electorate, but is vested by the constitution solely with the legislature. "A state may give force and effect to a direct primary law providing for the nomination of candidates for state or minor offices to be elected under the laws of the state, but the legislature has no power to regulate in any manner or to any extent the election of a United States senator, and there is no such proceeding known under any law of the United States as the nomination of a candidate for the United States senate.

Only Straw Vote. "The question arises, can any act in contravention of a law that is absolutely void work a forfeiture of any right to an office vested through the compliance with the constitution and laws of the United States? Did the proceedings preceding and at the direct primary relative to a choice for United States senator amount to more than a straw vote?

"The mere fact that the legislature of Wisconsin had undertaken to include a senatorial election within the provisions of its direct primary law, in the absence of power to so legislate, could not affect the validity of an election by the legislature made pursuant to national law. This must be obvious from the fact that the legislature was not in duty bound to elect anyone or consider anyone a candidate for election because of the election of the action of the direct primary. It might have ignored such action altogether, and its having done so would not in any way affect the validity of its action.

"It would be entirely within the power of a legislature, charged with the re-

DENTIST CANDIDATE FOR REPRESENTATIVE



Dr. Jack M. Yates.

Dr. Jack M. Yates has announced himself a candidate for nomination for state representative on the Democratic ticket. He is a member of the state board of dental examiners, having been appointed to that position by Governor Chamberlain. He is a member of the firm of Yates & Yates. He is a believer in Statehood No. 1 and his platform indorses that principle, along with progressive legislation that will tend to upbuilding the state. He is a native of Missouri and has been a resident of Oregon for 14 years.

responsibility of electing a United States senator, before proceeding to elect a senator, to repeal any legislation enacted by a previous legislature which placed a limit upon or directed its action. We must conclude that the direct primary proceedings cannot be held to affect the validity of an election by the legislature.

Election Not Affected. "The fifteenth specific charge is based upon the failure or neglect of Isaac Stephenson to make and file an expense account under the laws of Wisconsin. This requirement is under section 370 of the election laws, which provides that every person who shall be a candidate before any convention or at any primary or election to fill an office, for which a nomination paper or certificate of nomination may be filed, shall, within 30 days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place, a statement in writing, etc., and that any person failing to comply with this section shall be punished by a fine of not less than \$25 or more than \$500.

"This being a penal statute, the validity of an election could not be affected by the failure to comply with it." The report shows that Senator Stephenson's expense account was \$107,793.05 or \$139 for every vote cast for him at the primaries. S. A. Cook, another candidate at the primaries, spent \$42,258.29, or 88 cents per vote. William H. Hatton "laid up" to the extent of \$26,413 or 85 cents for each vote he received. Francis E. McGovern, now governor, expended \$11,043.83 or 26 cents per vote. Neal Brown, a Democratic candidate, spent \$1,078.87, averaging 43 cents for each vote, and the Socialist candidate averaged about \$1 per vote.

Senator Heyburn offers the following comment on the expenditures: Criticism Justified. "The amount of money expended by Mr. Stephenson, Mr. Cook, Mr. Hatton and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the election of candidates by the electors and not the selection of the electors by the candidate.

"Were a candidate for a state office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. Stephenson and of other men who sought election to the United States senate were conducted, it would be very difficult to justify such conduct under the laws of the state." In a separate statement filed by Sen-

ST. PATRICK SHOW U. A. C. WILL HEAR MACHINERY'S HUM

Foundry Will Run Night and Day; Mining, Electrical and Other Industrial Work Will Be in Full Blast.

(Special to The Journal.)

Oregon Agricultural College, Corvallis, Or., March 11.—The Engineering students of the Oregon Agricultural college are now busily engaged getting an exceptionally large number of novel exhibits ready for the annual St. Patrick show, which is to be held next Friday and Saturday evenings. The mechanical hall, foundry, power plant, blacksmith shops and the pattern and wood-working shops will all be utilized for the various exhibits arranged by the students.

Foundry to Run Day and Night. Heretofore the show has been devoted largely to the electrical department, but this year every division of the school of engineering will be well represented. The new foundry which has just been equipped with the latest machinery throughout, will be in operation both day and night. Castings will be made of brass, aluminum and iron from patterns previously prepared.

The mining department will occupy three rooms, where the students will show how assaying is done and will also make several interesting experiments in electric chemistry. One of these rooms will be devoted to the reflectoscope and to lectures on the geological formation and resources of Oregon.

New Electrical Machines. The electrical department will occupy an equal amount of space. The experimental laboratory will be open and there will be many of the newest machines on exhibition, among them the Olsen torsion machine and the Riehle 150,000 pound testing machine, which have just been installed.

The forestry department and the architectural club are planning several novel features. The latter has just received drawings and models from the east. Another popular attraction will be a Curtiss biplane. This machine was exhibited last year, but has since been purchased by A. M. Jepperson, a post-graduate student of Barcoona, who has remodeled it.

Highway Building Taught. A good roads exhibit, under the direction of Professor E. P. Ayres of the department of highway construction, will also be on display. Professor Ayres has obtained the use of the model rock crushing apparatus, and models of different types of highway construction at the state fair last fall. Professor Ayres will also give a lecture which will be illustrated by several hundred slides just received from Washington, D. C., showing results of the good roads movement.

J. B. Mann of Portland, a senior in the electrical department, is general manager of the show and F. O. McMullan, a senior in the same department, of Salem, is looking after the financial end of the undertaking.

ators Sutherland and Pomerene the following appears:

At Least Excessive. "That an expenditure of \$107,793.05 is an excessive amount to be spent in the candidacy for the office of United States senator, which pays a salary for six years' service of \$45,000, goes without question." Wisconsin law in relation to the payment of nearly \$3000 to the state game warden by Stephenson's managers, the two senators say:

"This statute makes it an offense for any officer, agent, clerk or employe under the government of the state to solicit, or receive any assessment, subscription, contribution or political service from any officer, agent, clerk or employe of the state. It is clear that this statute was not violated by Senator Stephenson, since he was not an officer, agent, clerk or employe of the state. Moreover, the statute makes it an offense on the part of the recipient of the fund only. No offense is committed by the donor.

Subject to Fine. "Mr. Stephenson, because of his failure to file a proper account, has violated the statute and is subject to a fine. However, he must be absolved from any moral delinquency, because in the preparation and filing of his account he consulted with counsel and followed their advice, and if it was not properly done they were to blame rather than he.

"Mr. Puelcher, a banker, acted as treasurer (of the Stephenson fund). He did not open an account as depositories usually do. He received remittances, kept private memoranda, paid out cash and made disbursements of these funds, but kept no record thereof upon the bank's books. No other customer's funds, either before or since, were received or disbursed in a similar way. There was an air of mystery about the entire affair."

LIKES JAIL SO WELL HE NOW PAYS TO REMAIN

Chicago, March 11.—"I treat my prisoners as I would expect to be treated if I were in jail. One of my former prisoners liked his treatment so well that he now pays \$1 a day for the privilege of lodging and boarding in the jail." This is the statement made by Sheriff A. A. Kuhn of Dupage county, in his own defense before Federal Judge Landis, when he was held before the court today to explain the unusual privileges he is alleged to have extended to Coleman "Duth" Heitler, sentenced to thirty days in jail by Judge Landis. Heitler was sentenced in connection with a white slave case.

HAMMERSTEIN CHARGES HIS BRIDE DRUGGED HIM

Omaha, Neb., March 11.—"I married my wife under the influence of a drug she gave me," said Abe Hammerstein, son of Oscar Hammerstein of New York, today, and I have plenty of reasons for getting a divorce without coming out west here for it. I came out here for a rest. After I had been married a little while, I had to go to a sanitarium for four months and I am just getting my health back.

"The story that came out of Kansas City that I was looking for a chance to file my suit is a mistake, and I don't want it to be spread, for fear it might hurt my chances in the suit already filed."

GREAT DEMAND FOR ELKS BOOKLETS SEEN

The illustrated booklets issued by the local lodge of Elks advertising Portland and the Elks' reunion to be held in this city next July are in great demand, especially throughout the east. Different railway officials in the middle west states have sent many orders for the booklets and the large placards. As there were only 50,000 copies of the book-

lets it will be impossible to supply all the orders.

The secretary of the Jersey City lodge ran out of the supply of pamphlets a few days after he had received them. Harry C. McAllister, secretary of the Elks' 1912 convention commission, received a letter yesterday in which he was urged to send a large supply immediately.

Members of the San Francisco lodge of Elks, acting with the cooperation of the Portland lodge, are investigating the cost of chartering an ocean steamer which will be used for sight seeing on the Willamette and Columbia rivers during the reunion week.

Saturday afternoon the decoration committee of the 1912 commission, com-

posed of John M. Burgard, George L. Baker, Dr. Harry F. McKay and J. A. Grant, made a tour of the proposed court of honor, for the purpose of deciding how the decorations for the court are to be placed. The court which has been proposed is bounded by Stark, Morrison, Seventh and Fourth streets.

GIRL HELD PRISONER THIRTY DAYS BY TRIO

(United Press Special Wire.) New York, March 11.—Held a prisoner for 30 days in a strange house, under constant guard of three men and without proper food, Mary Burdick, 17, was rescued by the police after she had

dropped a note from the window and had fallen at the feet of Joseph Friedman, who claimed to be her cousin. Friedman waited the police, who broke down the door and found the girl sobbing. She said her home was in Long Island City, and that she had been decoyed to the house while seeking employment. The police arrested three men.

TO CURE A COLD IN ONE DAY Take LAXATIVE BROMO Quinine Tablets. Druggists refund money if it fails. E. W. GROVE'S signature on box.

There is nothing more disappointing to a woman who wants to tell a secret than the discovery that the other woman is already next to it.

Moyer Suits for Boys. Moyer's Boys' Suits are famous for their long-wearing qualities and their moderate cost. We will be glad to have you bring your boys in and let us fit them out. We show many new patterns in splendid fabrics that will give long service with good appearance. \$2.50 to \$5.00 Boys' Junior Norfolk Suits Five to Ten Years. \$3.95 to \$6.00 Boys' Confirmation Suits In Blue Serge. \$5.00 Moyer's Special Boys' Suits With Two Pairs of Pants Seven to Seventeen Years. Well tailored from stout chevots and cassineres, in tans, browns and grays. The pants are full peg top and are lined all through. You cannot equal these suits at the price. When You See It In Our Ad, It's So MOYER First and Morrison Second and Morrison First and Yamhill FIVE STORES 87 and 89 Third Third and Oak

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HOTEL CORNELIUS House of Welcome PORTLAND, OREGON The Brown Bus Meets All Trains. A high class modern hotel in the heart of the theatre and shopping district ONE BLOCK FROM ANY CAR LINE Rooms Without \$1.00 Per Day and Up. Rooms with Bath \$2.00 Per Day and Up. E. P. MORRIS, Prop. A. KRAUSE, Manager.

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OREGON HOTELS WHEN IN Portland, Oregon STOP AT THE HOTEL MULTNOMAH "Portland's Largest — Northwest's Grandest Hostelry" Absolutely Fireproof — 725 Rooms — 300 Rooms With Bath 100 Sample Rooms Occupies an entire block in the heart of business and financial districts. The most magnificent Lobby, Restaurant, Ballroom, Banquet Hall and Public Rooms in the West. The utmost in comfort and convenience. Headquarters B.P.O.E. Grand Lodge Convention, Portland, 1912 EUROPEAN PLAN — RATES \$1.35 TO \$5.00 PER DAY Busses Meet Every Train and Steamer E. C. BOWERS, Manager J. M. BROWNELL, Assistant Manager

NEW PERKINS Fifth and Washington Streets. A Hotel in the Very Heart of Portland's Business Activity. MODERN IN EVERY RESPECT Electric Auto Bus. Cars to and from Union Depot every few minutes. L. Q. SWETLAND, Mgr.

The Hotel Bowers Eleventh and Stark Sts.—Under New Management offers all the conveniences of a high class hotel, with all the comforts of a home. European plan. \$1.00 per day up. American plan, too. Famous for its grill, a la carte and table d'hôte service at reasonable prices. Special rates to permanent guests. F. P. WILLIAMS, MANAGER

New Dalles Depot Is Under Way. The Dalles, Or., March 11.—Work is in progress on the \$200,000 depot which the O.W. R. & N. will build in the Dalles. The new depot is well located, being apart from the freight house and yard, and will be much more convenient than the present depot.