



## SECOND CHOICE VOTE NOMINATES COSGROVE FOR GOVERNOR

### All But One County Is Heard From

### JONES U. S. SENATOR

### Result of Democratic Primary Lost Sight of in the Shuffle

### PATTISON MAY BE IN LEAD

### Meagre Returns Indicate Nomination of George F. Cotterill For United States Senator and Pattison, Governor, on the Democratic Ticket.

SEATTLE, Sept. 10.—Returns from the republican state primary are still incomplete but all counties except one have been heard from. Later returns are not likely to change the following results:

United States Senator—W. J. Jones.  
Governor—S. G. Cosgrove.  
Lieutenant Governor—C. E. Shooner.  
Secretary of State—Sam H. Nichols.

Auditor—C. W. Claussen.  
State Treasurer—J. C. Lewis.  
Attorney-General—W. P. Bell.  
State Land Commissioner—W. E. Ross.

State Superintendent—H. B. Dewey.  
Insurance Commissioner—J. H. Schiveley.

Congressman, First District—W. E. Humphrey, incumbent.  
Congressman, Second District—F. W. Cushman, incumbent.

Congressman, Third District—M. C. Poindexter.

The following is the vote on United States Senator as far as compiled:

W. L. Jones, 32,129.  
Levi Ankeny, Walla Walla, 17,058.  
W. H. Snell, Tacoma, 5,208.

Governor Mead and ex-Governor McBride both concede Cosgrove's nomination.

The feature of the contest is the fact that the second choice vote nominated Cosgrove. Poindexter is nominated to succeed Jones. The republican fight has been so hot and there are so many names on the primary ticket that the result of the democratic primary has been lost sight of altogether and it may be another day before the returns are tallied. There was no contest except for gubernatorial and senatorial nominations and

the meagre returns indicate that George F. Cotterill of Seattle is nominated for United States senator and John Pattison of Spokane for governor. Non-partisan ticket for supreme judges was nominated. The candidates being John E. Humphries and Milo A. Root, republicans of Seattle and Stephen J. Chadwick of Colfax, a democrat. Root is now on the bench.

#### BASEBALL GAMES.

##### American League.

Boston 2, Philadelphia 8.  
Chicago 7, St. Louis 2.  
Pittsburg 1, Cincinnati 3.  
Brooklyn 5, New York 6.

##### American League.

Washington 1, Boston 7.  
Cleveland 5, St. Louis 2.  
Detroit 6, Chicago 5.

##### Pacific Coast League.

Portland 2, Los Angeles 1.  
San Francisco 6, Oakland 1.

##### Northwest League.

Seattle 6, Butte 8.  
Tacoma 1, Vancouver 3.

## PLAN HOLLADAY TRACK FOR BIG RESORT

### RAILROADS MAY MAKE CLATSOP BEACH FINEST ON PACIFIC COAST.

### HARRIMAN BEHIND PROJECT

### Engineers and Experts Representing Several Railroads, Investigating Feasibility of the Improvement and Harriman's Interest Are Apparent.

### PORTLAND, Sept. 10.—Engineers and experts representing at least two railroads and a number of other interests are now at work quietly investigating the feasibility of improving the entire Holladay tract at Seaside, covering more than 800 acres of the finest stretch of ocean frontage along the entire length of Clatsop Beach. The tentative plans, as outlined by a man who is in close touch with the operations already under way, include the erection of the finest Summer resort on the Oregon coast, a mammoth tourist hotel with spacious grounds and strings of cottages, with all the other attractive facilities for the comfort and convenience of pleasure-seekers.

The tract in question stretches along the coast for more than a mile, all the way from the Government reservation on Tillamook Head, (Continued on page 8.)

## PRESENT SEA WALL AMENDMENT IS NOT FAVORED

### Many Prominent Citizens Attend the Session Last Night in City Hall

### COMMISSION OF NINE MEN IS DESIGNATED

### Harrison Allen, for the A. & C. Railway, Makes Brilliant and Forceful Statement Against the Bulkhead Amendment as It Now Stands, But Committee Votes to Proceed

G. C. FLAVEL  
S. E. HARRIS  
CHARLES GODDARD  
DR. A. KINNEY  
N. STAPLES  
E. HAUKE  
ANDREW BIRCH  
FRANK KANKINEN  
DR. W. C. LOGAN.

The final action of the charter amendment committee at its meeting in the city hall last night was to designate the nine men who will form the commission in the seawall project. The men whose names appear above were the ones elected, and, if the amendment becomes a law, they are the men who will have the entire matter in their charge.

The meeting of the charter amendment committee last night was the first one of their sessions which was attended by any considerable body of citizens. Aside from the election of the commission of nine men the only important action taken was a vote that the bulkhead amendment as prepared by the council committee will be recommended to the council at its meeting tonight, providing the attorneys can have it in shape for presentation; and a vote refusing to accept a substitute offered by Harrison Allen, as attorney for the A. & C. Railway. From start to finish the session was an interesting one, and the whole matter of the bulkhead proposition was gone over in one way or another. Among those present were the following:

James Finlayson, Frank Patton, J. T. Rose, Robert Carruthers, F. A. Fisher, George C. Flavel, I. Bergman, Frank C. Taylor, H. G. Van Dusen, J. H. Whyte, C. L. Houston, Dr. A. Kinney, Martin Foard, E. Z. Ferguson and J. N. Griffin. It was said that the citizen there represented from 60 to 80 per cent of the downtown values of Astoria, and it was noticed that virtually all of them were decidedly opposed to the bill, as it now stands.

According to the action of the committee last night, the bulkhead amendment will be recommended to the council at its session tonight, and as the charter amendment committee forms a majority of the council itself, it would seem apparent that the council is likely to accept the bill as presented to it. That means in all probability, despite the great objections made, that the amendment will be submitted to the people.

Dr. Logan, ex chairman of the charter amendment committee, called the session to order last night and the first matter that arose was the reading of the remonstrance made against the project by 105 property-holders. The committee voted to place the remonstrance on file, and to recommend the charter amendment to the council; and thus, at the very beginning of the session, the whole matter was formally disposed of before any one had a chance to voice an objection.

Harrison Allen, attorney for the A. & C., in a half hour's talk, stated the attitude of the railway on the matter. First of all he made it clear that the railway is not opposed to a bulkhead, but that the company is opposed to the project as it now stands; and Mr. Allen stated in a forcible manner the reasons the company objected to the project in its present condition.

"We think you are getting the cart

before the horse," said Mr. Allen. "While we wish to act with the citizens of Astoria on the matter, and while we must not be understood as opposing the project as such, nevertheless we are disposed to think that the present bill is not a satisfactory one. We think that a thorough investigation should be brought in to make a complete survey of the matter, that the total cost should be accurately made, and that all of these highly necessary details should be first ascertained. Then, if the matter be found feasible, and if after investigation of the cost, it be found desirable to go ahead, we can do so safely."

In a colloquy with Mr. A. M. Smith, who acted as the attorney for the committee and drew the bill, Mr. Allen emphasized the apparent fact that the amendment gives the commission extraordinary powers. It gives them powers so great that even the courts would not have the power to review certain of their important acts. It gives the commission, Mr. Allen said, more power than the common council has, and more power than the water commission has. Mr. Allen also pointed out how necessary it is to figure on the question of drainage, sewerage and the raising of grades. "All these things should be first ascertained," he said, "and then we can go ahead if everything is found all right."

Mr. Smith pointed out for the committee that the bill permits expenditures for this very purpose, though apparently the whole matter then would be in the hands of the commission, and the outcome would depend upon their honesty and business acumen.

Then Mr. Allen called attention to the fact that the committee had voted to submit the charter amendment to the council at its meeting tonight, and he urged that there be some delay so that the people could have a chance to learn more of its details. Mr. Allen at the conclusion of his original talk, presented a substitute bill, which is as follows:

"Section 158. The mayor is hereby authorized to create by appointment, subject to the approval of the council, a commission composed of three members, each of whom shall be a resident taxpayer of the city of Astoria. The commission so created shall be styled 'The Sanitary Investigation Commission of Astoria.' The commission shall continue until dissolved by a three-fourths vote of all the members of the council of the city of Astoria, and any vacancies caused by death, resignation or otherwise, shall be filled in the same manner as the original appointments were made.

"Sections 159. The commission provided for in the preceding section shall have power, and it shall be its duty to make a full investigation of the sanitary condition of the city of Astoria in so far as the same is affected by the ebb and flow of the tides, and if it shall appear to such commission practicable to improve such sanitary condition by the construction of a seawall and by filling the lands now covered by the tide within the limits of the city of Astoria, then such commission shall cause to be prepared comprehensive plans and specifications for the con-

(Continued on page 3)

## WEAVING WEB AROUND DAVIS FOR RUSTIN'S MURDER

### KERN TO TOUR

CHICAGO, Sept. 10.—John W. Kern, the democratic candidate for vice-president, will make a speaking trip in the South in October and the national committee is now arranging the itinerary. Colonel Wetmore of the finance bureau announced tonight that 1500 democratic newspapers had joined in the movement to raise a popular subscription fund with which to run the democratic campaign.

### FLEET AT ALBANY.

ALBANY, West Australia, Sept. 11.—After a 1300-mile voyage from Melbourne, the American battleships dropped anchor early this morning off King's Point at the entrance of Princess Royal Harbor in King George's Sound. Great crowds witnessed the coming of the fleet, sighting of which from Beaksea Island, was reported several hours before. The ships encountered smooth winds and fair seas on the way from Melbourne whence the fleet sailed Saturday.

## DECIDED IN FAVOR OF THE RAILROADS

### COMMODITIES CLAUSE OF HEPBURN ACT DECLARED UNCONSTITUTIONAL

### GRAY AND DALLAS AGREE

### Their Opinion Covers 75 Typewritten Pages—Judge Buffington Dissents But Does Not File His Opinion—Great Victory For The Railroads.

PHILADELPHIA, Sept. 10.—The commodities clause of the Hepburn railroad act was today declared to be unconstitutional by the United States Circuit Court for the Eastern District of Pennsylvania. Judges Gray and Dallas agreed in an opinion covering 75 typewritten pages that the clause is unconstitutional. Judge Buffington dissented, but did not file an opinion.

The commodities clause constitutes the fifth paragraph of the first section of the Interstate Commerce Act, it being one of the amendments made by the Hepburn Railroad Act of June 29, 1906.

The clause provides that after May, 1908, it shall be unlawful for any railroad company to transport from one state to another or to any foreign country any article or commodity manufactured, mined or produced by it under its authority, directly or indirectly, except such articles or

### Attending Physician Gives Important Evidence

### SEEN AFTER SHOOTING

### On His Way to Rustin's Home Dr. Lord Meets Davis Coming From Scene

### REVOLVER STILL UNFOUND

### Police Unable to Find Weapon With Which Dr. Rustin Was Killed—Last Evidence Declared Most Significant of Any Yet Received.

OMAHA, Sept. 10.—An important development was brought to the attention of the county attorney late today in the Rustin case when Dr. J. P. Lord, the physician who was called by Mrs. Rustin to attend her husband after the shooting, told the police that while on his way to Dr. Rustin's home he met a man answering the description of Charles E. Davis about two blocks from the Rustin residence and coming from the direction of the dying man's house. Chief Donahue this afternoon declared this the most significant bit of evidence thus far secured. The police are still searching for the missing revolver and have covered every foot of territory within several blocks of the Rustin home without success.

commodities as may be necessary for its use in the conduct of its business as a common carrier. The clause exempts timber and its manufactured products and is aimed particularly at railroads owning coal mines.

Judge Gray delivered the principal opinion which concludes:

"From every point of view which we have been able to approach the question, the unreasonableness and consequent invalidity of this so-called 'Commodities clause,' is apparent."

Saying that it invades the rights of the states by striking down liberty hitherto innocently enjoyed by its citizens to engage in interstate commerce to the fullest extent in harmless articles and deprives the defendants of their property contrary to the letter and spirit of the fifth amendment to the constitution. His opinion finishes:

"It will indeed be an open door through which forces of centralization hitherto unknown may enter at will to overthrow the just balance between federal and state power."

## A. BOOTH COMPANY GO TO RECEIVERS

### Will Know Eastern Fish and Oyster Firm Go to Wall Owing to Recent Financial Depression

CHICAGO, Sept. 10.—The fish and oyster firm of A. Booth & Company was placed in the hands of a receiver today. The Linen Thread Company of New York and Alfred Booth of Baltimore were complainants and on their petition W. J. Chalmers, president of the Commercial National Safe Deposit Company was appointed receiver with bonds at \$50,000. The petition asserts its liabilities at \$5,500,000 and assets at \$8,000,000. The

troubles of the company are alleged due in a large measure to the inadequacy of cash coupled with the financial depression last fall.

THE DALES, Or., Sept. 10.—Fire started under the roof of I. H. Tait's cannery in an unknown manner shortly after 1 o'clock today. It cannot be saved. The ice and electric plants will go also. The estimated loss is \$70,000.

## AEROPLANE FLIES IN STRONG WIND

### Wright Machine Breaks Record of Wednesday by Over 3 Minutes in Teeth of Heavy Winds

WASHINGTON, Sept. 10.—Orville Wright today broke the world's record for time and distance for a heavier-than-air flying machine which he established yesterday. In the flight requiring great skill on account of the ten-mile wind, he circled the drill grounds at Fort Meyer, 58 times in 65 minutes and 52 seconds, exceeding the time of yesterday's flight by over 3 1/2 minutes. The machine on rising from the ground climbed to a

height of 75 feet. For the first 30 rounds it flew as smoothly as on its previous flights but from that time it was seen to pitch at turns, as the breeze from the west struck it. The gust of wind were unusually strong and struck the machine on the 42nd round and it plunged sharply causing the crowd to exclaim in alarm.

Wright then brought the aeroplane lower, but on the 53rd round he had reached an altitude of 200 feet.