DENIAL BY SPENGER

Flatly Disputes Statement of District Attorney Manning.

BY AFFIDAVIT

Latest Phase of the Poolselling Case, In Which Prosecution Seeks to Prove That Its Hands Are Clean.

It is now a question of veracity between District Attorney Manning and Captain E. W. Spencer concerning what took place the office of the District Attorney when warrants were asked for the arrest of the men engaged in selling pools at the Irvington racetrack. Mr. Manning filed an affidavit in the State Circuit Court on Tuesday last, in which he stated under oath that when Captain Spencer called and demanded warrants and the arrest of the bookmakers, he said it was because W. S. Dixon was not permitted to sell the pools, and that the Multnomah Fair Association made a contract with Dixon in 1963 giving Dixon the exclusive right to sell the pools on the Irvington

racetrack during race meets. Mr. Manning further set forth in his affidavit that ap offer was made to show him this comract, and he declined to see it, and informed Captain Spencer that as it appeared that he only wanted warrants issued to gratify a spite, the warrants would be denied.

Captain Spencer Denies.

Yesterday Captain Spencer filed affidavits in the State Circuit Court denying everything contained in the affidavit of Mr. Janning, and Captain Spencer is backed up in his sworn assertious by affidavits signed by Dixon and E. R. Brown. Under the ruling made by Judge Frazer when the case was last before Mayor of this city, for the reason that I him, the affidavits of Captain Spencer, was not present at the opening exercises Brown and Dixon cannot be replied to deliver an address of wircome to the unless they contain new matter other than a denial of the affidavit of District that occasion, and intimates that my ab-Attorney Manning, but the District Atto the affidavits in the court, is not pre-nates" at the time. Inasmuch as Mr. cluded from doing so outside of court, or O'Gorman's criticism is unfair to me. I

Must Come With Clean Hands. It is a well-established principle of law that one who comes into a court of equity must do so with clean hands, and not must do so with clean hands, and not seek to use the court to wreak vengeance or to punish somebody. M. L. Pipes, Whitney L. Boise and J. T. McKee, in that hour. Now, it so happened that the chis case, have endeavored to convince committee of the Executive Board of the street-leaning and street-excitables do Judge Fraxer that Captain Spencer has been actuated by malice and a desire to get even with A. R. Diamond, Sanford Phirsch and other members of the Multnomah Fair Association because the pool-selling was taken away from Dixon. It was to substantiate this charge that the affidavit of District Attorney Man. It was to substantiate this charge that the affidavit of District Attorney Manning was filed, and upon the reading of which Henry E. McGinn, of counsel for Captain Spencer, launched into a bitter denunciation of the Prosecuting Attorney, statement can be verified by any members of the board, as was my duty. As soon as this meeting was over I went straightway to the regular monthly meeting of the Water Board, and presided as chairman until the meeting was over a soon as this meeting was over I went straightway to the regular monthly meeting of the board, as was my duty. As soon as this meeting was over I went straightway to the regular monthly meeting of the board, as was my duty. As soon as this meeting was over I went straightway to the regular monthly meeting of the board, as was my duty. As soon as this meeting was over I went straightway to the regular monthly meeting of the Water Board. Incidentally, it may be mentioned that Dixon is a nephew of Mrs. Elizabeth Ryan, who owns the racetrack property, and Mrs. Ryan is the mother-in-law. and Mrs. Ryan is the mother-in-law of Captain E. W. Spencer. He is her attorney in fact, and it is alleged by the captain content of those boards, as well as by the reporter of The Oregonian, who was present and "wrote up" a resume of the proceedings, which was published to the Oregonian. ney in fact, and it is alleged by the de-fense, is the real plaintiff in this case.

Montague, attorney, and read thus:

E. W. Spencer, make onth and say: In reply to the affidavit of John Manning tend hat I never requested John Manning to issue city. warrants or cause the arrests of bookmakers on the Irvington racetrack on but one ocsion, that that was on the 25th of July, 1965, his office, and I was accompanied, not by S. Dixon, but by E. B. Brown.

I requested Mr. Manning to cause the ar-rest of the bookmakers and poolsellers on the irvington racetrack, a list of whom I then offered him. I saked to have such arrests caused solely on the ground that said pool-seiling was in violation of the law;

the statement mad; in the affidavit receitable and the Multhomah Fair Associa-tion; that Mr. Diamond would not live up to said contract, and that therefore I wanted to make a complaint and have the bookmakers had be absolutely and unqualifiedly un-more fair on his part had he ascertained arrested, is absolutely and unqualifiedly un-true. That I did not at that interview men-tion the name of Mr. Dixon nor refer to his contract with Mr. Diamond nor the Multnomah Fair Association, nor any contract between, with nor among any person or per-sons relating to pooleelling on the track; that I did not offer nor suggest said reason for the requested arrests, nor any reason except that poolselling was in violation of the law; nor did Mr. Manning offer such or any like or similar reason for refusing to issue said war rants or making such arrests, nor any reason except that the public sentiment in this city was in favor of racetrack gambling.

I may further that the only time that I ever called at the office of Mr. Mannang in com-pany with Mr. Dixon was previous to the be-ginning of the racing season. That I called there at Mr. Dixon's request to introduce him to Mr. Manning and to ascertain of Mr. Man-ning if racetrack gambling was to be per-mitted. That I did not at that time ask to have any arrest of any person or persons, made, nor make any statement in reference thereto, other than to say that I desired and

did say to Mr. Manning that if any one sold mannish conts in tan and castors, late be Mr. Dixon, who had a contract with the Milnomah Fair Association granting him the Unquestioned excellence, style and quality excinsive privilege to that effect; but that I of every garment. Sharp selling today, added the statement that neither Mr. Dixon nor any one cise should sell pools there if I speak for themselves. See Morrison and

That in the month of June, 1905, I notined Mr. Dixon that there would be no pool-selling on said racetrack if I could help it. giving as a reason therefor the decision reme Court in the Nesse case, and

rying on such racetrack gambling. I further say that at that time I did not know what remedy I could resort to to sto; racetrack gambling if the Mayor and District Attorney refused to intervene, but that I was their and have been ever since the Neare de-cision determind to exert whatever rights La possessed for myself or my principals to pre-vent the violation of the law on the Irving-

That I was greatly surprised at Mr. Man-ning's conduct on the occasion of my visit to with Mr. Brown, for the reason that as early as the 24th day of May, 1905, in a conversation had by me with Mr. Manning, Mr. Manning told me that pooleelling would not be permitted at the irvington racetraci under any consideration. I further say that I am able to fix the date as the 24th of May from an article published in The Oregonian coming from Mr. Manning.

W. S. Digon Makes Affidavit,

W. S. Dixon, make oath and say:
That I have read the foregoing affidavit made
by D. W. Spencer, and that insofar as said
affidavit undertake to narrate the convesation had with Mr. Manning and Captain
Epencer on the occasion of the interview when
I was present; that the same is in all respects
I was present; that the same is in all respects
tri

Affidavit of E. R. Brown. Affidavit of E. R. Brown.

I. E. R. Brown, make oath and say:
That on the 2hh of July, 1905. I accompanied Captain E. W. Spencer to the office of John Manning, District Attorney, and was present at that office during the entire interview between said parties. That Captain Spencer presented or offered to Mr. Manning a list of men who were engaged in book-making and poolesiling at the irvington recurrack, and requested Mr. Manning unconditionally to cause their arress. That Mr. Manning refused on the sole ground that the pubnting refused on the sole ground that the pub-lic desired enid racing to continue, and per-sisted in his refusal, notwithstanding the re-peated pleas made by Captain Spencer. That at no time during eaid interview was That at no time suring the say contract bethere any reference made to any contract between W. S. Dixon and A. R. Dunn, or between W. S. Dixon and A. R. Dunn, or between W. S. Dixon and A. R. Dunnesever with tween any other persons whomsever with respect to the poolselling on said track, nor Captain Spencer, as grounds for requesting such arrest, or by Mr. Manning, as grounds for refueing to make such arres

Sult for a divorce was filed in the State Circuit Court yesterday by Ruth Elliott against Ernest Elliott, and for the custody of a child, a girl 5 years old, the issue of the union. An order of court is asked commanding the defendant to pay the fee of George S. Shepherd, plaintiff's attorney, amounting to his. The Elliotts were married in Medford in June, 1899.

Wants to Change His Name.

Christian Martinus Madsen yesterday petitioned the County Court for leave to change his name to Charles Christian Markin, a name which he adopted when he left school. For business, social and domestic reasons, he says it is desirable that Martin be made his legal name. He was born in New Jersey in 1873.

Begins Attachment Suit.

The Morgan Mercantile Company began an attachment suit in the State Circuit to recover \$10 for goods sold by J. Blum.

A NOTE FROM MAYOR LANE

He Tells Why He Did Not Welcome the Michiganders.

PORTLAND, Aug. 11 .- (To the Editor.) -In The Oregonian today, in a communi-cation entitled "Michigan Day at the Fair," John O'Gorman criticises me, as sence was due to the fact that I was "hobnobbing" with some "railway magtaking any other action in the premises beg of you the space to set the matter that he may see fit.

Must Come With Clear Hands

Was invited to deliver an address of welcome on the occasion to which he refers but before accepting the invitation I distinctly stated I would do so with the un proceedings, which was published in The Oregonian the next day. Also it is true that the fact that I was so engaged was telephoned by me to one of the gentlemen fense, is the real planning in Vancouver, B. Dixon, when at home, in Vancouver, B. in charge of the ceremonies at the Fair C., conducts a saloon.

The new affidavits were filed by R. W. there, and he was asked by me to explain there, and he was asked by me to explain Capinin E. W. Spencer's Sworn Statement. for my absence, and express to them my regret for my absence and in my behalf tender them a cordial welcome to our

> As to the "hobnebbing" charge, I would say that it was impossible for me to be present either at the dinner given to Mr. Harriman or the one given by him. Nelther did I see Mr. Harriman, por have I

I was sorry, and am sorry, that I was not present to welcome the people from Michigan on their day at the Fair, but, under the circumstances, it was not pos-sible for me to be there. I did the best I of Mr. Manning that at that time I said to him that Mr. Dixon held a contract for the exclusive betting privileges on the Irvington for my seeming discourtesy, which, I

the facts before he made his statements, which are not true, so far as I am referred to, in them. Also, I wish to say to any better than 1 do him, and, so far as I know, I have never seen either of them, and finally I wish to resent the them, and nuary imputation that I am a "hobnobbist HARRY LANE."

UNMATCHABLE BARGAINS

Today.

There seems to be no abatement of interest in our great midsummer sale. Muslin underwear, corsets, gloves, hosiery, Summer underwear, silk waists, silk skirts, silk petticoats in black and colors, Japanese kimonas and dressing sacques are the principal attractions of the store at present. Balance of all our bathing intended to stop poolselling and racetrack suits reduced almost to half price. In our gambling on the Irvington racetrack by whom seever conducted or attempted to be convance styles for Fall and Winter in ladjes' fine cravenette coats, ladies' box and speak for themselves. See Morrison and Third-street show windows for values and McAllen & McDonnell, corner Third and Morrison.

BY UNDINE UP COLUMBIA

Excursion Steamer Leaves Taylor-Street Dock at 8:30 A. M.

No mountain and river scenery in America equals that of the Upper Columbia River. No steamboat on the Pacific Coast surpasses the Undine. Her excursion run to Cascade Locks is a ride through Wen-From Taylor-street dock, 8:30 A. M.

BEST OF ALL RIVER TRIPS

dally. Round trip, \$1.50.

To Cascade Locks and Return Daily 8:30 A. M., Sunday 9 A. M.

A trip on the Columbia to the celebrated Cascade Locks and return on the splendid steamer Balley Gatzert Leaves week days, 8:30 A. M.; Sunday, 3 A. M.; arrive back, 5:30 P. M. Mesis on board. Bound trip. \$1.50. Starts from Alder-street dock

PRINCIPAL PORTLAND AGENTS FOR BUTTERICK PATTERNS AND PUBLICATIONS

The Meier & Frank Store

Open Tonight Until 9:30

Custom Shade and Drapery Work Our Specialty-Lowest Prices-Third Floor Sole Portland Agents for "Peninsular" Stoves and Steel Ranges-None Better Artistic Picture Framing to Your Order-New Line of Mouldings-Lowest Prices

Saturday in the Men's Department \$1.00 Golf Shirts at 69c Each



For today's selling 500 Men's Golf Shirts of fine corded madras-Also fine French Percales-With or without attached cuffs-Big variety of patterns-Light or dark colorings-All sizes Remarkable value for today at.....

New line of Men's fancy Hose, the very best styles, in Lisles and fine mercerized Cottons; tans, browns, black, fancy embroidered and new Jacquard effects;

The official Lewis and Clark Handkerchiefs for Men, made of fine soft 25c material, hemstitched, 25c quality at, two for Boys' Madras and fancy Gingham Negligee Shirts, in plain and fancy stripes; big assortment; our regular 75c values, in all sizes, today at. 59c

50c Suspenders 29c Pair

100 dozen Men's Lisle Suspenders, light and dark webs; best patterns; reinforced ends; every pair guaranteed satisfactory; 50c values, for the low price of, pair....29c Boys' Golf Shirts, two collars to match; fancy stripes and figures; best value in town 41c

at this low price, each

\$1.25 Underwear 79c

Men's Summer Underwear-All our \$1.25 lines, in tan, pink and blue mercerized Lisle; fancy blue striped and openwork Lisles and fine cotton ribbed Underwear; nearly all sizes, from 34 to 44; great special value for to- 79c

Men's \$10.00 Blue Serge Suits Today at, Each \$5.00 Men's \$12.50 Blue Serge Suits Today at, Each \$6.25 Men's \$15.00 Blue Serge Suits Today at, Each \$7.50



Every man and young man having clothing needs is interested in our great half price sale of blue serge suits-Without doubt the greatest value in men's clothing ever offered by any Portland store-Three grades for your choosing-Round cut or double-breasted sacks-Regular lean and stout sizes-Splendidly tailored throughout-Perfect fitting and desirable styles-A bargain no one can afford to overlook-

Remember today is the last day in Half Price which to take advantage-2d floor.... Stein-Bloch's \$25.00 Suits \$17.85

Stein-Bloch's high-grade Suits for particular Men; fancy Worsteds; this season's very best styles in good variety and all sizes; \$17.85

Women's Neckwear

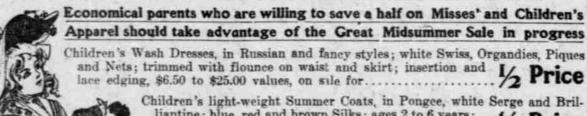
Washable Stacks in scrim, linen, madras and bolting cloth; trimmed in Freach knots, insertion and piping; regular 35c and 50c values for, each.... 15c White China Silk Collars without tabs embroidered in Persian, green, lavender and light blue; roses and dotted designs; 35c values on sale for 19c

Sale of Boys' Clothing

All Washable Kilts for little boys; best Half Price styles and materials Broken lines of Boys' \$2.00, \$2.50 and \$4.00 Suits \$1.98 on sale for Russian Wash Suits, Sailor Blouse and Eton Sailor Suits; best patterns and wash materials—

\$3.50 values for, each. \$2.60 \$4.50 values for, each. \$3.65 \$5.00 values for, each. \$3.65 \$5.00 values for, each. \$3.65 \$5.00 values for, each. \$5.35 \$6.50 values for, each. \$5.85 \$7.50 values for, each. \$5.85 \$1.00 values for, each. \$5.85 \$1.00 values for, each. \$5.85 \$1.00 values for, each. \$7.85 Boys Blouses of light percals, all sizes; best patterns; with or without collar; great special values at. ... 50c Boys all-wool 2-piece Suits; all sizes; regular \$5.00 and \$6.00 values for ... \$3.30 Great special values in young men's Suits.

Children's Apparel at Half Price



liantine; blue, red and brown Silks; ages 2 to 6 years; /2 Price Children's Reefer Coats, in blue and brown Cheviots, tan Coverts, Tweeds,

Homespuns; "Peter Thompson" styles; chance to save I/ money on Fall garments; \$8.50 to \$12.50 values, for..../2 Price Children's Dresses, made in plain and fancy stripes and checks; Cham-

brays and Ginghams; "Buster Brown" and French styles; ages 88c

Large assortment of Children's Dresses, made in Chambrays, Percales and Ginghams; pretty styles, neatly made; ages 2 to 14 years; great values at this wonderfully low price.................................96c

35c Ribbons 23c Yard

3500 yards of fine quality All-Silk Taffeta Ribbons, 5 inches wide, full line of colors; black, blue, cardinal, lavender, brown, Nile emerald, navy; regular 23c

Extra quality Satin Taffeta Ribbon, 4 inches wide, complete line of colors; best 25c 17c value, for, yard

Lewis and Clark Ribbon for badges; Nos. 2 and 5, only 4¢ and 6¢ yard.

Last day of the great sale of Silks and Dress Goods-Best values of the year

Lace and Embroidery bargains.

Women's 40c Hose 21c Pr.



900 pairs of women's fast black Cotton Hose with white split foot. All sizes-The style and quality always sold at 40c a pair, you can buy here today at the exceptionally low price of, per pair

Buy all you want of them

Women's fast black Lisle Hose, Gordon dye, full garter knee, extra fine quality, all sizes; best value for the money ever offered, pair . 37c

Clean up of broken lines of Women's Hosiery; blacks, tans, blue,

Just received by express, Women's white Hose; plain Lisles and

The Meier & Frank Store \$3.50 Cluny Curtains \$2.48 Pair



200 pairs of Cluny Lace Curtains, white or Arabian color; made on heavy French net with real Cluny lace edge; 45 inches wide by 21/2 yards long; every pair regular \$3.50 value; choice today at low price of, pair. \$2.48

100 pairs of Cluny Lace Curtains, white or Arabian color with heavier and wider Cluny edging than the above lot; every at low price of, pair \$2.95

Ruffled Net Curtains, best quality net, fine lace insertion and edges; 45 inches wide by three yards long; every pair \$3.25 value, pair \$2.15

Ruffled Net Curtains, Cluny pattern, inserting and edges, 36 inches wide by three yds. long; regular \$2.25 values, pr.\$1.29 New Domestic Arabian Lace Curtains, magnificent styles at prices from \$3.25 to \$10.50.

Sole Portland agents for "Vudor" Porch Shades, the only practical Porch Shade on the market; all sizes.

Stationery Bargains for Today

Deminorated Party 101 10	
Dennison's Paper Lunch Sets, large assortment of styles; regular 25c values, today, set	15c
Fancy bordered Paper Napkins for, 100	8¢
XXX cream wove Commercial Envelopes, 10c value, p	
Carter's Photo Paste, special today at, bottle	
10-yard lengths of Shelf Paper, all colors two for	5e
Chambard Linen Paper, first quality, in white, blue special value today for the low price of, quire	and gray;
Envelopes to match for, package	Se
Oregon Souvenir Tablets; every sheet imprinted with view; 15c value, for this low price	a different

Men's and Boys' Bathing Suits Our Entire Stock Reduced in Price



Men's fine Worsted one-piece Bathing Suits, in fancy colors; regular for low price of\$3.59 Men's All-Wool two-piece Bathing Suits, with red and white stripes; regular \$3.00 values, \$2.35 Men's All-Wool two-piece Suits, with stripes; regular \$2.15 Men's All-Wool two-piece Bathing Men's good two-piece Cotton Bathstripes, \$1.50 values...\$1.19 ing Suits with fancy

Men's heavy Cotton two-piece Bathing Suits, fancy stripes; regular \$1.25 value, for this low price.......98c Swimming Trunks at the very lowest prices,

Women's \$3.00 Oxfords \$1.95 Pair

800 pairs Johnson Bros.' best \$3.00 Oxfords at \$1.95 a pair-all new goods, in regular or Blucher styles, in Russia calf, brown vici kid, patent colt, black vici kid, heavy and light soles, medium and low heels, all sizes and widths; shoes of style, comfort and durability; a footwear bargain that will thoroughly please you; today \$3 values for, pair....\$1.95

Great special Saturday bargains in Boys', Misses' and Children's Shoes and Oxfords.

Men's and Boys' Hats

25c White Duck Caps for, each..... 19¢ 50c White Duck Caps for, each.....39c 25c White Duck Hats for, each 19¢ 50c White Duck Hats for, each 39¢ Boys' nobby White Sailors, 75c value. 53¢ Boys' nobby White Sailors, 25e value. 19¢ Entire stock of Men's genuine Panama Hats and Straw Sailors at greatly reduced



Men's Shoes, \$5 and \$6 Vals. \$3.65

Broken lines of the famous French, Shriner & Urner \$5.00 and Men's \$3.50 and \$4.00 Shoes now reduced to only, pair .. \$2.75

Good Groceries Low Priced

Phone Private Exchange 4

SUGAR \$1.00

pkgs. Chip Matches 25c

price: 50-lb. sack for \$1.25 -lb. cans Royal Baking Powder; great special value at40e 5-oz. K. C. Baking Powder 28c 1 lb. Schilling's Baking Powder. 40e 1-lb. jar Libby Sliced Beef25e 4-lb., jar Armour's Sliced Beef. 15e 1-lb, can Libby Corn Beef, 2 for 25e 2 cans Veal or Ham Loaf 25e 2 14-lb. cans Chipped Beef 25c %-lb. can Lunch Tongue......20c Pint bottle Blueing 5c
Van Camp's Pork and Beans—
2 2-lb. cans for 25c
3 1-lb. cans for 25c 3 cans Van Camp's Soups 214-lb can Duchess Peaches... 214-lb can All Gold Peaches... 2%-lb can Amazon Peaches....14c Postum Cereal, pkg......20c Fig Prune Cereal, pkg.......20e 2 cans Los Heros Sardines......25c 3 cakes Wool Soap.....25e 1-lb. can Minced Clams, 2 for 25e

10-1b. sack Pastry Flour 30c Pkg. Olympia Pastry Flour 20e Pkg. Olympia Pancake Flour 20e pkgs. Press Matches......25e Log Cabin Syrup, & gallon..... 65e Pkg. Olympia Wheat Hearts 25e 2 pkgz. Graham Crackers 25e 7 bars Victor Soap25e Nabisco, all flavors......25e Victor Flour; none better at any Cooper's Olive Oil, quart \$1.00 Meier & Frank's Famous Mocha and Java Coffee, lb 24c Jell-O Ice Cream Powder Durkee Salad Dressing, per bottle Royal Salad Dressing25e Red M. Soap, per bar..... 2e Il bars Standard Soap 25e Powdered Borax, can............15e I-lb. can Shrimps.,.....10e 2-1b. can Shrimps............26e Pioneer Cream, 3 cans for 25e Oregon Grape Cream, 3 cans..... 25e 1-lb. can Baker's Cocoa.........45e Lea & Perrins' Sauce, per bottle 6 lbs. Archer Gloss Starch..... 2 pkgs. Knox Gelatine 14-ox. jar Queen Olives. 14-oz jar Heinz' Pickles or Cnow 10-lb. sack Cream Rolled Outs .. 40e Lipton's No. 1 Teas... 6 pkgs. Searchlight Matches ... 25e 10-1b. eack Wheat Flour 30e Hire's Root Beer, bottle15e