

JUDGE ATTACKS STATES' RIGHTS

Jones of Alabama Comes to Rescue of Southern Railway.

MODIFIES PREVIOUS ORDER

Says an Enforcement Would Blot Out the Road—Points Out the Difficulties It Would Encounter—Those Who Meddle.

MONTGOMERY, Ala., Aug. 9.—In accordance with the agreement made between the state and the Southern Railway yesterday, in which the license of the latter in Alabama was reinstated, lawyers for the Southern Railway today appeared before Federal Judge Jones and secured a modification of his injunction heretofore granted against the state restraining it from enforcing laws while litigation is pending. In modifying his order Judge Jones reviewed the case at length and said if the state now enforced it, it would blot out the road almost as completely as if the rails were torn up and the roadbed dismantled. He said: "Aside from the direct consequences to the public, the statute would practically confiscate the right of the carrier to do domestic business. If it attempted to carry on United States local business, as it is obliged to do by the obligation under which it acquired its property, and which is not changed by this statute, which has no constitutional validity, and the state authorities attempted to enforce the statute, it would result in conditions which would render the efforts to do domestic business worse than useless."

"Agents of the carrier would be liable to arrest and imprisonment for their local transactions. It would be deluged with suits. Engineers and conductors and ticket agents would be snatched from their posts at any point, to the delay and injury of the traveling public. The arrests would necessarily interfere with interstate commerce and delay United States mail. The lives of men, women and children upon the trains would be imperiled for the only movement of the trains would no longer depend upon the train dispatcher, but rest upon the community of constables or sheriffs as to the time of an arrest at any stoppage place along the route. Does any one who really loves the people of Alabama believe the court should be allowed such a state of things to be brought about?"

"In spite of the plain principles so often declared by the courts of the country, the action of the court in these cases in the discharge of sworn duty has been savagely assailed sometimes, and to say, by men whose duties make them defenders and not defamers of the court, as an interference with the rights of the state and an unwarranted intermeddling with local affairs."

Judge Jones showed the authority under which the court acted and continued: "It is a wicked thing to excite the passions of the people against the authority of the courts and whatever the end sought to be obtained thereby, if procured by overawing them or preventing the execution of their orders, that end is accomplished at fearful cost and inflicts a fatal stab upon liberties of the people."

B. F. JONES TELLS HIS SIDE

REPLIES TO SUPERINTENDENT NEVINS OF YACQUINA ROAD.

Says the Latter's Reply to Railroad Commission Is Full of Misstatement of Facts.

NEWPORT, Or., Aug. 9.—(To the Editor.)—The Oregonian gives from a Salem correspondent what he calls a complete answer by Mr. Nevins, Superintendent of the Corvallis and Eastern Railroad to a complaint I recently filed with the Railroad Commission.

I did not file the complaint with the view of going into a newspaper controversy. But, since Mr. Nevins has seen fit to make a personal attack on my family, I beg space in The Oregonian to further air the matter up.

Mr. Nevins, who I understand, has only been manager of the Harriman combined flyer and freight train over the Corvallis & Eastern for less than a month, and who probably has never been over the road a half dozen times, assumes to know all about matters and things in Lincoln County. His tabulation of passengers, which he refers to, is very misleading, and while it may not be false like most of his inspired article from an Albany attorney, yet he says in 25 days he only carried 274 passengers over the C. & E. to Newport, or an average of 111 per day, while he says the company had a capacity of 400. It is not surprising to see how many local tickets he sold to passengers to way stations, and he does not mention the fact that Wednesdays, Saturdays and Sundays from 12 to 2000 are filled. Will his three or four old coaches carry these large crowds and give seats to the passengers? Other days in the week the train has a capacity of 1500.

If Mr. Nevins knew anything about the conditions over this road that he assumes to manage, he would know that trains often leave Albany with every seat taken and that when the train arrives at Corvallis, from 25 to 70 people get on for Newport. He should have an extra car or two at Corvallis to accommodate these people. Mr. Nevins says the reason for the delay of 45 minutes at Yacquina is because campers request them to wait for their baggage. If there are 25 campers who want them to make this delay, there are a hundred who stop in cottages and hotels who do not want to wait this time in the cold wind, and if Mr. Nevins had any care for these patrons he could bring their baggage down later.

Mr. Nevins says I evince a woeful lack of knowledge of safe and adequate navigation on Yacquina Bay, and that I am now in the Richardson, for over a quarter of a century. I can also give him some information about the safe and commodious steamer Richardson, which he asserts is the only safe and proper boat to run on Yacquina Bay—in order, as he says, to give the public good, safe and adequate transportation. I pulled the bells over the machinery that is now in the Richardson, in 1884 and 1885, the machinery then being in the old Terra May, which in 1885 was condemned. The machinery was taken out and placed in

a new hull which was christened the T. M. Richardson. Old steamboat men do not know how old the machinery is. The hull is only 15 years old. The Richardson in its best days was never licensed to carry over 100 passengers.

Captain Jacobson and his associate are not to blame at all about transportation conditions between Yacquina and Newport, for the reason that the railroad people have promised every year that they would continue their road to Newport. A year ago the railroad people again vowed to the citizens of Newport that they would run through trains to Newport this season, and upon these representations Captain Jacobson did not build a new boat. Mr. Nevins may enter another protest here and say that the Southern Pacific only recently took over this property. But such an assertion won't go, as the people all know that Mr. Harriman has operated this line since it was bought for \$100,000—a road that formerly cost \$200,000.

Mr. Nevins says that the Richardson is the only safe boat on Yacquina Bay. Yet he knows that the Richardson now lies at her dock at Newport, broken down, and that these little, unsupervised launches as he calls them, are now, and have been, for the past ten days and at other times this summer when the Richardson has been out of commission, carrying all the passengers just in the same manner and towing the same old boat-house scow that he Richardson was when "in the pile" to navigate. He also says that I am interested in some of the small launches plying on Yacquina Bay, none of which is subject to inspection. But I do not own any interest in any boat, not even a skiff on Yacquina Bay.

When Mr. Nevins says that Mrs. Jones and myself took the smoker for choice, he makes an incorrect statement. As for myself, any old place will do for me to ride, and I do often ride in the smoker when there is one. The facts are that July 24 Mrs. Jones, with a large party from Independence, boarded the train at Corvallis. I went through all will testify, and tried to get seats for my wife and girls, and I finally seated Mrs. Jones and the girls in the combination baggage and smoker, very much against her protest. Just before we got to Philomath, the conductor came to our seat and in the presence of several Corvallis business men—one I remember to be Mr. Houston—and said: "I'll try to get your wife a seat after we leave Philomath." But still there was no seat and just before we got to Wren the brakeman came and said: "I can get a seat for your wife." I said: "As soon as the train stops, we will go into the other car." At Wren more people came aboard and we could not get a seat. At the next station I got a seat in the passenger car for my wife, and a kind gentleman gave one of my girls a seat with himself and a girl near him.

Mr. Nevins says that I recently boarded the train at Toledo, holding Newport excursion tickets that were not validated. Here he is again incorrect. The facts are I got on the train at Toledo after I had paid my way from Newport to Toledo. I had a round-trip ticket from Corvallis to Newport and the instructions on the ticket were to be signed by the original purchaser in the presence of the agent at Newport. At that time Mr. Nevins, summer agent, or as some call him the six-week agent, had not yet opened his office and did not for a week later and I could not get the ticket validated. I so informed the conductor, and he let me take my wife and girls on the train. When he examined my ticket he confessed that I was right and said he would call the matter to the attention of the proper officials. He said that I did this to beat the railroad company. I pay my railroad fare from choice, not because I have to do so—for I could now have a first-class ticket and employer contract-pass over all the Southern Pacific and Oregon Railroad & Navigation Company's lines in Oregon, should I like to. I let my wife and all their local attorneys and doctors have in nearly every town in Oregon, of any importance.

Mr. Jones' ultra motives that he is again incorrect when he says I filed a complaint with the Railroad Commission against the Rogers Hotel. The Rogers Hotel is a matter of fact, I have not been over the road from Medford to Jacksonville since 1898. But I am glad there is a Jones down there who will register a "kick" for the people, when conditions demand it.

All that Mr. Nevins may say or charge to me, will not deceive the people as to the existing bad conditions of transportation of the Harriman system in Oregon. I also want to call Mr. Nevins' attention that complaint is being made because of the rate of freight charged from Elk City to Albany, or about 35.50 per ton. If the Railroad Commission should visit Yacquina I would ask the commission to kindly stand by me while on the rear platform so that they may see dozens of ties so rotten that these ties can't hold the spikes. And it would not be out of place to examine the bridges and tunnels.

For twenty years thousands of tons of dirt and trees have been thrown by corporate interests into the navigable waters of the Yacquina Bay, destroying fishing industries; and as a result thereof, the bay from a point below Mill Creek and to four miles below Toledo has shoaled up from two to four feet in places. At Toledo, where in the days gone by, vessels carried lumber to San Francisco, an ordinary river boat cannot now enter under half-tide. It will cost the Government \$250,000 to remove the dirt thrown into the bay. Only last winter I saw men and teams with scrapers for days at a time dumping dirt into the navigable waters of the bay. I complained to the Secretary of War about this and the driving of piles in the bay. The Secretary of War ordered the War Department to the piling they had driven in. But the Harriman railroad system is too big a concern to obey either state or Federal laws.

JAPAN AND AMERICA.

Parisian Newspaper's View of Pacific Question Objected To.

PORTLAND, Aug. 9.—(To the Editor.)—If anybody is anxious to see a specimen of senseless talk about an "American peril" he is referred to an article in the Parisian newspaper "Gil Blas" and printed in last Sunday's Oregonian.

"Gil Blas" sees an American peril which is far more immediate and worse than the so-called yellow peril, and judging from its quotations, one should think that the population of the United States is so large that the people find it hard to make a living and are forced to emigrate to Japan and China, driving the Japs and Chinese out of their possessions farther west into Europe, for "Gil Blas" says: "The American peril is at our (France's) very door, and on the threshold of Japan and China. This manner of reasoning brings the Parisian newspaper to the same standard of thought as the one of a robber who thinks that the man who declines to allow himself to be robbed or allow others to be robbed is a peril."

If I should give the quotations complained of to an impartial reader and omit the name "United States" he would probably think that the "Gil Blas" means Germany, for the quotations represent exactly what the French see in the Germans. How this mix-up came about the Parisian paper perhaps alone knows—or perhaps does not know. The American peril is "worse" than the "yellow peril," "Gil Blas" does not explain, expecting everybody to take it for granted. It would be a waste of time and too great an useless task to attempt to enumerate all the senseless talk of that newspaper. It is enough to add that "Gil Blas" perhaps thought that the United States would leave the Pacific Coast at the mercy of the Japs and Chinese, threatening a first to the Pacific Coast and punish the Californians. MERRMAN LEVINSON.

TAKES GREAT NAME

Vancouver Island Man Poses as Quantrell.

REAL QUANTRELL IS DEAD

Former Michigan Cavalryman Mistakes John Sharp for Guerrilla and Sharp Promptly Borrows Quantrell's Plumes.

VANCOUVER, Aug. 9.—Bill Quantrell, leader of Quantrell's guerrillas in the Civil War, who, according to history, died of wounds at a Kentucky hospital, after his raiders were cut up, is alive and lives at Quatsino, on the northwest coast of Vancouver Island, under the name of John Sharp, according to a number of people who have conversed with him.

J. E. Duffy, a prominent timberman, who recently became interested in timber limits at Quatsino, recognized John Sharp, who is over 70, hoary and gray, as Quantrell. Duffy having been a member of the Michigan troop of cavalry which cut up Quantrell's force. He stated to Duffy that he was correct in his recognition.

Sharp said he had been left as dead, instead of dying of his wounds at Louisville, as history recorded, he had taken a horse, ridden many miles and disappeared. He made his way to South America, remaining a number of years in Chile. He then went to Texas, engaged in the cattle business, making considerable money, which he exhausted. Then he went to Oregon, where he punched cows and drove cattle over the mountains. From Oregon he came to British Columbia nearly 25 years ago and engaged in logging on Vancouver Island until 10 years ago, when he became a trapper. Six or seven years ago he went to Quatsino, where he was made a caretaker of the mines at Coal Harbor.

When J. E. Duffy landed at Quatsino from the steamer Teas, he met John Sharp on the beach at Coal Harbor. Duffy looked the old man over and said: "Is that you, Quantrell, you d-d old fascal?"

"Come into the house," said Sharp, and for some hours the two men talked. Sharp stating he was in reality Quantrell, and he talked at length of the days in Kansas and elsewhere.

R. E. Montgomery, who is engaged in business at Quatsino and who knew Sharp as Quantrell at Fort Worth, Texas, and H. G. Berg, postmaster at Quatsino, are two others to whom Sharp has stated his identity as Quantrell.

"He might as well admit it," he told both. "It seems that I cannot hide the fact." The story the old man told to the Inquirer of the Associated Press was that until his hand had been cut up he had been bayoneted in the chest and had a bullet wound through the shoulder. The surgeon who looked him over diagnosed the wound as mortal. He had been left so that others with more chance of recovery could be attended to by the overworked surgeons. While they tended the others he got up, despite his wounds, and disappeared. That night, he says, he rode 70 miles.

SAYS QUANTRELL IS DEAD

Kansas City Preacher Tells of Great Guerrilla's End.

KANSAS CITY, Aug. 9.—According to local history, Bill Quantrell, the guerrilla leader, who played so important a part in the early days, died in the Sisters' Hospital at Louisville, Ky. Rev. Thomas Cobb, formerly pastor of the Methodist Episcopal Church of this city, but now located in Oklahoma, knew Quantrell in Kentucky during the Civil War. He was a cavalry recruiting officer and at this time camped with Quantrell for two days and had many talks with him. Rev. Mr. Cobb said:

"Quantrell was then in Central Kentucky. He was on his way to Virginia and was planning to join the army. He had a skirmish with the Federal troops, and was seriously wounded. He was not known as Quantrell during that expedition. He went under the name of Captain Clark. I was paroled in Louisville about that time by Colonel Polson. One day Colonel Polson asked me if I knew Quantrell, and I told him I did. When he asked if I would identify him I said I would if he were dead. Then you will not identify him if he is alive. I replied: 'I was taken to view a body but it was not that of Quantrell. A day or two later several of Quantrell's men saw the dead body of their leader in the Sisters' Hospital and attended his funeral in the Catholic Cemetery. This, I believe, is the true story of Quantrell's death and burial.'"

Near Independence, Mo., is a center for Quantrell men, Judge A. J. Liddell, of Independence, head of the Quantrell Association, said today: "There is not the least doubt of Quantrell being dead. Mrs. Nevross, afterwards Mrs. Aquilla Lobb, saw him die in the Federal Hospital at Louisville, Ky., and helped lay him out. She knew Quantrell well and she could not have been mistaken."

Relics of Quantrell in Museum.

TOPEKA, Kas., Aug. 9.—Mention of the discovery of W. C. Quantrell being alive in British Columbia calls to mind the fact that in the starting historical rooms here are two shin bones and a lock of hair supposedly of the famous raider. They have been there since May, 1888, when the bones and hair of Quantrell and W. W. Scott, of Canal Dover, Ohio, opened the grave at Louisville, Ky.

Kills Husband as Burglar.

SAN FRANCISCO, Aug. 9.—Yesterday afternoon Edward Farquhar, an iron worker, living in the Portrero district, went out upon the neighboring hills to engage in pistol practice with a new weapon he had secured. When he returned home he found the pistol aside, remarking that he was no good, as he could not discharge it. At 9 o'clock he stepped outside of the house. When he was returning indoors his wife grabbed the pistol and fired a bullet through his heart. The woman was taken to prison in a hysterical condition, saying that she had been suddenly awakened from sleep and believed her husband was a burglar.

Woman Swindler May Go Free.

NEW YORK, Aug. 9.—After a career which latterly, at least, has been remarkable on account of numerous persons of station whose confidence she gained and the ease with which she led a life of ease, the tall, light-haired English woman of striking appearance who called herself Mrs. Fox-Strangways, sister of the Earl of Lichfield, and here in the Tombs, charged with passing worthless checks, and utterly friendless. She was arrested

WOULD HAVE DIED BUT FOR CUTICURA

Five Children Suffered With Fearful Skin Troubles—One Little Girl's Eyesight Was Endangered—A Grateful Woman Writes of

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"Cuticura Remedies saved my two children. My little girl's face was so covered with sores that she could not see and I thought at one time that her eyesight was gone for good. After two doctors had failed to do her any good a friend asked me to try the Cuticura Remedies. I did so and in two or three days we could see a great change and in four weeks she was well and her face was smooth and had cured nicely. She had been sore for three months so that she could not rest night or day. My little boy was sore all over. His head was a solid scab. First we tried a doctor who did him no good, but the first time I bathed my son's head with Cuticura Soap and put Cuticura Ointment on it he rested better at night and the next morning his head was much better. After five weeks he was well. I cannot say enough for the Cuticura Remedies for if I had not used them my baby would have died. My little sister, Nora, had a terribly sore face. I told my mother of the Cuticura Remedies. She used them and the child's face soon got well after the best doctors had failed. Pearl B.—used Cuticura Soap, Ointment, and Pills for sores on her body and face, and little Flinkey S.—had a sore head. Her mother used Cuticura Soap and Ointment on it and she was soon well. Mrs. Mary Hicks, Sutherland, Dinwiddie Co., Va., Apr. 15, 1907."

ECZEMA ON FACE

Cured by the Cuticura Remedies. "I had eczema in very bad form all over my face for the past four months. Physicians in several towns prescribed for it without giving me any results, but four weeks ago I commenced using the Cuticura Remedies, consisting of one cake of Cuticura Soap, one bottle of Cuticura Resolvent, and one box of Cuticura Ointment and to-day I am perfectly well. Nettie Helgeson, Ridgeway, Iowa, Mar. 4, 1907."

Cuticura Soap, Ointment and Pills. Cuticura Ointment (50c) to Heal the Skin and Cuticura Resolvent (50c) to Purify the Blood. Price, 25c per box of Cuticura Soap and Cuticura Resolvent. Sold everywhere. Mailed Free, Cuticura Book on Skin Diseases.

In Toronto on Tuesday in a modest boarding-house and waived extradition proceedings. In the Canadian city, it seems she discarded her claims to relationship to the Canadian peer and went by the name of Edith St. Clair.

She is accused of having victimized several large hotels here and elsewhere and fashionable dressmakers. In Jefferson Market Police Court the air of being high born and used to luxury, which she had affected, was wanting, and this was heightened by a far from fashionable garb. The dressmaker who brought the charge is inclined to drop the case, and some of the hotels seem to be feeling just as lenient.

YOUTH SETS A FAST PACE

Comes to Grief When He Resorts to Cashing Worthless Checks.

TACOMA, Wash., Aug. 9.—(Special.)—G. L. Thomas, reputed son of G. S. Thomas, banker and capitalist of Newport, Wash., and also in California, was arrested to-night while enjoying a banquet at the Tacoma Hotel. Thomas is charged with cashing worthless checks to the amount of \$800 at hotels and automobile houses in Tacoma and Tacoma. The checks were drawn on his father's bank and returned dishonored. Since Thomas has been in Tacoma he has traveled a fast pace with L. H. Erickson, also arrested today for embezzlement. Young Thomas told the police tonight that he had been disowned for a year, but expects his mother to-morrow from Aberdeen to settle his debts and get him out of jail.

Drain Normal School Has Funds.

DRAIN, Or., Aug. 8.—(To the Editor.)—In last Wednesday's Oregonian, a news item from a Salem correspondent in regard to the opinion of the Oregonian in regard to the question raised by Mr. Ayer, did the Drain Normal School a great injustice in stating that it had "no funds." Funds sufficient to defray all expenses for running the school have already been secured. The Drain Normal School is a Board to President Briggs, at its Salem meeting, an executive committee was

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selected, the necessary funds raised, complete facility elected, catalogues ordered, printed, and all necessary arrangements made for running the school, and all this was done before Mr. Ayer raised the question upon which the Attorney-General based his opinion. S. P. SHUTT.

Where Municipal Ownership Failed.

NEW YORK, Aug. 9.—The electric lighting of the Williamsburg bridge will hereafter be furnished by a private company, and not by the city, as it has been confidently thought could be economically done. The city is now advertising for bids for illuminating the structure, a municipal ownership project for that purpose having proven disappointing. The structure has been lighted by power obtained from an incinerator for rubbish and waste at the bridge entrance. The plant will cost \$35,000. Charles F. Lacombe, chief engineer of light and power, found it cost approximately \$100,000 yearly to light the bridge from the incinerator, where a private company could do it equally well for half that amount. He advised the discontinuance of the scheme. The plant will be used only as an incinerator in future.

Lake Shore Limited Wrecked.

CHICAGO, Aug. 9.—The Twentieth Century Limited train, westbound, on the Lake Shore railroad, met with an accident today near Chesterton, Ind. A heavy freight train, eastbound, parted when not far from Chesterton, and the rear part of the train "buckled," throwing several cars on the westbound track. The Twentieth Century train came along and struck the freight cars which had been thrown in the way. Two cars of the passenger train were derailed. No passengers were injured. The Twentieth Century was delayed about three hours in reaching this city.



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