

OREGONIAN DOES NOT CROSS RIVER

Supreme Court Decides Christ Neilson Within His Rights as Washingtonian.

SETTLES FISHING TANGLE

Purse Net Operated Under Laws of Neighboring State, When Duly Licensed, Is Declared Legal by Court.

OREGONIAN NEWS BUREAU, Washington, Feb. 23.—The United States Supreme Court, in a decision rendered in the Christ Neilson case today, reverses the finding of the Oregon Supreme Court, and holds in effect that where there is a conflict between the laws of Oregon and Washington respecting fishing rights on the Columbia River, Oregon cannot prosecute and punish a violation of its fishing laws when the act is committed within the territorial limit of Washington and sanctioned by Washington law.

Whether, if the act of plaintiff had been done within the territorial limits of Oregon, it would make any difference, we need not determine, nor whether in the absence of any legislation by the State of Washington, authorizing the act, Oregon could enforce its laws against the act done anywhere upon the waters of the Columbia River. Neither is it necessary to consider whether the prosecution should be in the names of the two states jointly.

A complaint was filed in the Justice Court for the precinct of Astoria, accusing the plaintiff of operating and maintaining a purse-net on the Columbia River on that day, contrary to the statutes of the state of Oregon. On the same day a warrant was issued for his arrest. The plaintiff on July 22, 1907, was convicted and fined \$50. An appeal was made to the Circuit Court, which sustained the conviction by the Justice Court. The plaintiff appealed to the State Supreme Court, which confirmed the judgment of the lower court. From that decision the writ of error was prosecuted in the Federal Courts.

According to the agreed statement of fact, on July 29, 1907, and for a year prior to that date, Christ Neilson, a resident of Washington, a citizen of the United States, a license to operate a purse-net upon the Columbia River within the limits of the state of Washington was issued to Neilson by the Fish Commissioner of Washington on April 10, 1907. Under this license Neilson operated a purse-net on the Columbia River, in violation of the laws of Oregon, relating to the action, were considered as being in evidence in all the courts where this cause might be heard. The question involved in it was the sovereignty of Washington and Oregon over the Columbia River where the same forms the common boundary line between the two states.

Question of Jurisdiction. Another pertinent question in the case was what does "concurrent jurisdiction" as used in the enabling acts of Oregon and Washington mean? In this case the plaintiff was a resident of Washington and had complied with its statutes in regard to fishing with purse-nets on the Columbia River. The State of Oregon has passed a penal statute prohibiting fishing with purse-nets on the Columbia River. The State of Washington has passed a law allowing fishing with purse-nets on the Columbia River upon the payment of a certain tax. The two states, instead of passing the same or similar laws, have passed laws diametrically opposed to each other.

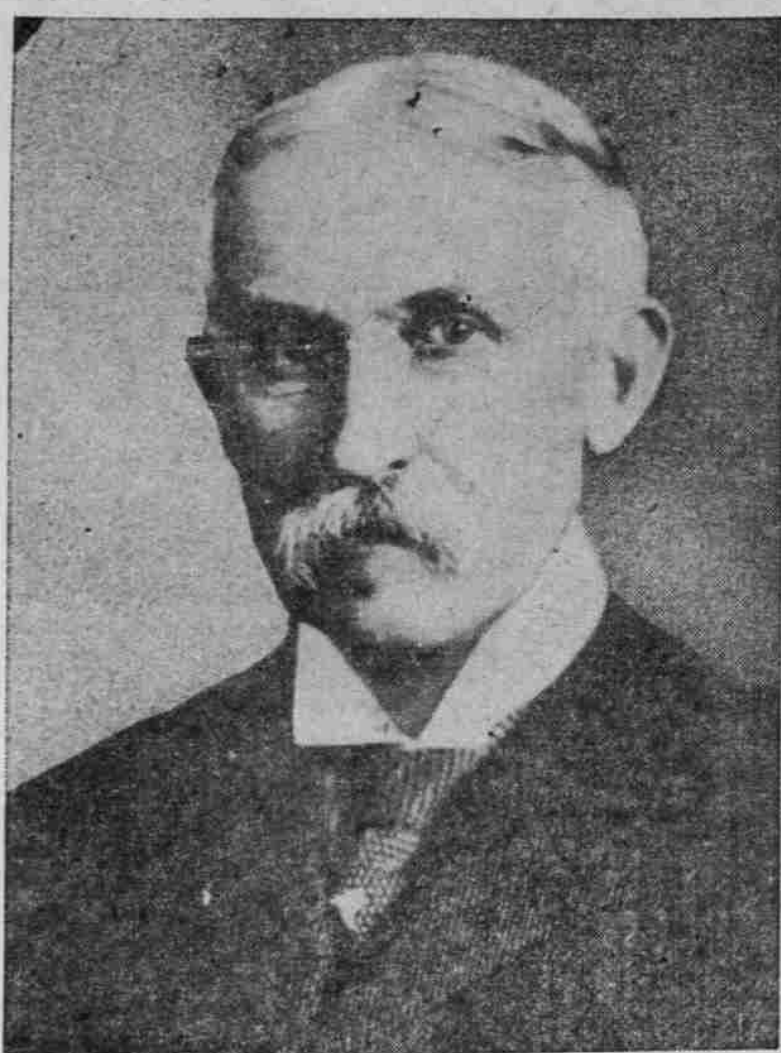
The plaintiff's counsel contended that the states of Oregon and Washington each own the bed of the Columbia River up to the line where the river crosses the common boundary between them and each has in its territorial limits exclusive sovereignty over all permanent structures attached to the river bed, the fish in same and the power to regulate the catching of fish. Concurrent jurisdiction was held to mean that where both states have passed the same or similar laws in relation to civil or criminal matters then either state may enforce its laws over its boundaries where the river forms the common boundary, but that until each state has passed the same or similar laws, neither state can enforce its laws outside of its own territorial limits.

STILL LACK ONE JUROR

Calhoun and Fellow-Defendants Get New Bondsman While Trial Waits.

SAN FRANCISCO, Feb. 23.—The quest for a juror qualified to take the twelfth place among those who are to try Patrick Calhoun upon an indictment for bribery was unsuccessful today. After four bailsmen had been interrogated and disqualified, adjournment was taken until tomorrow. Judge Lawler directed today the manner of substitution of bonds for Patrick Calhoun, Tivy L. Ford, William M. Abbott and Thorswall Mulally, all indicted in connection with the overhead trolley deal. The defendants were desirous of substituting the Fidelity & Deposit Company for the Metropolitan Surety Company as guarantors of the bond of \$140,000 provided for each; and while there was some difference of opinion as to the manner in which the substitution should be effected, it was eventually arranged by surrender of the defendants into the custody of the sheriff, and their immediate release on the new bonds.

CHICAGO MAN MAY BECOME SECRETARY OF TREASURY



FRANKLIN MACVEAGH.

NEW YORK, Feb. 23.—(Special.)—The name of Franklin MacVeagh has been presented to President-elect Taft for the position of Secretary of the Treasury. Mr. MacVeagh was born on a farm in Chester County, Pa. He graduated from Yale in 1882 and took a law course in Columbia University, finishing in 1884. His health caused him to abandon the law and he went to Chicago and opened a grocery business which he still continues. He is known as a man of public spirit and has served as president of the Citizens' Association, the Bureau of Charities and the Municipal Art League.

FULTON WILL FIGHT

Hopes to Defeat Young's Confirmation.

BOURNE FEARS FOR HIS MAN

Doubtful That Young Will Be Re-nominated If Senate Fails to Give Him Portland Postmastership This Session of Congress.

OREGONIAN NEWS BUREAU, Washington, Feb. 23.—The Senate postoffice committee, after a brief discussion today, favorably reported the nomination of John C. Young to be postmaster at Portland. In view of Senator Fulton's announced purpose to object to Young's confirmation, several members of the committee urged Bourne to consent to let the matter go over until after March 4, but Bourne refused to consent and demanded a report. Bourne has the right to name the postmaster in his home, but the Senator has serious doubts whether Young will be re-nominated if he falls of confirmation before March 4.

SECURES NEW FEDERAL JUDGE

Fulton Gets Amendment Tacked on to Washington Bill to Aid Oregon.

OREGONIAN NEWS BUREAU, Washington, Feb. 23.—Senator Fulton today reported to the Senate, and was assured of its immediate passage, a bill recently passed by the House, authorizing the appointment of additional Federal judges for the Western Washington district. He secured an amendment to the bill authorizing the appointment of an additional judge for Oregon. His amendment does not create a new judicial district in Oregon, as this would be out of the question this session, but provides that in addition to the regular terms of court at Post, court shall be held once each year at Pendleton and Medford. The bill now goes back to the House for action on the Fulton amendment.

TOY TOY MUST GO TO JAIL

Supreme Court Upholds Decision of Lower Court in Murder Case.

OREGONIAN NEWS BUREAU, Washington, Feb. 23.—The Supreme Court today affirmed the decision of the United States Circuit Court for the District of Oregon, sentencing Toy Toy, a Camatilla Indian, to life imprisonment at McNeil's Island for the murder of Annie Edna, an Indian woman, upon the Umatilla reservation, August 24, 1900. The Supreme Court also sustains the Circuit Court in its denial of a habeas corpus writ.

SLO WPROGRESS IN HOUSE

Debates Sundry Civil Bill, Squealches Attack on Bacon.

WASHINGTON, Feb. 23.—Appropriation bills mainly occupied the House today. The sundry civil bill was considered, but progress was slow. The fortifications, executive legislative and judicial, diplomatic and consular and postoffice appropriation bills were sent to conference. Clark, Florida, unsuccessfully attempted to secure an investigation into the writing of a letter by Secretary Bacon

ALBANY TO VOTE ON BOND ISSUE.

ALBANY, Or., Feb. 23.—(Special.)—The question of issuing \$50,000 bonds for the erection of the proposed new high school here this Summer will be voted upon by the people of the Albany School District next Friday.

No Quorum to Vote on Senator.

SPRINGFIELD, Ill., Feb. 23.—The quorum was broken today for the second time in the joint session of the Assembly by the people of the United States Senator. Most of the legislators remained at home to take part in the primaries.

RAINY WELCOMES NAVY'S OFFICERS

Gold Braid Makes Richmond Luncheon Most Brilliant Function of Greeting.

SPERRY EXPLAINS VOYAGE

Says It Was Taken to Show All Nations the Power of United States. Walnwright Pays Compliments to Ladies.

RICHMOND, Va., Feb. 23.—The Southland paid homage today to the globe-striding fleet in this old capital of the Confederacy. "We welcome you to the hearts of a people who yield to no one in devotion to the American Navy or in loyalty to our flag," was the sentiment expressed at a luncheon by Mayor Richardson in welcoming Rear-Admiral Sperry, Rear-Admiral Walnwright and 64 officers.

The luncheon, at which men of all walks of civil life, all ages, and of unyielding loyalty to the cause of Lee and Jefferson Davis fraternized with the fighting men of the Navy, was given by the Richmond Chamber of Commerce. Admiral Sperry received an ovation. Fleet's Efficiency Increased. He referred to "this first separate welcome since we have returned to our shores," said he had not read his official mail since arriving on the American side, and smilingly added: "While we have been encircling the globe," he said, "we have doubled the score of last year's target practice. The fleet's efficiency has increased 25 per cent by economy in coal consumption, due to hard and faithful work of the men below decks. When a contest comes a navy must know how to get there and how to stay there when it gets there."

Necessary to Show Fleet. "Now that the world is governed by the people and for the people, it is not sufficient that solitary arbitrary ruler should know on paper the possibilities of a contest, and the questions at issue under the constitutional forms, when in all actual events today, even in Russia, public sentiment may force a ruler into a war or keep him out of it. And since the people generally are only impressed by what they see, it is necessary, if you require the respect of the world, that you show your fleet."

Congressman Lamb, of Virginia, declared that if Virginia "had had a dozen Merrimacs instead of one, 50 years ago, we should have had peace instead of four years of blood and struggle." Rear-Admiral Walnwright in his address bowed to the gallery and remarked: "We can all shoot straighter and fight better when we are remembered by the girls at home."

BUFFETED BY SOUTHEASTERS

Fleet Crowds Hampton Roads—Norfolk Will Entertain Crews.

PORTRESS MONROE, Va., Feb. 23.—The bad weather that greeted the battleship fleet at the Virginia Capes today, the worst the ships have experienced in any port on their way around the world, continued today. Storm signals were hoisted on the boats, and during the afternoon nearly 100 miles of sea in. The ships, safely at anchor, paid little heed to the blow, but the little white and gray steam launches were buffeted by wind and waves. That part of the rounded running west from Old Point pier seemed fairly choked with fighting craft today. The two long lines of the commoned squadrons of Admiral Sperry and Admiral Arnold stretched away from the dock almost as far as the eye could reach, the gray ships of the stay-at-home fleet fading away in the mist overspreading the harbor.

Will Parade at Norfolk.

Nearly one-half the ships began coaling, despite the weather. All came in with banners nearly empty after the long and stormy run from Gibraltar. It is hoped that the last of the ships will have been coaled by Saturday, in order that the men may parade in Norfolk on that day. A committee from Norfolk visited the flagship Connecticut today to extend an invitation to the men of the fleet to be the city's guests Saturday, but Admiral Sperry has gone to Richmond. There is little doubt that the Norfolk invitation will be accepted, and that several thousand men will be sent to parade. This will be the first shore leave the men will have had. They are being kept aboard ship now in anticipation of an inspection by Admiral Sperry.

Cheers for Time-Expired Men.

One of the most interesting sights today was the departure of a large number of enlisted men whose terms of service had expired. As they left they were given lusty cheers by the sailors. Negro boys and porters loitering about the dock reaped a harvest from the homecoming sailors who, disdaining to carry their own suitcases and bundles, handed them over to the boys to be taken to the railroad station or trolley cars. The bluejackets brought home all manner of souvenirs from every country visited.

PROBLEM LEFT TO TAFT

What Shall Be Done With Crum, Negro Collector?

OREGONIAN NEWS BUREAU, Washington, Feb. 23.—The inability of the majority in the Senate to force confirmation of W. D. Crum, the negro Collector of Customs at Charleston, S. C., means that President Taft will be called upon to wrestle with this perplexing and embarrassing problem when he begins to fill offices left vacant by the Roosevelt administration. The sole objection to Mr. Crum is his color; as an administrative officer he has a splendid record; his personal character has never been assailed. And yet, because he is a negro, the people of the South object to having him in the office of Customs Collector, and because of their objection Senator Tillman, backed by other Southern Senators, has been able to prevent his confirmation. This negro, after a long fight, was confirmed by the Senate four years ago,

There Are New Goods in All Departments

Cipman, Wolfe & Co. 50c Bromo Seltzer 29c. Just for Wednesday

These Bargains for Wednesday are such good values that we feel justified in calling special attention to each of them in this advertisement. We have provided large quantities of merchandise. In most instances the range of patterns is as large as though you were choosing from regular stocks at full prices. Do not miss a single item. There is a great variety of goods to select from.

Just for Wednesday \$3 Kimonos at \$1.39. The best values and best assortment of \$3.00 lightweight flannellette Kimonos for \$1.39 that you have ever known. Floral stripes and polka-dots. \$1.39

Just for Wednesday 75c Pongee 25c Yd. Mercerized rough weave Pongee, can be laundered without impairing its beauty of weave or finish, in all the standard and new shades. Reg. 95c. 25c

Just for Wednesday 65c Neckwear 19c. Ladies' choice Neckwear, comprising most everything now in vogue; plain tailored, novelty lace, tab effects, collarette designs, etc. Values to 60c, just for Wednesday... 19c

Just for Wednesday 75c Aprons at 45c. Superbly made cover-all Aprons, generously full length and width, with deep ruffle at bottom; made of fine quality gingham. Just for Wednesday. 75c values. 45c

Just for Wednesday Stationery at 12 1/2c. Best quality linen fabric box paper, unruled, regular size, with the most desirable shaped envelopes to match, broken lots. Values to 50c, for 12 1/2c Wednesday only... 12 1/2c

Just for Wednesday \$2.00 Sashes at 79c. Regular \$1.50, \$2, \$2.25 new Directoire Sashes, in all plain and fancy colors. Be sure to see them and see how they harmonize with new suits. Just for Wednesday... 79c

Just for Wednesday Tooth Powder 16c. Just for Wednesday, our Owl Cut-Rate Drugstore will sell 25c packages Dr. Graves' Tooth Powder, Sanitol and Sozodont, at the low sale price... 16c

Just for Wednesday \$3.00 Waists \$2.38. New Spring 1909 lingerie, plaited tailored and striped madras tailored Waists; also Rajahine blouse Waists, in cream, dark red, navy, light blue. Just for Wednesday... \$2.38

Just for Wednesday \$1.50 Curtains 98c. Ruffled Swiss Curtains, 2 1/2 yards long, 40 in. wide, hemstitched ruffles, large variety of dots and figures. Pretty, simple and sensible. Just for Wednesday, pair... 98c

Just for Wednesday \$30.00 Suits \$9.95. Women's tailor-made Suits in various styles and sizes; also lingerie and wool dresses in very becoming styles. Values up to \$30.00. Just for Wednesday... \$9.95

Just for Wednesday 25c Gingham 20c. 1200 yards of handsome Scotch Gingham in broken plaids and stripes, all the new colors of blue and tan in pretty designs. Regular 25c yard, just for Wednesday... 20c

Just for Wednesday 15c Suitings at 9 1/2c. White Linene Suiting 32 inches wide, new Spring goods, regular 15c yd.; a remarkable wash fabric. Just for Wednesday only... 9 1/2c

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