

**ACQUIT AND WIFE DEAD, CHILD DYING**

**Henry Le Frank, Noted Capitalist of San Jose, in Car Run Down by Train.**

**BARN HAD VIEW OF TRACK**

**Man and Woman Meet Almost Instant Death and Baby Fatally Injured When All Are Hurled Out.**

**SAN JOSE, Cal., Aug. 19.**—(Special.)—Henry Le Frank, a prominent local capitalist, and his wife, a niece of D. M. Delmas, the San Francisco attorney in the Thaw case, were killed, and their 2-year-old baby, Delmas, probably fatally injured, in a collision this afternoon shortly before 4 o'clock, with a car of the San Jose & Los Gatos Interurban Railroad Company.

Mr. Le Frank was killed almost instantly, death resulting from a fracture at the base of the skull, and Mrs. Le Frank died on the operating table at a sanitarium, where all the victims were taken immediately after the accident. Her skull was fractured. The child at first appeared to be in no danger, it being thought that she was merely injured, but late tonight it was reported from the sanitarium that the chances are against her recovery.

**Barn Blocked View.**

A barn at the corner of Race street and Park avenue prevented either the car crew or the occupants of the machine from seeing each other. The car was going west at an estimated speed of 15 miles an hour, and the auto was proceeding south at a speed of 25 miles an hour. Le Frank steered his machine slightly to the west in an effort to cross ahead of the car, but Motorman Jackson was unable to check its speed, and the machine was hit slightly behind the middle, tipped up and the three occupants thrown forward over their machine into the roadway. All lighted on their heads.

Le Frank was considered a careful driver, and his friends are at a loss to explain his failure to take note of the fact that they were approaching a dangerous crossing. The automobile was smashed into a heap of twisted scrap.

**Dead Man Noted Rancher.**

The dead man was one of the largest vineyardists in this valley, controlling the great Le Frank property, on the Almaden branch of the Southern Pacific Railroad. He was also interested in city property. A San Jose business man, who is familiar with the property interests of Mr. Le Frank stated tonight that the estate will prove to be worth in the neighborhood of \$200,000.

**THREE DEATHS IN RACE**

(Continued From First Page.)

into second place, and Ellis, in a Jackson, loomed up as a contender in third place. Furman led until the 531 lap, or when about 30 miles had been covered. Continuing trouble with the tires and ignition caused him to lose his once commanding lead and to drop back to second, while Ellis, who had passed Kincaid, some distance back, took the lead, with Burman second, and Clements in a Stoddard-Dayton, third.

Then the Jackson began to encounter mishaps that finally put it out of the race. A. J. House, the mechanician, was taken ill and obliged to leave the car.

With Jackson out of commission, Burman was able to regain his lead over Clements second, and Kincaid, third. This order continued until the finish.

It was in the second event—a ten-mile race for stripped chassis that the first record was broken. Chevrolet won easily and apparently had little difficulty in cutting Oldfield's record from 8:12 3-8 to 8:55 4-10. This race was a clean sweep for the Buick, as Strang finished second and Burman third.

The closest race came in the five-mile stripped chassis event, won by Burman in a Buick, after a fierce struggle with Bourque. The two mighty cars tore around the track with wheels almost touching throughout the five miles.

**WRIGHTS BRING TEST SUIT**

**Action Started Against Owners of Curtiss Machine.**

**NEW YORK, Aug. 19.**—Wilbur and Orville Wright, the aviators today brought suit against the Aeronautic Society of this city, alleging that the Herring-Curtiss aeroplanes, which the society recently purchased, is an infringement on their patents. The Wrights demand that the machine be turned over to them for destruction, and, in addition, ask that the court assess damages for threefold the amount of whatever losses they are found to have suffered by reason of the infringement and the public exhibition or rental of the machine.

Aeronautic experts generally viewed the suit as in the nature of a test case, brought to determine whether the Wright patents cover effectually all aeroplanes constructed along similar lines.

In the bill of complaint the Wrights declare their claims to the sole rights in heavier-than-air flying machines of this type "have been recognized by the United States Government, which has patented some of the machines, while the sovereigns of other countries have given similar acknowledgment."

**WRIGHT TO FLY FOR KAISER**

**BERLIN, Aug. 19.**—Orville Wright, his sister Katherine, and Hart O. Berg, the European business manager of the Wrights, arrived here today from London. Mr. Wright is to make a series of public flights at Berlin before the Kaiser. At Berlin Wright and Count Zeppelin, the dirigible expert, will probably meet and compare methods.

**Later American Will Compare Notes With Count Zeppelin.**

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**Hetty Green's Son, Aviator.**

**NEW YORK, Aug. 19.**—Mrs. Hetty Green's son, E. H. Green, who runs a railroad system, a cattle ranch, a cotton plantation, and a life insurance company in Texas, is in New York to buy an aeroplane. He owned the first automobile

**YOUNG HIGHWAYMEN HAPPY**

**Carr and Willis but Little Concerned Over Trial.**

**SAN JOSE, Cal., Aug. 19.**—Apparently the least concerned in the crowded courtroom, the two lads who under the pseudonyms Fred Carr and Joe Willis, are accused of stealing \$5000 from the Santa Clara Valley Bank, appeared for trial before Judge Gosberg in the juvenile court

**EMPIRE TO DECIDE IF BOSTON TAKEN**

**Mimic War Is Over, but Armies Do Not Know Which Won Decisive Battle.**

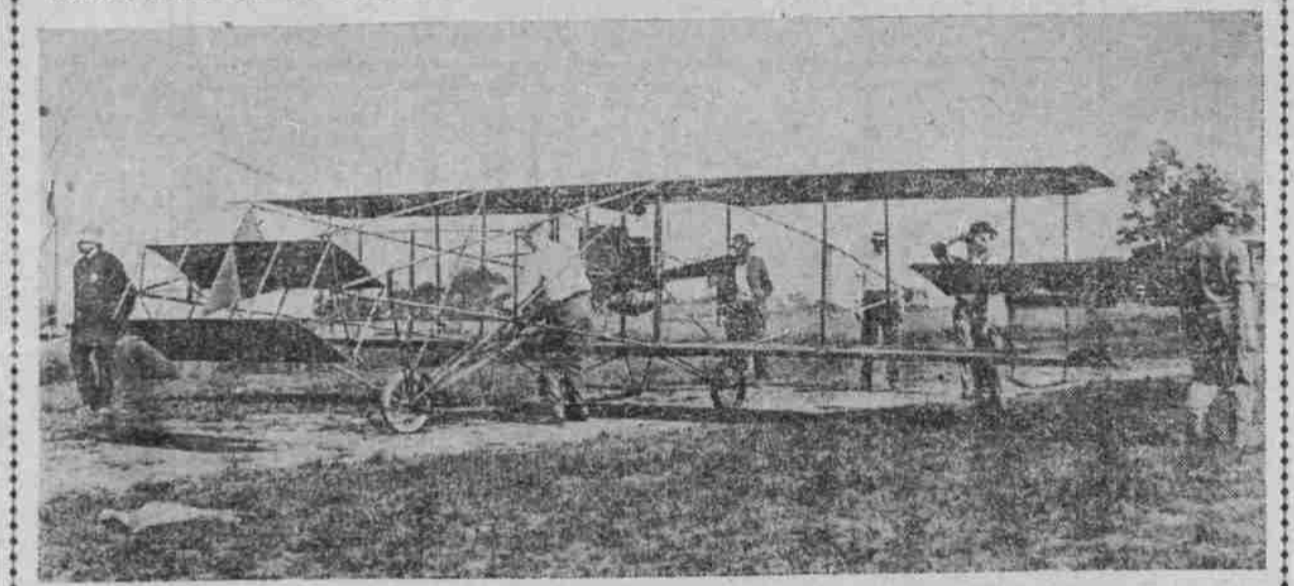
**SQUAWMEN ARE DEFENDED**

**California Professor Says Indian Blood Is Good for Race.**

**LOS ANGELES, Cal., Aug. 19.**—After reading the statement of Professor William Matthews, of Chicago, that a little American Indian blood mingled with that of our own race would produce a strain that would be hard to equal, Professor Hooker, chief of the Department of Sociology in the University of Southern California, and a student of Indian life, said that he agreed thoroughly with the Chicago professor.

"While there are wide variations among the different tribes," said Professor Hunt, "by choosing the better Indians, I believe that the intermarriage of Indians and members of our race would result in good. Some of the best families of Kentucky have a strain of Indian blood in their veins, and in Oklahoma and South Dakota I know of marked examples of

**PHOTOGRAPH OF THE NEWEST CURTISS AERO PLANE AND SNAPSHOT OF THE INVENTOR**



**DRAMATIC FEAT IS DONE**

(Continued From First Page.)

others, was placed in position for a flight.

"Where will you land?" Curtiss was asked.

"I will land right here," he answered, and he started his motor. After a short run over the ground the aeroplane ascended and made a wide turn and then described evolutions back and forth over the aerodrome. True to his word, Curtiss landed without accident at his place of starting, after having been in the air four minutes. The altitude reached by him was 130 feet—50 feet higher than any of the others. Count de Lambert and M. Tilsandier each made flights of 12 minutes during the evening, and Herbert Latham took a few short spins around the course.

**Only Fair Weather Sport.**

Mr. Curtiss said:

"I am entirely satisfied with my aeroplane, which the recent accident has not in any wise hurt. I used an eight-cylinder motor. The only trouble I experienced was with the propellers, which revolved so fast that the draft from them strained the rudder. This, however, can be remedied for future flights by strengthening the rudder."

Mr. Curtiss joined the other experts in a statement that aviation is a fine weather sport, but that people must not expect flights in all sorts of weather. Personally, Mr. Curtiss said, he did not intend to take any risks. He has decided not to enter the passenger-carrying test, as he has no hope of defeating Bleriot in it. He intends, instead, to devote himself to the speed contests.



**Glenn Curtiss.**

**Reds Exposed to Deadly Fire**

**HOOD RIVER, Or., Aug. 19.**—(Special.)—A party of noted horticulturists, including John Craig, of Itasca, N. Y.; R. A. Pearson, of Albany, N. Y.; T. A. Rane, of Hood River; E. D. Prior, of Blackfoot, Idaho; and C. J. Lewis, of Corvallis, arrived here today and were taken for a trip over the valley in automobiles by E. L. Smith and C. B. Bone. The most of the party are on the Coast in attendance at the convention of Agriculturists in Portland.

**FARMER HURT BY BLAST**

**PORTIONS OF STUMP STRIKE MAN WHO WAS SLOW IN GETTING AWAY.**

**R. Olsen, a farmer living near Carr, Wash., was seriously injured yesterday** while blasting stumps. Olsen was setting off a blast and did not get out of the way quickly enough. The top of the stump struck him in the shoulder and side. He was so close to the stump that his arm and side were powder-burned. The injured man was sent to Portland in the Northern Pacific train last night and was met at the Union Depot by the Red Cross ambulance, which conveyed him to the Good Samaritan Hospital. He will recover.

**FISH CATCH IS TOO LIGHT**

**FRASER RIVER MEN APPEAL TO GOVERNMENT TO EXTEND SEASON.**

**VANCOUVER, B. C., Aug. 19.**—(Special.)—Because the run of sockeyes this year has been so poor about Fraser River, and the loss to packers and fishers so great, the British Columbia Packers' Association today drafted a telegram to be sent to L. P. Brodeur, Canadian Minister of Marine and Fisheries, asking that the fishing season be extended to September 31, at least.

The pack thus far is but half of what it was expected to be, according to the association's statement, and after midnight tonight the association will advance the price of sockeyes from 10 cents to 20 cents.

**ELEVEN FISHERMEN DROWN**

**GLoucester Boat Capsizes Off Nova Scotia, Killing Crew.**

**LUNenburg, N. S., Aug. 19.**—Today Gloucester fishing schooner Orinoo capsized here today and 11 men, all of Nova Scotia, N. S., were drowned.

The men were drowned as they slept in their berths. Captain William Larkin, of Lunenburg, N. S., the commander of the vessel, and four members of the crew were saved.

**Former Portland Man Dies.**

**VANCOUVER, Wash., Aug. 19.**—(Special.)—Michael Steffen, aged 65, a veteran of the Civil War, who died here Wednesday, settled in Portland in 1873, and for 20 years was in the tailoring business in that city, coming to Vancouver in 1893.

**VOICES HOLD FULL SWAY**

**Night Session of Farmers Mainly a Talkfest.**

Last night's session of the 23rd annual convention of Agricultural Colleges and Experimental Stations was purely a talkfest. The entire evening was devoted to discussions of the work of the country life commission named by ex-President Roosevelt and its work. While there was an undercurrent of opposition to the scheme of having a National commission handle the work intended, yet in the main the association seemed friendly to the commission. Perhaps the fact that three of the most important members of the commission, Dean Bailey, of Cornell, and President Butterfield, of the Massachusetts Agricultural College, were present and active in the discussion had something to do with the favorable attitude of the majority. As it happened, the resolution concerning the commission was laid on the table until this morning, when the officials expect that "something will be doing." Last night there was nothing but an airing of views. There was a widely divergent discussion of the Carnegie foundation matter as it relates to things agricultural, but this, as all other matters of particular importance, save articulation, went over until this morning.

The principal trend of the discussion

**ARE AT CLOSE QUARTERS**

**BOSTON, Aug. 19.**—The war that has been conducted in Southeastern Massachusetts during the last week ended today, but whether Boston, which was the objective point of the invading army

He is survived by a widow, and an adopted daughter, Mrs. N. J. Gaudin, of Minneapolis, Minn. The deceased was born in Milwaukee, May 18, 1844.

It is a pressure for general education along agricultural lines is from the people themselves, the general session of the association, as the annual election of officers will take place, and many other important business matters are to be disposed of. The general session will convene at 10 o'clock, and save for intermissions at luncheon and dinner time, the delegates will be busy until the business of the association is that it be purely a business session, and that a final adjournment be taken tonight.

**Easterners See Hood River.**

**HOOD RIVER, Or., Aug. 19.**—(Special.)—A party of noted horticulturists, including John Craig, of Itasca, N. Y.; R. A. Pearson, of Albany, N. Y.; T. A. Rane, of Hood River; E. D. Prior, of Blackfoot, Idaho; and C. J. Lewis, of Corvallis, arrived here today and were taken for a trip over the valley in automobiles by E. L. Smith and C. B. Bone. The most of the party are on the Coast in attendance at the convention of Agriculturists in Portland.

IF YOU WANT TO KNOW WHAT SMARTLY DRESSED MEN WILL WEAR THIS SEASON, ASK BEN SELLING

**Arriving Daily**

**Men's Fall and Winter Suits Young Men's Fall and Winter College Clothes**

The models in the new weaves and patterns we present for your inspection are the classiest exhibition of refined wearing apparel ever shown in this city at our usual modest prices—

**\$20 to \$50**

**BEN SELLING LEADING CLOTHIER**

**IS CALLED BY DEATH**

**M. D. Wisdom Passes Away After Prolonged Illness.**

**NOTED LIVESTOCK EXPERT**

**Deceased Had Been in Public Life for Many Years, Holding Numerous Important Positions—Elks Will Conduct Funeral.**

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**MONEY IS DUE COUNTIES**

**State Funds Waiting to Be Paid on Proper Vouchers.**

**OLYMPIA, Wash., Aug. 19.**—(Special.)—Under chapter 89, laws of 1907, 30 counties of the state are entitled to state aid money ranging from \$377 to \$1715 if the commissioners adopt the necessary resolutions before September 1. Governor Hays today sent notice to this effect to the auditors of the counties, urging that they see action is taken.

The counties to receive the funds are Columbia, Ferry, Franklin, Garfield, Klickitat, Okanogan, San Juan and Skamania.

**Postmasters in Toledo.**

**TOLEDO, O., Aug. 19.**—Postmasters, representing many cities are attending the annual meeting of the National Association of Post-Office Postmasters, which opened here today.

Today is positively the last day for discount on East Side gas bills. Read "Gas Tips."

**SCHOOLS AND COLLEGES**

**HOLMES BUSINESS COLLEGE**

GRADUATES CAN BE FOUND EVERYWHERE POINTING TO THIS SCHOOL AS THE REASON FOR THEIR REMARKABLE SUCCESS.

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Enrollment of students past year 468. All graduates placed in good positions. Filled but 50 per cent applications for office help. Reputation for thorough and personal instruction. Safe and refining influences.

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Collegiate, High School and Commercial Courses, Grammar Grade Studies for Boys Over Eleven. Catalogues Free on Request.

Address Rev. Joseph Gallagher, C. S. C., President.

**BOTH MEN MUCH IMPROVED**

**Goodwin and Grilley Recovering From Skin-Grafting Operation.**

Unless complications arise, Orton E. Goodwin, the local newspaperman who came dangerously near losing his right arm, if not his life, from carbolic acid burns he received the night of July 17, will eventually recover from his harrowing experiences. A. M. Grilley, physical director of the Y. M. C. A., heretofore contributed over 100 square inches of skin to save Goodwin's arm, and who occupies a cot beside him at the Good Samaritan Hospital, is likewise speedily recovering. Not here under the care of Dr. Clayton S. Seaman, who performed the unique piece of surgery, assisted by Dr. E. J. Marsh.

According to the attending physician, Professor Grilley, although suffering from the loss of 108 square inches of cuticle from his thighs, will be able to leave the hospital tonight. His endurance has been valuable assets to the surgeons, and are accountable for his speedy recuperation. After his discharge from the institution he will, nevertheless, be under the close care of the physician for several days, to preclude any infections which may present themselves. It is anticipated that he will be able to return to his duties at the Y. M. C. A. next week.

Goodwin has shown remarkable progress since the operation Tuesday. Should his condition continue to improve with the present rapidity, it is thought he can leave the hospital early

**COOS BAY MAKES HOLIDAY**

**Extensive Preparations Made to Entertain Congress Delegates.**

**MARSHFIELD, Or., Aug. 19.**—(Special.)—The steamer Breakwater is expected tonight with the delegates and visitors from Portland to the Oregon-Idaho Development Congress. The local people have made every arrangement to entertain the visitors. The first business session will be held tomorrow morning, and in the afternoon there will be a trip to the beach. Breakwater will close.

There will be an excursion from Myrtle Point tomorrow, and another from Coquille Saturday. The people of Bend have subscribed \$400 for a big clam-bake in that city Sunday.

Shoe bargains at Rosenthal's sale.