



COURT LETS LAND RIGHT SLIP AWAY

Railroad Gets Use of Harbor Front.

DECISION UPSETS STATE LAW

Alarmists See Way for Monopoly of Harbor Sites.

COURT DIVIDED, 5 TO 4

Minority Opinion Asserts Decision Is in Direct Violation of Constitutional Provision Which Provides for Harbor Reserve.

OLYMPIA, Wash., Aug. 26.—(Special.)

One of the Hartman railroad companies won a decision in the Washington Supreme Court today which alarmists declare will give an absolute control of the state deep waterway harbors to the railroads.

Constitution Is Specific.

Twenty years ago when the state constitution was framed the members of the convention determined that the state should for all time control its deep-water harbors.

The shore line of this area should be the line of low water, and the sea line should be 600 feet seaward from the shore line and parallel thereto.

Statutes Emphasize Point.

To emphasize further this reservation, the statute laws of the state which give transportation companies the right to condemn lands for rights of way, etc., distinctly recited that such right should not extend to harbor areas.

At Aberdeen recently the Puget Sound & Grays Harbor road, a Harriman line, recently brought suit to condemn a right of way across lands owned by H. Helme.

Five Judges Expound Law.

In the Helme case, five members of the Supreme Court signed a decision filed today that the railroads may acquire rights of way across harbor area, holding that the constitution framers, not anticipating the enormous growth of the state, could not have designed to have their document read in so narrow a way as to bar railroads.

Ever since statehood the state officials have been successful in enforcing the rule as laid down by the minority opinion. The miles of docks at Seattle, Tacoma and elsewhere on tide water have been held absolutely in ownership of the state, although large areas of the harbor are under lease by the state to wharf owners.

State May Reopen Case.

That the state authorities will attempt to have the case reopened so that the interests of the state may be presented is assumed by statements made today by Attorney-General Bell and Land Commissioner E. W. Ross.

It is pointed out here that if this decision holds the Land Commissioner will have absolutely no option under the law to prevent the issuance of any leases of harbor areas for which the railroads may apply. The railroads may come in and apply for leases covering large sections of the waterfronts of Seattle, Tacoma and other cities and install tracks to control the entire harbor.

The majority opinion was signed by Judges Gese, Thawick, Fullerton, Morris and Parker and the dissenting opinion by Mount, Rudkin, Dunbar and Crow.

SKINS IN GOOD CONDITION

Spots of Roosevelt's Hunt Unpacked at National Museum.

WASHINGTON, Aug. 26.—The skins sent by Colonel Roosevelt with his African hunting trip were today unpacked at the National Museum. The specimens were in suit and in good condition.

MILLIONAIRE SEEKS RADIUM DEPOSITS

THOS. F. WALSH GIVES CHECK TO SCHOOL OF MINES.

Declares Pitchblende May as Well Be Found in Colorado as Anywhere, and Makes Appeal.

DENVER, Colo., Aug. 26.—Thomas F. Walsh, millionaire mine-owner of Colorado, has manifested his interest in radium by a benefaction to the Colorado School of Mines at Golden of a check for \$5000 to be used in testing samples of pitchblende for the rare metal. Free tests will be made of all samples submitted and the results will be kept confidential.

Dr. Walsh, in sending the donation to Dr. Victor C. Alderson, president of the school, makes an appeal to prospectors and mine-owners of the state, reciting that Austria at present has a monopoly on the production of pitchblende, from which radium is made, and asking that diligent search be made in Colorado for this rare deposit, which, he says, may as well be found in that state as anywhere else. He sends out a call to his "brother prospectors and mine operators" to look for this mineral and believes that by so doing great results will be brought about.

SEND WILSON TO MEXICO

Washington Diplomat Offered Post Thompson Wishes to Resign.

WASHINGTON, Aug. 26.—Henry Lane Wilson, United States Minister to Belgium. It is said, will be appointed to succeed David E. Thompson as Ambassador to Mexico. Some time ago Mr. Thompson notified the State Department that he would like to be relieved, Mexico until the question of his successor was settled. No announcement has been made relative to Mr. Wilson's successor at the Belgian post.

During President Harrison's administration, Mr. Wilson declined the post of Minister to Venezuela. From 1885 until his entrance into the diplomatic corps, he practiced law at Spokane, Wash.

Henry L. Wilson is a brother of John L. Wilson, of Seattle, ex-Senator from Washington and proprietor of the Seattle Post-Intelligencer. His first diplomatic appointment was as Minister to Chile in 1897, through his brother's influence. He was transferred to Belgium in 1905.

President Taft will not play golf with United States Senator Bourne while in Portland Saturday, October 2, but instead will give his time and attention to the public by delivering an address in the Armory and attending a reception there. This is definitely settled by a dispatch from Secretary Carpenter, received late yesterday afternoon by Mayor Simon.

This makes victory for the Mayor and the local committee on arrangements complete, and insures the public an opportunity to meet the President and hear him, as was desired by the committee in the first place. Secretary Carpenter's telegram was in response to the message sent him by the Mayor Wednesday afternoon, strongly urging the President to consent to appear at the Armory, and plainly stating that he would disappoint many thousands of Portland and Oregon people if he did not afford them an opportunity to see and hear him.

SHOOTS SELF BEFORE WIFE

Mystery Involves Suicide of Lewis Kinney, of Heppner.

HEPPNER, Or., Aug. 26.—(Special.)—In the presence of his wife, who vainly pleaded with him to desist from his rash intent, Lewis Kinney, a prominent Heppner man, shot himself today, 35 miles from here, on Willow Creek. As yet the motive is unknown.

Mr. and Mrs. Kinney had gone to the mountains for an outing several days ago. It is said Kinney had been hunting deer just before the tragedy occurred, and shot himself in the mouth with his rifle. The remains were brought here and a preliminary inquiry was held by the Coroner, who refuses to make known the result further than to say the case was one of suicide. An inquest will be held tomorrow.

COOK AND \$700 VANISH

Clatsop County Ranchers Lose Gold Buried in Tin Can.

ASTORIA, Or., Aug. 26.—(Special.)—Keller Brothers, who have leased what is known as the Jeffers ranch on the Lewis and Clark River, were robbed last evening of \$700 in gold and R. E. Powell, a Brazilian, who was employed as a cook on the ranch, is suspected of having committed the theft.

When Mr. Keller returned to his home after completing milking, he found that Powell, who was supposed to have been preparing supper, had disappeared. The house had been ransacked, supposedly in search for valuables, and \$700 in gold that was kept in an old can and buried behind the chicken house, was gone. No trace of the alleged thief has been found.

NOISE SCARES RUSSIAN

Consul-General Hears Tire Blow Up; Thinks It Is Bomb.

NEW YORK, Aug. 26.—A loud report just behind his auto caused Baron B. Schlippenbach, the Russian Consul-General, to turn pale and leap from the machine on Fifth avenue this afternoon and to grab the arm of Parolman Aleck Nitel.

"He thought it was a bomb," said Nitel, in relating the incident, "but it was only the explosion of one of his rear tires."

OTHER WOMAN IS CAUSE

Cattleman Kills Wife, Then Himself, When Letters Are Found.

CARLEBAD, N. M., Aug. 26.—At an early hour tonight Ed Moreland, a wealthy cattleman, shot and killed his wife and then committed suicide. Mrs. Moreland, it is said, was about to leave her husband because she found a number of letters in his pocket from another woman.

SPEECH, NOT GOLF, TO ENGAGE TAFT

President Decides to Address Public Here.

GAME WITH BOURNE EXPUNGED

Executive to Meet People in Armory Saturday Afternoon.

HE WILL LAY CORNERSTONE

Nation's Chief to Preside at First Universalist Church Ceremony Sunday—Mayor Receives Approval of the Programme.

CHAMBERLAIN MAY RETIRE

Senator Says He Has Worked Hard for the People "for an Age."

SPOKANE, Wash., Aug. 26.—(Special.)—Senator Chamberlain, of Oregon, asked tonight in the Senate whether he would be asked to resign at the close of his present term as Senator, replied that he would retire.

"When I look back over the length of time I have followed a public career it seems an age," he said. "I have worked hard in the service of the people and I am now ready to retire from public life at the end of my present term as Senator for the state of Oregon."

Under the Carey act, we have a prospect under way of 350,000 acres in Crook County. This, however, is being developed by a private concern."

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FOUR-MASTER IN DISTRESS

Schooner Battles With Heavy Seas South of Flattery.

HOQUIAM, Wash., Aug. 26.—(Special.)—Captain Menter, arriving tonight from Cape Flattery with a rock barge of the James Griffiths & Sons' fleet, requested Superintendent Captain Frank Bistrom to ask the Puget Sound Tugboat Company to hasten a tug to a point about 30 miles south of Cape Flattery, where he observed a schooner-rigged four-masted vessel headed north and evidently in distress.

Menter did not get in close enough to speak to the schooner and could not drop his tow to go to her on account of a heavy swell and a stiff on-shore gale. Captain Bistrom telegraphed the Puget Sound Tugboat Company as requested. Menter is still bar-bound outside.

PRATT TO PROBE PAN TANS

Spokane Executive Appoints Five Prominent Citizens.

SPOKANE, Wash., Aug. 26.—Mayor Pratt today appointed a committee of five prominent citizens to investigate the Panja Pantan's secret political society, alleged to have been organized to serve personal and special interests by securing the appointment of its members to public offices.

The Mayor has had the proposed investigation under consideration for some time. He urges the committee, all of whom have agreed to serve, to make thorough and impartial inquiry. Testimony will have to be voluntary, as the committee has no power to subpoena witnesses.

ONLY BATHING SUITS LEFT

Fire in Hotel Burns Raiment of Guests While They Swim.

NIAGARA-ON-THE-LAKE, Ont., Aug. 26.—The Strathcona Hotel at Chautauque Park, a landmark, was destroyed by fire today. The 150 guests lost all their belongings. There were several narrow escapes.

Possibly 50 persons from the hotel were in bathing or on the golf links or tennis courts when the fire started. Several women lost all their clothing except the bathing suits they were wearing.

FIRE WASTES YOSEMITE

Destroys Many Beautiful Nooks in Western Part of Valley.

YOSEMITE, Cal., Aug. 26.—A fire swept through the western part of Yosemite Valley this afternoon and tonight and many beautiful nooks were destroyed.

SOUTH BEND BOYS THOUGHT KIDNAPED

DILIGENT SEARCH FAILS TO REVEAL SLIGHTEST TRACE

Older Brother Recently Received Letter Demanding Money and Connection Is Feared.

SOUTH BEND, Wash., Aug. 26.—(Special.)—Last Saturday little Johnny Stoppiemann, the young son of one of the leading citizens of this city, disappeared, and all efforts to find him have proved fruitless.

An element of mystery attaches to the case by reason of the fact that a few weeks ago an older brother of the little boy received an anonymous letter bearing a skull and cross bones, and demanding that a certain sum of money be left in a certain place at a designated hour. No attention was paid to this letter, and it is feared the disappearance of the little boy may have some connection with this.

A playmate of the boy said he had seen him leave one of the city docks about 4 o'clock Saturday. J. J. Clark, of Bay Center, says he saw the youngster about 5 o'clock Saturday going to his father's store. This is taken to preclude the theory of drowning, but the most diligent search in all directions has failed to disclose any trace of the boy and the kidnaping theory is rapidly gaining ground. Mr. Stoppiemann, a wealthy merchant here, is sparing neither his physical nor financial resources to find his young-ster son.

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WORK HAVOC WITH MOORS

Spanish Artillery Kills Hundreds. Moors Mutilate Prisoners.

LISBON, Aug. 26.—Special dispatches received here from Melilla say the fighting is general on the Moroccan coast. The new Spanish artillery has fought terrible havoc among the Moors, who have lost 1000 men in the last three days. The Spanish casualties amount to 350. A Spanish column has destroyed three villages near Restinga.

A Moorish deserter who has come into the Spanish lines declares the Spanish prisoners, after being horribly tortured and mutilated, have decapitated and their bodies flung into a hole on Mount Gurgur. Estimates place the number of Spanish prisoners at 1000.

The water being led out to the Spanish troops is insufficient, and driven by their overwhelming thirst they have drunk from stagnant pools. Many cases of poisoning have resulted and their bodies flung into a hole on Mount Gurgur. Estimates place the number of Spanish prisoners at 1000.

CONTESTANTS VERY CLOSE

At Camp Perry High Score Is 140, 100th Man 131, and 200th 128.

CAMP PERRY, O., Aug. 26.—Six hundred and twenty-four contestants took the range this morning in the National Individual match—next to the National team match the most important event of the rifle shoot here.

The statistical office announced it would not issue any bulletins of the standing of the contests until tomorrow.

At the end of the rapid-firing test it was officially stated, however, the highest score was 140 and that the 100th man had made 131 and that the 200th was only three points lower—128.

BABIES QUEERLY STRICKEN

Over 200 Brooklyn Children Have Form of Infantile Paralysis.

NEW YORK, Aug. 26.—More than 200 children in a limited district of Brooklyn have been stricken within the last few days with a form of infantile paralysis. Not even the healthiest children are immune from the epidemic and bottle-fed babies seem the most susceptible.

Physicians believe many of the victims will be crippled for life. Great difficulty heretofore has been found in checking the disease because little has been known about its cause and nature.

FLEET OF 18 EVOLVES

Huge Battleship Squadron Maneuvers Off Virginia Coast.

NORFOLK, Va., Aug. 26.—With the Atlantic battleship fleet augmented by the armored cruisers North Carolina, Montana and New York, which rejoined the fleet today, Rear Admiral Schroeder was in command of 18 ships—the pick of the American Navy—while these vessels engaged in battle practice and mimic war evolutions on the southern drill grounds off the Virginia coast.

OLYMPIA SENATE FAILS TO CONVICT

Schively Escapes by Two Votes.

GRAFT CHARGE IS STRONGEST

Solons Unanimous in Rejecting Perjury Count.

ELEVEN BALLOTS TAKEN

When Result Is Known Smiles Spread Over Face of Defendant, and Friends Gather to Extend Their Congratulations.

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MEXICAN YIELDS NOT TO SPANIARD

AMBASSADOR DECLINES TO GO TO BANQUET AT TOLEDO.

Rather Than Give Precedence to Mere Minister, Haughty Diplomat Stays Away.

TOLEDO, O., Aug. 26.—Marquis de Villalobar, Minister from Spain, was the guest of honor at a banquet tonight as the culmination of his visit to Toledo to attend a carnival. The attendance of Don Francisco de la Barra, Ambassador from Mexico, who had accepted an invitation, was prevented by an unfortunate misunderstanding as to precedence at table.

After he had agreed to come, the Spanish Minister received a communication as the direct representative of King Alfonso, and as such took the ground that he was entitled to precedence. Senor de la Barra, because of his superior diplomatic rank, declined to concede the point and cancelled his engagement.

WASHINGTON, Aug. 26.—Senor de la Barra, Ambassador from Mexico, was reluctant tonight to discuss the reason for his failure to attend the Toledo banquet. He said, however, that his stand was entirely in accordance with the obligations of international practice, which he could not set aside through motives of a mere personal nature, nor through courtesy.

His rank of Ambassador, he explained, did not permit him to yield precedence to a Minister, a rule of conduct in international etiquette that had universal sanction.

CHILDREN CLIMB MOUNTAIN

Three Girls, One Aged 5, Reach Summit of St. Helens.

KELSO, Wash., Aug. 26.—(Special.)—Hilda Hubbell, five years old, by climbing to the summit of Mount St. Helens last week last won the distinction of being the youngest child who has ever actually climbed the mountain. Not being able to write her name she laboriously printed it on the roster at the mountain top. Her sister Helen, aged 8, and Mildred Leischardt, aged 8, made this the largest party of youngest mountain climbers on record. All the little folks are from this place.

Mr. and Mrs. B. L. Hubbell, Mrs. A. Leischardt, and Archie Liville of Kelso; Miss Lindberg, of Portland, and Miss Eaton of Yacont composed the others of the party. They returned from the trip yesterday.

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TEST TO BE MADE OF COASTWISE LAW

Shipping Men to Force It Into Court.

STATUTE WILL BE BROKEN

Foreign Ship to Bring Coal From Ocean to Ocean.

FIGHT THROUGH COURTS

Owners of Vessel and Cargo Will Risk Fine and Prison to Prove Any Man May Violate Law If Government May.

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