

### TRACKWALKER PUTS BIBEL FOREMAN IN DEFENSE

#### Exposure and Overwork Recited in Defense of Man- slaughter Charges.

### HELP WAS INSUFFICIENT

#### Samuel B. Lewis Says He Faced Elements Until Exhausted, and Fled From Scene to Avoid Danger After Wreck.

The wreck of the Portland-Chicago fast freight No. 56, between Dodson and Bonnaville last November, which killed Thomas F. Rogers, was scalded and crushed to death, was caused by the failure of section foreman, William C. Smith, to employ enough watchmen, according to the story told to a jury in the Circuit Court yesterday afternoon. The suit is being tried in Judge Gabtenbein's department.

Samuel B. Lewis, the trackwalker accused of manslaughter for deserting his post early on the morning of Engineer Rogers' death, was on the witness stand. He declared under oath that he had been on duty 20 hours without rest at the time he left his piece of track, and that he had twice told Foreman Smith that he was not physically able to endure the exposure. He said the rain was falling heavily at the time he quit, that the wind was blowing in heavy gusts, and that he was benumbed with cold, the section of track which he was sent to patrol being exposed to the wind, and the railroad company having provided no place of shelter.

Lewis said the wind was blowing so hard that occasionally he was compelled to turn about to catch breath. He found after a time that he had no matches, and secured some from another watchman named Dodd. He found Foreman Smith with Dodd, and they went to the hotel building, showing him where his beat began, and standing on the porch out of the wind to talk with him. Lewis continued: "After we had stood around for five minutes I said that I was chilled through and could not stand any longer. I asked him if he would let me go, and he said that he would let me go if I would get back in my piece of track. I stayed a minute or two and left. I continued patrolling my beat until 3 o'clock in the morning. When I took my watch out I could hardly get it back in my pocket. I was so benumbed with cold. My hands and wrists were stiff. I could not have gotten the watch out again if I had tried to. That was the last time I looked at it.

#### Man Benumbed by Cold.

"The weather continued so bad as it was earlier in the night. I remained on the beat after that about an hour or an hour and a half. By that time I was staggering from rain to rain. On the last trip I fell down and put out the light in the lantern. I had a hard time lighting it, and then I went out and looked up against the outfit car, to see if I couldn't get out of a wind, and got warmed up a little.

"I didn't stay long. I started down the track pretty soon after that, and I ran into Dodd. I couldn't see him. I tried to tell him I couldn't stand it any longer, but my eyes were closed and my face was so numb I couldn't talk at first. He told me to come back for my dinner bucket, but I didn't want it. On his beat he shut off the wind. On my beat the wind had a full sweep. When I got to the cabin I dumped everything in a heap and got into bed.

#### Ship Carpenter Brings Suit.

Andrew S. Morrison, a carpenter, brought suit yesterday against Christian Honness and Charles N. Nelson of the Portland Shipbuilding Company for the recovery of \$13,000, on account of an accident in which his right ankle was broken. On April 9, 1908, he says, when he was assisting in laying a deck upon the steamer Shaver, a stick of heavy timber rolled off two masts kegs upon him. He says that the company should have provided wooden horses in place of the kegs.

#### Carpenter Sues for \$25,000.

H. Buttchau, a bridge carpenter, brought suit in the Circuit Court yesterday against the Columbia Contract Company, to recover \$25,000 damages. He says that while he was at work on the rock-crusher July 15 last year, a plank broke under him, so that he fell 29 feet, breaking his ankle. He says he was attempting at the time to move a shaft.

#### Real Estate Dealer on Trial.

J. C. Reed, a real estate dealer, is on trial in Judge Bronaugh's department of the Circuit Court on a charge of obtaining money under false pretenses. He alleged that on November 9, last year, he sold to C. S. Osgood a half interest in the real estate office at 120 McKay building for \$50, when he had already sold to other persons.

#### Pie Thief Gets Six Months.

John Foley, convicted of having stolen a pie from the North Bank Restaurant, as well as 20 meal tickets, was sentenced by Circuit Judge Gatens yesterday morning to serve six months in the County Jail. The jury recommended him to the mercy of the court.

#### U. P. PRESBYTERY TO MEET

Church and Affiliated Societies in Oregon Convene Monday.

#### FORGER ADMITS HIS GUILT

Time for Sentence Continued—Various Trials Are Set.

Joseph Johnson, alias John Moore, pleaded guilty before Presiding Circuit Judge Morrow yesterday afternoon of having knowingly passed a forged order for \$2500 upon the Scandinavian-American Bank. The crime was committed February 18. Judge Morrow continued the time for sentence.

### WICKERSHAM PUTS BLAME ON JUDGE

#### United Railways Manager Declares Lawyers Caused Ejection of Two From Car.

### CONDUCTOR BLAMED ALSO

#### Counsel for Official Contends Bond and Appeal Barred Contempt of Court Charge—Step Tardy, Allege Linntonites.

### PORTLANDER, UNDERSTUDY IN "THE RED MILL," SINGS ROLE IN HOME CITY.



More than ordinary interest attached to the engagement of "The Red Mill," now playing at the Baker, in the fact that Emil A. Miller, a former Portland boy, is understudy for one of the principal roles, that of Dorris, an Danm, Wednesday, at the matinee performance. Mr. Miller was offered an opportunity to display his ability in the part out of consideration of the fact that this is his home city.

Mr. Miller has a fine baritone voice and well-trained, of excellent range. He is the son of Mr. and Mrs. William F. Miller, of 508 Milner street, and has three brothers residing here. In 1908 Mr. Miller left Portland with "The Isle of Spice" company, and next year will play the role of "Dorris" in an Eastern production of "The Red Mill." Mr. Miller has been the recipient of many social attentions given in honor of his coming to the engagement here. Tonight he will be the honor guest at a dinner party, of which Waldemar Lind will be the host.

Cauffield, because, she says, he has, by failing to support her, compelled her for the last five years to earn her own living. She says she is continually nagged when her husband is at home, but that he has at times spent his evenings away from home. She says his disagreeable conduct has so worked upon her nerves that she is unable to attend to her household duties. She married Cauffield in Portland, January 2, 1904.

#### Appeal and Stay Contended.

Attorney Carey maintained that counsel for the Linnton residents drew a distinction between an order to stay and one about to be issued. He said that under the Oregon code the effect of an appeal was to suspend judgment, and that in all the classes of appeal specified in the code it was plain that filing of appeal was a stay.

#### Defiance Is Denied.

Mr. Wickersham's answer to John and Cora Newton's petition to have him cited for contempt of court alleges that he was acting on the advice of his attorney in charging a 10-cent fare from Portland to Linnton. The United Railways manager says that last Saturday, after Judge Morrow had issued his peremptory writ of mandamus compelling the railway company to give a 5-cent fare, the railway's attorney filed a notice of appeal to the State Supreme Court, and gave notice to stay the proceedings and the judgment.

#### Great Wine and Liquor Specials

Old Crow, bottled in bd. \$1.05  
Duffy's Malt ..... 73c  
Cedar Creek st' Bourbon 83c  
Maryland Reserve, full quart of fine old Rye, special. \$1.13  
Hunter Rye, special. .... 89c  
Gordon Dry Gin, special, 89c  
Rock and Rye, for coughs and colds, special. .... 69c  
Pure Old California Sherry, special. .... 33c  
California Port Wine, fine quality, special. .... 33c  
Cedar Creek, bottled in bond, aged 5 years in wood. .... 95c  
Cedar Creek Rye or Bourbon, full half gallon, special, \$1.69

#### Handbags

Ladies should not overlook our splendid variety of new Bags. Look at the special prices:  
Reg. \$2.25, \$2.50 Bags, \$1.67  
Reg. \$3.25 val., special, \$1.87  
Reg. \$5 and \$5.50, sp'l., \$2.38  
Reg. \$7 and \$7.50, sp'l., \$4.95

#### Rubber Goods

The Owl not only protects you against high prices, but with a liberal guarantee on all rubber goods.  
Regular \$1.25 Hot Water Bottles, guaranteed 2 years, special. .... 98c  
Regular \$1.50 Fountain Syringes, guaranteed for 2 years, special. .... \$1.23  
Regular \$1.75 Fountain Syringes, guaranteed for 2 years, special. .... \$1.47  
Bulb Syringes, heavy bulb and strong tubing, four attachments; regular \$1.50, special. .... 98c  
A Trained Nurse in Attendance at Our Rubber Goods Department.

#### Specials at the Candy Department's

Delicious, fresh Orange Drops—See them in the window, per pound. .... 25c  
Fresh Chocolate Figs, dainty, chocolate covered Figs, full pound box, special. .... 25c

#### Trunks

Four choice of our \$11 and \$12 Trunks—  
Special \$9.23

#### Trusses

Few stores carry the assortment the Owl does, and our prices are the lowest on the whole Pacific Coast.  
Elastic Trusses 75c and up.  
Spring Trusses \$1.50 and up.  
Men and Women Fitters Who Know How.

#### The Owl Drug Co

ORIGINAL CUT RATE DRUGGISTS  
7th. and WASHINGTON STS. PORTLAND, ORE.  
OTHER STORES: SEATTLE, SAN FRANCISCO, OAKLAND, LOS ANGELES.

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#### Counsel for Official Contends Bond and Appeal Barred Contempt of Court Charge—Step Tardy, Allege Linntonites.

Asserting that he acted under advice of his attorneys, L. B. Wickersham, manager of the United Railways, before Judge Morrow yesterday, denied being a court contemner in maintaining 10-cent fare to and from Linnton. His lawyers, he alleged, are to blame for the experience of Mr. and Mrs. John Newton, who were ejected from a United Railways car last Saturday night for proffering a nickel apiece as fare and compelling to the trial of Whitwood Court to Linnton in driving rain.

In a measure, blame is also put on the conductor by the railway manager, Mr. Wickersham, in his response to contempt of court proceedings, alleging that he, personally, did not oust Mr. and Mrs. Newton from the car.

Judge Morrow took the case under advisement, saying he would announce Monday when he would hand down a decision. Attorneys A. C. Emmons and C. H. Carey appeared for Mr. Wickersham and Attorney G. F. Martin and Roscoe C. Nelson represented the Linnton complainants.

#### Contempt Only Point.

The United Railways' answer admitting the facts, the question considered was, whether Mr. Wickersham was in reality in contempt of court. Counsel for the railway asserted that by filing a bond with the court Saturday and announcing intention of appeal, after the writ of mandamus had been served, the order of the court ordering a 5-cent fare was superseded. Counsel for Mr. Wickersham filed an amended answer previously alleging that there was no intention to disobey the court, but that the railway manager was acting under orders of counsel and on the basis of a principle.

Attorney Martin asserted that the mere filing of a bond and the notice of appeal after the service of the writ had no force to stay the writ. He said while the appeal notice stayed any further proceeding in that court, such as obtaining a judgment for costs, it was not retrospective and could take no effect on the court decisions issued before the appeal was granted. He also contended that if the writ could not be stayed, Mr. Wickersham was in contempt, and he prayed the court to order accordingly.

In reply to a question by the court, Attorney Martin replied that if the railway company had sued in filing the stay bond and notice of appeal prior to service of the writ, contempt proceedings could not have been instituted.

For the railway company, Attorney Emmons contended that there was a right to appeal from a judgment in any action, and quoted the Oregon statute defining how appeal may be taken. He said the law had put it into the power of the appellant to stay proceedings by simply filing a bond. He contended the contention of opposing counsel be upheld in the present proceedings and the railway company win on appeal, he declared, the appeal would be a barren victory, for they would lose all the 5-cent pieces that might have been deducted in the meantime. Judge Morrow pointed out there would be a loss, necessarily, on one side or the other.

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#### The Memory Lingers

Postum Cereal Company, Ltd.  
Battle Creek, Mich.

Half a million telephone messages were sent from the Waldorf-Astoria Hotel in New York last year.

### The Store With the Efficient Service

1 2 3 4 5 6 7 8 9 10 11 12 13 14

## Fourteen Owls With But a Single Thought

A single thought animates The Owl's great chain of stores—"to put before you goods of the highest quality, at the lowest possible prices." This thought is behind the entire "Owl" organization, with its fourteen big stores. With "The Owl," to think is to act. That is why you can buy thoroughly dependable goods in The Owl Drug Stores at a big saving. Our retail prices are often as low as the average wholesale prices, and, with our many years of experience and tremendous purchasing power, doesn't it seem sensible to you that we must enjoy great advantages—price advantages that we can and DO pass to you? To see and experience is to know. Come today and Saturday—just look at the great values we offer you. Seventh and Washington Streets.

## Pure Drugs—Full Weight

- |                                   |                                            |                            |
|-----------------------------------|--------------------------------------------|----------------------------|
| Regularly 10c                     | Special 7c                                 | Regularly 25c; Special 17c |
| 16-oz. Epsom Salts. .... 7c       | 3-oz. Tincture Arnica ..... 7c             | 8-oz. 17c                  |
| 16-oz. Aqua Ammonia. .... 7c      | 1-oz. Tincture Benzoin. .... 7c            | 4-oz. 17c                  |
| 16-oz. Lime Water. .... 7c        | 2-oz. Spirits of Camphor. .... 7c          | 6-oz. 17c                  |
| 16-oz. Benzine. .... 7c           | 1-oz. Oil Eucalyptus. .... 7c              | 3-oz. 17c                  |
| 16-oz. Gasoline. .... 7c          | 2-oz. Camphorated Oil. .... 7c             | 6-oz. 17c                  |
| 16-oz. Alum. .... 7c              | 1-oz. Tincture of Iron. .... 7c            | 4-oz. 17c                  |
| 16-oz. Borax. .... 7c             | 1-oz. Tincture of Myrrh. .... 7c           | 3-oz. 17c                  |
| 16-oz. Flaxseed. .... 7c          | 1-oz. Sweet Spirits of Nitre. .... 7c      | 4-oz. 17c                  |
| 16-oz. Ground Flaxseed. .... 7c   | 1-oz. Essence Peppermint. .... 7c          | 3-oz. 17c                  |
| 16-oz. French Chalk. .... 7c      | 3-oz. Rose Water. .... 7c                  | 8-oz. 17c                  |
| 4-oz. Rock Candy. .... 7c         | 2-oz. Paregoric. .... 7c                   | 6-oz. 17c                  |
| 3-oz. Cream of Tartar. .... 7c    | 3-oz. Glycerine. .... 7c                   | 8-oz. 17c                  |
| 3-oz. Boracic Acid. .... 7c       | 3-oz. Rose Water and Glycerine. .... 7c    | 8-oz. 17c                  |
| 2-oz. Precip. Chalk. .... 7c      | 3-oz. Castor Oil. .... 7c                  | 8-oz. 17c                  |
| 2-oz. Camp. Chalk. .... 7c        | 4-oz. Essence Jamaica Ginger. .... 7c      | 8-oz. 17c                  |
| 2-oz. Chalk and Orris. .... 7c    | 1/2-oz. Tincture Iodine. .... 7c           | 2-oz. 17c                  |
| 2-oz. Fuller's Earth. .... 7c     | 4-oz. Chloroform Liniment. .... 7c         | 6-oz. 17c                  |
| 2-oz. Buhach. .... 7c             | 2-oz. Carbolic Acid. .... 7c               | 6-oz. 17c                  |
| 16-oz. Bicarb. of Soda. .... 7c   | 2-oz. Sulphur and Cream of Tartar. .... 7c | 7c                         |
| 3-oz. Rochelle Salts. .... 7c     | 16-oz. Moth Balls. .... 7c                 | 7c                         |
| 16-oz. Sulphur. .... 7c           | 8-oz. Spirits Turpentine. .... 7c          | 7c                         |
| 16-oz. Flake Naphthaline. .... 7c | 1-oz. Aromatic Spirits Ammonia. .... 7c    | 7c                         |
| 4-oz. Soap Bark. .... 7c          |                                            |                            |

## Miscellaneous Specials

- |                                                                       |
|-----------------------------------------------------------------------|
| Listerine, manufacturer's 25c size, special. .... 14c                 |
| Hinds' Honey and Almond Cream, special. .... 27c                      |
| Rubifoam, for the teeth, special. .... 12c                            |
| Jergen's Violet Glycerine Soap, regular 10c cake, special. .... 7c    |
| Stuart's Charcoal Tablets, manufacturer's 25c size, special. .... 15c |
| Harlem Oil, regular 10c bottles, special. .... 5c                     |
| Mentholatum, the large size, special. .... 29c                        |
| Wampole's Cod Liver Oil, special. .... 67c                            |
| Pape's Diuretic, special. .... 29c                                    |
| Merck's Soda Phosphate, full pound box. .... 12c                      |
| Horlick's Malted Milk, hospital size, special. \$2.73                 |
| Kondon's Catarrh Jelly, 25c size. .... 15c                            |
| Capillarix. .... 31c                                                  |
| Calox Tooth Powder, 2 for. .... 25c                                   |
| Dr. Charles' Flesh Food. .... 25c                                     |
| Swift's Specific, large size, special. .... \$1.23                    |
| Beecham's Pills, special. .... 12c                                    |
| California Syrup of Figs, the 50c size, special. .... 29c             |
| Mennen's Talcum Powder, special. .... 9c                              |
| Euthymol Tooth Paste, special. .... 10c                               |

## Hand Mirrors

Heavy plate glass, ring handle, regular 85c—  
Special 63c

## Todco Soap

Hundreds of people are already using this splendid bath soap. Comes in the Glycerine, Oatmeal, Elder Flower, Almond and Cocoa. A large, hard-milled, mild soap. This is the best soap value we know of—  
10c, Three for 25c  
WASH CLOTH FREE WITH THREE CAKES

## Suitcases

Both leather and matting cases, well made, strong values at \$5.00; special \$3.87 at.....

## Prescriptions

Two things are vital to you in having a prescription filled—pure drugs and careful compounding. You can't afford to take chances—it's very often a matter of life and death.  
We employ none but registered men and use nothing but the purest drugs, and charge you at Owl Cut Rates.  
Bring your next prescription here.

## Durham Duplex Safety Razors

Shave With a Smile  
Ask to see the Durham Duplex Safety Razor, the best of the old and the best of the new combined in one—the best of all. Sold on a 30 days' free trial.

## Great Wine and Liquor Specials

Old Crow, bottled in bd. \$1.05  
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Maryland Reserve, full quart of fine old Rye, special. \$1.13  
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Delicious, fresh Orange Drops—See them in the window, per pound. .... 25c  
Fresh Chocolate Figs, dainty, chocolate covered Figs, full pound box, special. .... 25c

## Hair Brushes

See the splendid assortment in our window, solid back, pure bristle Brushes; regular 75c value, sp'l. 49c

## Tooth Brushes

You can't equal this value in a Tooth Brush at any other store. It's unequalled. "The Owl" 25c Tooth Brush is better than those you're often asked 50c for elsewhere. They're guaranteed. If the bristles come out, bring 25c back the brush; get another or your money back.

## "Rubberset" Shaving Brushes

The "Rubberset" Brushes you've seen advertised so widely. They're guaranteed to hold their bristles. Wide assortment of grades and sizes. Excellent values, at 25c, 50c, 75c and up. 25c 50c 75c

## Ladies' Dressing Combs

A fine collection of hand-finished Combs; regular 75c val., special. .... 48c

## Manicure Scissors

A splendid assortment of Henckel's high-grade Scissors; regular \$1.25 and \$1.50 val., special. .... 98c

## Trunks

Four choice of our \$11 and \$12 Trunks—  
Special \$9.23

## Trusses

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