

STATE'S IRRIGATION LEGAL

Supreme Court Sanctions Appropriation for Columbia-Southern Project.

M'NARY WRITES OPINION

Decision Denies That Act Lends Credit of Oregon and Holds Legislature Has Almost Unlimited Field for Operation by Law.

SALEM, Or., July 1.—(Special.)—Holding that the act passed at the recent session of the Legislature appropriating \$100,000 for reclamation of land in the Columbia Southern Irrigation project is not unconstitutional, the Supreme Court today dismissed the suit of L. H. McMahan to enjoin the Secretary of State and the State Treasurer from paying out the money.

The opinion was written by Justice McNary, the first by him since his appointment by the Governor to the Supreme Court bench. It affirms that of Circuit Judge Galloway.

Mr. McMahan, as a citizen and a taxpayer, brought the suit, contending that the act was a special one and that the money to be appropriated by the state was for the benefit of a certain class.

The court holds that "unless a positive prohibition exists in the fundamental law, the Legislature has an almost unlimited field for operation, even though the law may be special or local in its character."

The opinion denies that the act lends the credit of the State, and the objection that the act is unconstitutional is without the purview of the Legislature authority to "lay a tax upon all the people and to expend the money for the profit of the public."

It is held that the State, in acquiring the proprietary rights of the defaulting companies that had attempted to irrigate the land, obligated itself to protect the rights of persons who had paid money on their contracts.

"We think it is plainly apparent, from an inspection of the act that its object is for the benefit of the public, even though incidental advantages may accrue to a few land owners within the zone of the project beyond those enjoyed by the general public."

Immediately after the decision was rendered the Desert Land Board held a meeting, and decided to send the Attorney-General to the scene of the proposed work to complete plans for the purchase of land for reservoirs.

The board also decided that no person under the Carey Act may obtain land by assignment unless he is a qualified entryman.

RAILROAD CHANGE NOTED

La Grande Will Become Division Headquarters of O.-W. R. & N.

LA GRANDE, Or., July 1.—(Special.)—Details pertaining to moving division headquarters to La Grande for operation of the O.-W. R. & N. between Huntington and Umatilla, that are being put into tangible shape by Assistant General Manager Buckley and William Bollons, the new superintendent of this division.

The change will create several new offices. Mr. Lyon will come here as division engineer; J. H. Best becomes division storekeeper with headquarters here; S. C. Smith will make La Grande his home and will be supervisor of bridges and buildings for this division; T. M. Stolt becomes chief clerk to Superintendent Bollons and is here now.

W. H. Louback becomes chief clerk here, while O. B. Wood is the new accountant and H. J. Menig will be his assistant.

SLAYER'S TALK RAMBLING

Insanity May Be Plea of Man Who Killed Mother-in-Law.

DALLAS, Or., July 1.—(Special.)—Lou W. Davis, the man who shot and killed his mother-in-law, Mrs. Eliza J. Stewart, and fatally wounded Ben Ager at Ballston yesterday, was brought to Dallas by Sheriff J. M. Grant. His head was swayed in bangles as the result of a fight with Messrs. Stewart and Ager.

When arraigned before Justice of the Peace Hardy Holman on a charge of murder in the first degree, Davis pleaded not guilty, waived preliminary examination and was bound over without bail to await action by the August grand jury.

Davis had little to say and his talk was rambling. Davis was unable to hire an attorney and the court appointed Walter L. Toose, Jr., a member of the local bar, to defend him. Insanity probably will be the plea of the defense.

CORVALLIS CADETS LAUDED

War Department Report Gives O. A. C. Boys High Rank.

CORVALLIS, Or., July 1.—(Special.)—A report from the War Department at Washington gives the regiment of Oregon Agricultural College Cadets high rank. According to bulletin No. 20, just received by Commandant Peter J. Hennessey, the Oregon regiment is the 10th at colleges and universities in the United States that "have exhibited the greatest application and proficiency in military training and knowledge."

HISTORIC CURIO IS FOUND

Linn County Notice 50 Years Old Is Uncarved by Janitor.

ALBANY, Or., July 1.—(Special.)—A historic curio, in the form of a printed notice calling for bids for the construction of Linn County's first brick court-

house, erected in 1864, was unearthed Monday by Mr. E. Bilyeu, janitor of the courthouse. Bilyeu first picked up the clipping about three years ago somewhere in the courthouse, he does not remember exactly where, and placed it in his pocket. He overlooked it until overhauling some old trousseau today.

The notice is yellow with age, and it is probable that it was placed with other papers in a pillar of the old courthouse, which was partially torn down in 1898, when the present courthouse was being erected. James E. Elkins, now of Oakland, Cal., was County Clerk when the old courthouse was built.

Linn County's first courthouse was a wooden building of unique structure, in that it was octagonal in shape, exactly of the same size and shape as one of the city's oldest houses, which yet stands at the corner of Second and Washington streets. This old courthouse was burned in 1861, and the

VETERAN COLUMBIA RIVER PILOTS COULD BE STROKE OF APOPLEXY.



ASTORIA, Or., July 1.—(Special.)—Captain Joseph L. Turner, the veteran Columbia River pilot and steamboat man, died here shortly after 2 o'clock Monday afternoon, as the result of a stroke of apoplexy, with which he was stricken late Saturday afternoon.

Captain Turner was born in Sonoma, Cal., about 53 years ago. When a child he moved with his parents to Shoalwater Bay and two sons, residing in Portland, Cal., about 53 years ago. When a child he moved with his parents to Shoalwater Bay and two sons, residing in Portland, Cal., about 53 years ago.

brick courthouse was erected to replace it, after temporary quarters had been used for about three years.

DALLAS WILL GET FAIR

POLK COUNTY FALLS INTO LINE FOR BIG ANNUAL EXHIBIT.

Association Is Organized and Contention Between Two Cities Settled by Action of Board.

DALLAS, Or., July 1.—(Special.)—Permanent organization of the Polk County Fair Association, which will promote an annual agricultural, livestock and school children's fair at Dallas each year, was effected in this city last Saturday.

The following officers were elected: President, H. L. Fenton, Dallas; vice president, John Simpkins, Spring Valley; treasurer, Eugene Hain, Dallas; cashier, Dallas National Bank; secretary, H. H. Belt, Dallas.

The Polk County fair board met here today to settle the dispute between Dallas and Independence as to which city should entertain the next county fair. Dallas won by a vote of two to one.

This puts at rest for all time any doubt as to the annual county fair in this county and the place of holding the exhibit. For two years Dallas has, at its own expense, given a county fair, and this fact carried weight with the board.

Rain Hurts Berry Crop.

CHEHALIS, Wash., July 1.—(Special.)—Continued rains that have fallen in the last 48 hours have cast a gloom over the strawberry growers in this section. Thousands of acres of berries have been ruined and thousands more will go unpicker. While the rains have done much damage locally to the strawberries, they have helped many other crops, and all kinds of grains, grasses and hops show an immense growth.

Alaskan Riches Arrive.

SEATTLE, June 30.—The steamship Humboldt arrived from Alaska tonight with \$300,000 of gold bullion.

AGRICULTURAL COLLEGE ROMANCE RESULTS IN WEDDING AT CORVALLIS.

Mr. and Mrs. Harold S. Turley.

OREGON AGRICULTURAL COLLEGE, Corvallis, July 1.—(Special.)—A romance, which began at Oregon Agricultural College three years ago, has resulted in the marriage of Harold S. Turley, of Corvallis, class 1913, and Miss Florence LaRue Starbird, of Portland, who was graduated last year.

The wedding took place at the residence of Mrs. L. Gilmore, mother of the bridegroom, Rev. Edwin T. Sherman, of the Congregational Church, officiating. Mr. and Mrs. Turley left at once for the coast on their wedding trip.

After July 10 they will be at Astoria, where Mr. Turley has a position with the Columbia & Nehalem River Railroad Company.

FINLANDERS' SPREE STRIPS UP GARDNER

Intoxicated Squad From Railroad Construction Camp Tries to Shoot Up Town.

CHURCH FAILS AS PRISON

Disturbers Break Up Furniture When Locked in House of Worship and Are Taken to Dry Kiln to Await Officers.

ROSEBURG, Or., July 1.—(Special.)—Swooping down on the little town of Gardner last night, a bunch of intoxicated Finlanders employed in railroad construction work started to "shoot up" the town in true early Western style.

Reports received here today state that the men first visited the house of "Trixie" Lowell, where they did considerable damage to the fixtures. Leaving there, they went to the "soft" drink resort conducted by Edward Franklin and started to shoot up the place. Riley Anderson, who was employed by Franklin, resisted the intrusion of the Finns and opened fire on the crowd. Three of the bullets are said to have struck Alex Matson, but without fatal effect. Another bullet broke the arm of "Shorty" Brown.

Following the shooting the Finlanders were arrested and placed in church pending the arrival of the officers. They continued the "rough house" pastime, breaking up church furniture and were later removed to a dry kiln of the Gardner Lumber Company. They are still held in the kiln under heavy guard, awaiting the arrival of District Attorney Brown and Deputy Sheriff Ralph Quine, who left for the scene of the disturbance this afternoon.

Yesterday's near-riot is said to have aroused a strong feeling among the Gardner people against "blind pigs" and the officers will be called upon to stamp out the nuisance in that vicinity.

TYROLEAN SINGERS COME

In Native Garb Alpine Musicians to Appear at Chautauqua.

OREGON CITY, Or., July 1.—(Special.)—The original company of the Tyrolean Alpine Singers, well known throughout the East, is to be one of the musical features of the Chautauqua which opens next Tuesday at Gladstone Park. As this is the first Western appearance of this company of unique musicians their coming is eagerly awaited.

The Tyroleans hail from the snow-capped Tyrolean Alps, appear in their native peasant garb, and feature the quaint folk-lore melodies of their peasant homes. Not only do the Tyroleans sing, but they play most beautifully on the native Swiss musical instruments, and their "yodeling," characteristic of the Swiss mountaineers, is said to be wonderful.

The Tyroleans are now touring North Dakota and will appear at Gladstone for two performances July 10.

DOGS AND HOGS IN FIGHT

Columbia River Steamer Deck Scene of Battle Royal.

HOOD RIVER, Or., July 1.—(Special.)—A battle royal took place between a drove of hogs being shipped to Portland and the two dogs of a family traveling down the Columbia from Tillamook on the big passenger and freight boat, The Dalles City, just as it was leaving here yesterday morning.

In order to unload a number of passengers who were disembarking here, the hogs, which were driven on the lower deck of the boat and allowed to roam at large, were driven to the deck again. The dogs rushed the hogs and for a moment it seemed as if some of the vehicles on the front of the boat would be knocked into the river.

GEORGE W. BAIN TO SPEAK

Noted Chautauqua Lecturer Will Appear at Gladstone July 15.

OREGON CITY, Or., July 1.—(Special.)—Colonel George W. Bain, an old warhorse of the lecture field, is now speaking westward.

At Ocean Grove, N. J., Colonel Bain has appeared exactly 28 times, and in over a dozen Chautauquas scattered about the United States, he has spoken more than 20 times at each one. His first appearance at the Gladstone Chautauqua will be on Tuesday, July 15. His opening address is entitled "The New Woman and the Old Man."

On July 17 he will speak on "A Searchlight of the Twentieth Century," and on Sunday, July 20, "If I Could Live Over." Colonel Bain is generally regarded as one of the greatest lecturers on the American platform today. The Gladstone assembly will convene from July 8 to 20.

LA GRANDE IS CLEANED UP

Disreputable Houses Closed and Inmates Move Away.

LA GRANDE, Or., July 1.—(Special.)—The restricted district of La Grande is a thing of the past as a result of a proclamation issued by Mayor Hall nearly a month ago that by July 1 the district must be stopped and in consequence the women of these resorts at once commenced preparations for their departure. Yesterday morning's train going west carried many of the inmates and no sign of life is visible in any of the houses today.

The result of the district giving up so easily is quite satisfactory to all save the owners of the shacks which they used along Jefferson avenue and for which they paid enormous rentals. Most of the properties were owned by non-residents and are practically worthless.

COURT UPHOLDS CITY

Decision Handed Down in Pendleton Case.

SALEM, Or., July 1.—(Special.)—The Supreme Court today, in the case of James Johns against the City of Pendleton, held that City Councils are authorized street work could limit specifications to one patented pavement.

The plaintiff filed suit on the ground that patented paving composition manufactured by a single company, and exclusively controlled by it, rendered it impossible for any but a single corporation to bid, and that it was inimical to the charter of the city, which requires all paving contracts to be let to the lowest bidder. It was shown that it was the custom of the company that did the work to allow contractors to put in their own plants or for the company to furnish plants to contractors owned and operated by the contractor. The opinion was written by Chief Justice McLean.

Other decisions by the Supreme Court today follow: Annie P. Sullivan, administratrix of the estate of William H. Sullivan, against Wakefield & Jacobson, appellants, appealed from Multnomah County; reversed.

Theodore M. Barr against H. P. Minto, appellant, appealed from Marion County; reversed.

Susan Crane and others against the Oregon Ry. & Navigation Company, appellants, appealed from Marion County; affirmed.

Fred Dorn against Clark-Woodward Dry Cleaning Co., appellants, appealed from Multnomah County; reversed and remanded.

Susan Crane and others against the Oregon Ry. & Navigation Company, appellants, appealed from Marion County; affirmed.

R. F. Claypool, appellant, against Francis O'Neil, appellee, from Multnomah County; reversed.

LUTHERANS TO BE ASKED

GENERAL COUNCIL WANTED ON PACIFIC COAST IN 1915.

Full Quota of Delegates Will Attend Toledo Conference to Urge Western Visit.

VANCOUVER, Wash., July 1.—(Special.)—A strenuous effort will be made at the meeting of the General Council of the English Lutheran Church in September, in Toledo, O., to have the 1915 meeting held on the Pacific Coast—either at Seattle or Portland, if either of these cities extends an invitation, and it is thought that one, or both will do so.

The delegates to and to get as large a delegation present as possible in favor of bringing the council to this Coast, the 13th annual convention of the Pacific Synod, which has just closed its session here, elected its full quota of delegates. Those elected to the General Assembly in Toledo, September 15, and Rev. M. E. Boulton, of The Dalles, president of the Pacific Synod; Rev. P. H. W. Frederich, of Portland; W. S. F. Derr, of Vancouver, Wash., and J. W. Smith, of Bellingham.

The expenses of these delegates to the East will be met. It has been customary heretofore to send one delegate from the Pacific Coast on only half of his expenses were allowed.

The Synod will hold its annual meeting in June, 1914, in Bellingham.

Rev. J. M. Haskell injured on train on which wife rides strikes pastor near Chehalis.

CENTRALIA, Wash., July 1.—(Special.)—Rev. J. M. Haskell, a Baptist preacher, was injured on the main street pulpits in both Centralia and Chehalis on various occasions, was struck by a Northern Pacific passenger train at Centralia, and sustained internal injuries that will probably result in permanent disability.

Rev. Mr. Haskell was driving to this city on Chehalis. The wagon was struck at the crossing just east of the Grand Mound depot. He sustained a badly cut head, severe bruises on the body and probable internal injuries. The wagon was demolished.

Mrs. Haskell was on the train which struck her husband. The injured man was placed on the train and taken to Chehalis.

BERRIES PRESERVED IN SUN

White Salmon Growers Form Co-operative Organization.

WHITE SALMON, Wash., July 1.—(Special.)—White Salmon strawberry growers have formed a co-operative company and erected a temporary factory to process the fruit into "preserved" strawberries in order to save the overripes and field-picked berries. The factory will be ready for operation in a few days.

The experiment will be tried with other fruits as they ripen and, if successful, will mean many thousands of dollars in the fruitgrowers' pockets.

ECCLES VISITS FIRE SCENE

Plans Are Shaped for Rebuilding Mill Burned at Dee, Or.

HOOD RIVER, Or., July 1.—(Special.)—D. C. Eccles is visiting the scene of the recent lumber mill conflagration at Dee and is taking an inventory of the mill site. Plans for rebuilding the structure. It is possible that the mill site will be changed, although this is not in any sense certain.

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DR. BELLINGER IS CHOSEN

Asylum Physician Made Superintendent of Tuberculosis Institute.

SALEM, Or., July 1.—(Special.)—Dr. G. C. Bellinger, who has been in charge of the farm at the Insane Asylum for many years, was today named superintendent of the Tuberculosis Institute to succeed Dr. P. H. Fitzgerald, resigned.

Dr. R. E. Ringo, of Pendleton, declined the position, which pays \$2400 a year. Dr. Fitzgerald resigned several months ago, but the board has been reluctant to permit him to leave.

Dr. Fitzgerald will make a trip abroad.

Specials for This Week

Ladies' Fancy Tailored Suits—

HALF PRICE

Ladies' Serge Dresses—

ONE-FOURTH OFF

Ladies' Tailored Coats—

ONE-FOURTH OFF

Ladies' Khaki Suits—

HALF PRICE

Girls' Wash Dresses—

HALF PRICE

Boys' \$6.50 to \$10 Knicker Suits—

SPECIAL, \$5

Boys' 50c Blouse Waists—

SPECIAL, 29c

Children's Wash Suits—

HALF PRICE

—Third Floor

—Second Floor

A wonderful sale of fine sweaters is in progress on the main floor, Furnishings Department.

BEN SELLING

LEADING CLOTHIER MORRISON STREET AT FOURTH

SOLDIERS ARE OFF

Troops Leave Vancouver Barracks for Philippines.

BAND PLAYS "DOLLY GRAY"

340 Men and Officers, in Command of Lieutenant-Colonel McLaughlin, Start for Three Years of Foreign Service.

VANCOUVER BARRACKS, Wash., July 1.—(Special.)—With the Twenty-first Infantry band playing farewell airs, including "Goodbye, Dolly Gray," the "Dollies" being wives, mothers, sweethearts and in some cases the children of the departing soldiers, the special train bearing the men and officers of Batteries D, E and F, Second Field Artillery, pulled out at about 11 o'clock today.

About 340 men and officers, in command of Lieutenant-Colonel Edward F. McLaughlin and 10 officers, left for Manila, to be gone in a foreign country for three years. The batteries, it is said, will remain in the islands permanently, but the personnel will be changed. The officers and men will be sent back to service in the United States at the end of their tour.

The 400 animals, in charge of Captain A. B. Warfield and 60 soldiers, were taken to Seattle 10 days ago and shipped on the Government transport Dix from that port to San Francisco, where the men and officers will join. A number of officers from this battalion of the Second Field Artillery have been transferred to other organizations, and other officers have been detailed to take their places. Several of these will join the batteries at San Francisco, being now in various parts of the United States, hurrying west to the Golden Gate to sail from San Francisco July 5, for Manila.

With Colonel McLaughlin today were Captain William F. Jones, Battalion Adjutant; Lieutenant Joseph Barston, Lieutenant Vincent Meyer; Lieutenant Robert T. Wilson, Lieutenant C. J. Beatty and Lieutenant Gillespie.

White Salmon Ships Cherries.

WHITE SALMON, Wash., July 1.—(Special.)—For the first time in the history of this locality cherries have been shipped from here in carload lots. Most horticulturists have considered that the White Salmon Valley redhot

Doctors Said He Had Dropsy

Some time ago I had an attack of dropsy which finally settled in my kidneys and bladder. I doctored with the doctors and they claimed I had dropsy. I tried other remedies and got no relief from any of them. My condition was such that I was unable to work for about two months and the annoying symptoms caused me a great deal of trouble and pain. I was hardly able to turn over in bed. Seeing one of your Almanacs, I decided to give Dr. Kilmer's Swamp-Root a trial, and after taking several bottles was able to resume my work again. I cannot say too much in praise of your Swamp-Root, as the results in my case were truly wonderful. Yours very truly,

ROBERT BALLARD, Mansfield, Pa.

Sworn and subscribed before me, this 7th day of May, 1913.

RAY C. LONGBOOTH, Notary Public.

Letter to Dr. Kilmer & Co., Binghamton, N. Y.

Prove What Swamp-Root Will Do For You

Send to Dr. Kilmer & Co., Binghamton, N. Y., for a sample bottle. It will convince anyone. You will also receive a booklet of valuable information, telling all about the kidneys and bladder. When writing, be sure and mention The Portland Daily Oregonian. Regular fifty-cent and one-dollar size bottles for sale at all drug stores.

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