

# ASK RECOMPENSE FOR LATE FLOOD

## Property Owners Who Suffered From Tanner Creek Flood Believe City Is Liable and Claims Have Already Been Filed.

Already the city of Portland has been served with a notice that claims will be made for all damage wrought to the property on which the shaft is being sunk back of the engine-house on Sixteenth and Washington streets at the scene of the break in the Tanner-creek sewer. Frank Robertson, of the firm of Corbett, Felling & Robertson, owner of the property, served the written notice.

"The city has clearly been negligent," said Mr. Robertson, "and when I saw that my property was being damaged by the city engineer, the mayor and the city engineer that I wanted the work stopped until a guarantee was given me that it would be reimbursed for all damages."

"I was notified," said City Attorney McNary, "but of course the city has to take some excess of authority in such cases, for something had to be done, and done immediately. It would not do to stop and ask all of the property owners what to do, for they would all have some objection."

The Tanner creek sewer is one of the largest and longest in the city. It was completed in 1911 and is built of brick. It carries off the water from Canyon creek, a stream that flows down the steep hills back of Willamette heights, and which at times fills with an immense volume of water. When the sewer was built it was started at an old tannery over the Washington street hill back of the heights, and from this it received its name.

"We have previously had trouble with

the Tanner creek sewer, and it is said by some that it is not built of the best of material and is faulty in construction," said Deputy City Engineer Shannon.

"It has been charged that in this break the city engineer's department has been negligent, but this is not true," said City Engineer Elliott. "The dangerous condition of the sewer was reported to the office three weeks ago last Saturday and a force of sewer men went out at once and did all that could be done at the time. Each time the high water was impossible to get at the sewer until the weather cleared."

The first break occurred three weeks ago last Saturday. The last break occurred, with the results already known.

All of the city officials, including Mayor Williams and City Attorney McNary, are being notified by the city engineer of the damage done by the break and subsequent flood, but property owners who have suffered take a different view.

The city engineer's department has not yet solved the problem of how to repair the Tanner creek sewer break. The city engineer did not suffice to open the sewer, and late Saturday afternoon a force of men began to sink a shaft for the purpose of reaching the break in the sewer. A mass of rock was encountered late yesterday, and late today the men had not been able to penetrate it. Therefore the water still flows over the field and adjacent blocks, although it does not rise any higher.

# PETTICOAT POLICE ROUT A THIEF

Pursued by a dozen, screaming women, a man who snatched a fur boa from the shoulders of Miss Stella Watkins, a stenographer, at the city auditor's office, ran madly down the street this afternoon, and was obliged to drop his plunder in order to escape.

The incident took place at 1 o'clock. Miss Watkins was just returning to the city hall from luncheon and as she entered the building a man stepped from the doorway and snatched her fur boa. The thief ran and with a cry of "stop

thief," the stenographer gave chase. Several other women were passing at the time. Each one cried to that of Miss Watkins and clutching her skirts joined in the chase.

With one frightened look the running man glanced at the rapidly increasing number of his pursuers, and at length he let go the boa and sprinted.

Out of the crowd of pursuing women, Miss Watkins recovered her wrap and walked slowly back to the hall, surrounded by an indignant group.

# SIMON MEN WIN MANDAMUS SUITS

Three suits growing out of the fight between the Mitchell and Simon factions of the Republican party, all in the interest of the Simon faction, were heard before Circuit Judge Sears this afternoon. The first is a petition for an injunction to prevent prisoners from the county jail, registered recently, from voting at the primaries. The second is a writ of mandamus to compel the county clerk to place on the ballots Simon nominees substituted for those withdrawn in two precincts.

Judge Sears at 3 o'clock granted writs of mandamus in both cases.

Attorney J. C. Moreland appeared for County Clerk Fields, Wallace McCamant and G. C. Moser for the two plaintiffs.

W. H. Foster, Simon's nominee for delegate in precinct 51, has resigned from the ticket.

Despite his refusal to offer himself as an independent Republican candidate at the primaries for the Republican county convention, William Taylor's name was appended to a ticket from precinct 42 which that of J. M. Kelly. On his written representation that the use of his name was unwarranted County Clerk Fields canceled it. Sydney Smyth's name was placed on an independent ticket from precinct 49 after it had been signed. He declined to accept the nomination and his name was also canceled by the county clerk.

Because Fields refused to substitute the name of Charles A. Gell in precinct 43 and H. L. Neville in precinct 49, application was made in the circuit court this morning for a writ of mandate instructing the county clerk to place their names on the official ballot. An order for Fields to appear in court at 2 o'clock this afternoon and show cause why an imperative writ of mandate should not issue was signed by Alfred F. Sears, Jr., judge of department 2.

In speaking of the unauthorized use of his name as a Simon delegate, W. M. Taylor said this morning: "I don't know who signed my name, but it was doubtless done through a misunderstanding. I don't think there was any bad intention. I declined several times to be a candidate, though they urged me very strongly to run. All of these people concerned in getting up the petition are friends of mine."

The suit to enjoin Sheriff Storey, Jailer Jackson and County Clerk Fields from allowing inmates of the county jail to vote at the primaries, was heard by Judge Sears and Jack Matthews being co-defendants, is also before the circuit court this afternoon. A dozen of the county prisoners were registered several weeks ago and this suit is brought by Harry E. Bates, a Simon candidate for delegate from the courthouse precinct to prevent them from voting. Frank P. Mays and J. C. Moreland represent the county clerk and Judge Carey. Mr. Mays said this morning:

# MILITIA TO FACE AN INSPECTION

Portland assumes a martial air today which will continue throughout the week and until the Wednesday following. The sheriff call of the bugle will mingle with the hoarse commands of the officers in mustering the National Guard of Oregon for an inspection which will begin promptly at 8 o'clock tonight.

During the past week members of the guard have been busily engaged in harnessing sabres and polishing Krag-Jorgensen in anticipation of the event. Epaulets are being brightened and uniforms are being pressed to enhance the appearance of the guard as much as possible.

Beginning tonight, Lieut.-Col. Frank Taylor, Nineteenth United States Infantry, will inspect the militia of the state. All the organizations and detachments of the service which are located in Portland will be inspected separately and minutely, by the regular military officer. The troops will be examined concerning the manual of arms, in military tactics and in all things which pertain to military service, particularly those things which refer to discipline and physical adaptability.

Since February 25, Colonel Taylor has been inspecting the troops of the state. On that date he reviewed Company I, Third Infantry, at Woodburn. From that place he visited Salem, Albany, Lebanon, Eugene, Roseburg, Ashland and every other place where detachments of the National Guard are located. During the present week he has visited Baker City and The Dalles, where Companies B and A of the Third Infantry are located.

# LOCAL JOBBERS OPPOSE SPOKANE

A temporary organization of the North Pacific Coast Jobbers and Manufacturers' association was effected at a meeting Saturday night in the rooms of the Oregon Wholesale Grocers' association in the Newmarket block, corner of First and Ankeny streets.

The organization is composed of the leading wholesalers of the northwest and the principal business for it now is to secure better traffic rates from the railroads. It is one of the principal purposes of the organization to oppose the fixing of terminal rates to Spokane merchants, which they are now clamoring for.

"The organization," says Edward Ehrmann, of Mason, Ehrmann & Co., "has been contemplated for some time. Of late Spokane has been getting all the rates in her favor and we thought it was the proper time to do something for ourselves. The organization is separate one from the Pacific Coast association which has its headquarters in San Francisco."

Those in attendance were: From Portland—T. D. Housley, of the Honeyman Hardware company; F. S. Harmon, of the Marshall-Wells Hardware company; A. P. Biles, of W. P. Fuller & Co.; A. L. Lewis, of Allen & Lewis; Henry Hahn, of Wadhams & Co.; E. Ehrman, of Mason, Ehrmann & Co.; I. Lang, of Lang & Co.; A. and Frank Kerr, of Wadhams & Co.; J. S. Goldsmith, of Schwabacher Bros. company; A. B. Burwell, of the Seattle Hardware company; Mr. Boole, of the Schwabacher Hardware company; C. F. Adams, Mr. Messenger, of the Hunt-Mottet company; F. S. Harmon, of F. S. Harmon & Co., and Mr. Hyde, of the West Coast Grocery company.

FOUR DIE IN EXPLOSION

(Journal Special Service.)

Oakland, Cal., March 14.—An explosion took place this afternoon in the Solvay powder works. Four men were reported killed and several others injured.

# MOROS AGAIN IN FIERCE ATTACK

(Journal Special Service.)

Manila, March 14.—General Wood reports that a fierce attack was made on a reconnoitering force east of Cottabato by a strong party of Moros, whose position was shelled. The rebels' outposts were taken. There were no American casualties.

Wood's report makes no mention of Moro losses, other than to say that much punishment was inflicted.

# JUDGE DISSECTS A PRESS GHOST

## M. L. PIPES TELLS CITY PRESSMEN HOW HE CAN BEST BE ESCAPED—THE SPEAKER IS RECEIVED INTO THE CLUB AFTER HIS ADDRESS.

Forty newspaper men assembled at the City Press club Saturday night and listened to the paper by Judge Martin L. Pipes on the law of libel. The address was followed by an impromptu entertainment of newspaper reminiscences, singing and recitations. Refreshments were served.

At the conclusion of the evening's entertainment Judge Pipes was elected to membership in the club. The speaker was introduced by President John H. Stevenson. His paper follows: Gentlemen of the Press Club: When I was a boy in the south I used to hear of a "libel bill." This was understood to be a signed retract concerning some one. By what process of reasoning the untrained mind came to give this instrument its name, I know not. A libel bill came to mean a retraction of a falsehood.

But this was a mistake, both of etymology and law. The word libel has etymologically nothing to do with a lie. It is the diminutive of the word liber, a book. Originally in law a libel was not necessarily a written statement. A libel against libel was aimed at preventing breaches of the peace, and the truth or falsity of the matter was not in issue.

The procedure in case of a "libel bill" was simple. If the libel was true, the verdict was usually rendered by a coroner's jury.

I picked up an old law book the other day which contains one of the earliest laws of libel known to me. It is a law which you all doubtless unfamiliarly by a man named Moses, and the law itself is written with a brevity not copied by lawmakers of the present day. It reads: "Thou shalt not be a witness against thy neighbor." That includes both the law of libel and slander. In modern times libel is confined to bad things only that are exhibited by the graphic art, while slander consists of bad words spoken.

### The Rule of a Newspaper.

I am aware of your difficulties. You are obliged, by the very nature of your business to print them without delay. Most events are connected with the doings of persons, and the most interesting news relates to the ill doings of persons. When you record the convulsions of nature you are not engaged in going your story, you have no time to verify or sift, satisfactorily, the details that you gather. And that is why you are legally guilty of libel nearly every day of your troubled lives. When you have done the very best that you can, you will certainly find persons who will not agree with you about your statements. That in this difficult duty you so usually come forth unscathed of life and limb and purse, must be due to marvelous skill or luck. Libel divides itself into two heads—it is a civil wrong, and it is a crime. As a civil wrong the person injured has his redress in an action for damages. But a libelous publication is also a crime, and it is a crime against the peace and dignity of the state; that is, it is a public as well as a private injury. The libel, however, is of the same nature in either case. It is defined as a "malicious defamation expressed by writing or printing, or signs, pictures, effigies or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or publish the natural or alleged defects, of one who is alive, and thereby to expose him to public hatred, contempt, ridicule or obloquy, or to cause him to be shunned or avoided, or to injure him in his office, business or occupation."

You will have noticed that the definition requires a malicious defamation, and from that you may conclude that it is a good defense to show that the publication was not made from ill-will or a bad motive. But if you so publish, you are making a charge of the "ou-mistake." You are guilty of libel when you print what is libelously untrue, though you may be ever so honest or have the purest motives. Malice in law does not imply ill-will or a bad motive, but only implies an intention to do an act whereby another is or may be injured, without just cause or excuse. The law calls this implied malice, and it requires no proof other than the publication itself. There is, however, a kind of malice which the courts call express or actual malice, and this requires proof of bad motive. It is only material to be proved where the plaintiff claims punitive or exemplary damages. Ordinarily a person injured by a libelous publication is only entitled to be made whole, to be compensated for his injury. But in libel, as in some other cases, the courts permit the injured person to recover more than compensation as a punishment to the wrongdoer, and to deter others by his example. Punitive damages are allowed in libel, as in other cases of injury, only when the wrongdoer has been actuated by a wicked heart.

# BARBOUR ASKED TO PRESENT DEFENSE

Copies of the charges preferred against J. H. Barbour, the Immigration Inspector for this district, by Attorneys James Gleason and Charles F. Lord have been returned from Washington and the accused official called on to prepare his defense. Watchman Charles Alisky was at the county clerk's office Saturday afternoon and this morning procuring certified copies of the official documents in connection with the death of Jeung Sow, or Jeung Shuey, whose demise occurred at the county jail.

The complaints sent to Washington by Lord and Gleason it was declared that Sow, or Shuey, was arrested without due process of law and held at the county jail without a charge being filed against him or without his being taken before the United States commissioner. This unusual procedure, according to the allegation, caused the prisoner to become so excited that he died of heart disease.

# DRYER WEATHER IS COMING, MAYBE

"The time has arrived," remarked District Forecaster Edward A. Beals of the weather bureau this morning, "to expect a change in the weather in regard to the heavy rainfall. Since the first of the year, with the exception of two days, we have had showers in Portland. I now believe we may expect fairer weather."

"The rainy season lasts until about July 4. Each month during the spring the periods between the rain storms grow longer. Usually we have more rain in February than in March, and more

# AFTER MANY YEARS BECOMES A CITIZEN

After living in this country for about 14 years, M. J. Walsh, president and treasurer of the M. J. Walsh company, engaged in business at 343 Washington street, concluded that he would like to become a citizen. He went to the county clerk's office and took out his first papers this morning. Mr. Walsh is one of the best-known business men in the city.

# MRS. R. MANTELLO IS IN SEATTLE

Mrs. Rosina Mantello, who ran away from her home in this city a week ago last Sunday, leaving her 18-month-old babe, has written that she is now living in Seattle all alone, and that if she is wanted here she will return. She said that she did not take \$485 of her husband's savings, but that she only took \$400, a part of which she loaned to various friends.

Mrs. Mantello left home in company with two boarders of her residence, Frank and Joseph Patesteo, on the night of March 6, 1904. The same evening Mantello said that his gold, which amounted to \$485, also disappeared. The latter was reported to the police, and Detective Hartman was detailed on the case. It was learned that the runaway trio kept in hiding in Portland on the day following the runaway, leaving the city that night in a cab for Linnton, where they took the north-bound train.

Joseph Morak, who has charge of the case for Mantello, said this morning that Mrs. Mantello had written that the reason she left home was because her husband abused her.

"This we know is not true," said Morak. "He had always worked hard for the support of his family, and seemed to do everything in his power to please his wife. She says that she will return to Portland if I want her. She returned half of the money she carried away."

The husband of the runaway woman spent a day in Seattle last week looking for his wife, but was unable to locate either her or the men with whom she eloped.

# COURT KNOCKS OUT NORTHERN SECURITIES

(Continued from Page One.)

combination to restrain the movement of that commerce. I know of no round principle of law which would deny to an investment company, or to any bank, or to any individual, the right to acquire a majority of the stock in two competing railroads. Those who contend that the Sherman act covers the case lose sight of the distinction between ownership of property engaged in interstate commerce and a combination of those who own the instrumentalities to restrain the free movement of such commerce.

"If the decision when read prevents combination between connecting roads under lease or other contracts, it is far-reaching and may dismember many systems that are composed of leased lines owned by separate corporations. If the court limits the effect of the decision to roads parallel to each other and in a sense competitive I do not see that it will have much practical effect."

# ASK MANY THOUSANDS FOR IMPROVEMENTS

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Senator Mitchell introduced an amendment to the Indian bill appropriating \$18,000 for an assembly hall at the Chemawa Indian school.

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# UNCLE SAM'S DISPENSARY

## Stuart's Dyspepsia Tablets Are a Positive and Permanent Cure for the National Disease

As a people we eat too much and the wrong kind of food. Because it tastes good we crowd the stomach with rich, unwholesome food and drink. We overtax the digestive apparatus to such an extent that it refuses to perform its duty and a conglomerate mass of half-chewed, undigested material lies in the stomach until it rots, causing the formation of acids, gases and ptomaines which produce the painful condition which we know as dyspepsia.

Nobody need fear consumption, kidney disease, liver trouble or a weak brain and nervous system as long as the digestion is good and the stomach able to assimilate plenty of wholesome food.

Thousands have some form of stomach trouble and do not know it. They ascribe the headache, the languor, nervousness, the indigestion, the constipation and similar symptoms to some other cause than the true one. Get your digestion straightened out, and the heart trouble, lung trouble, liver disease and nervous debility will rapidly disappear.

It is more certain than that the use of so-called tonics, stimulants and medicines, which depend upon alcohol for their effect, is injurious to health in the long run.

Many liquid patent medicines derive their effect entirely from the alcohol they contain.

Alcohol and medicines containing it are temporary stimulants and not in any sense a true tonic. In fact it is doubtful if any medicine or drug is a real tonic.

A true tonic is something which will renew, replenish, build up, the exhausted nervous system and weak tissues of the body; something that will enrich the blood and endow it with the proper proportions of red and white corpuscles, and prevent or destroy disease germs. This is what a real tonic should do, and no drug or alcoholic stimulant will do it.

The only true tonic in Nature is wholesome food thoroughly digested. Every particle of nervous energy, every atom of muscular force, every drop of blood is created daily from the food we digest.

The mere eating of food has little to do with the eating of waste tissue, but the perfect digestion of the food eaten has everything to do with it.

The reason so few people have perfect digestion is because from wrong habits of living the stomach has gradually lost the power to secrete the gastric juices, and acids in sufficient quantity.

To cure indigestion and stomach troubles it is necessary to take after meals some harmless preparation which will supply the natural pepsine and diastase which every weak stomach lacks, and probably the best preparation of this kind is Stuart's Dyspepsia Tablets, which may be found in every drug store and which contain in pleasant taste the most wholesome pepsine and diastase which Nature requires for prompt digestion.

One or two of these excellent Tablets taken after meals will prevent souring, fermentation and acidity and insure complete digestion and assimilation.

Stuart's Dyspepsia Tablets are as equally valuable for little children as for adults, as they contain nothing harmful or stimulating, but only the natural digestive juices.

One of Stuart's Dyspepsia Tablets will digest 1,800 grains of meat, eggs or other wholesome food, and a chance to recuperate, and the nerves and whole system receive the nourishment which can only come from food; stimulants and nervine tonics never give real strength, they give a fictitious strength, invariably followed by reaction. Every drop of alcohol they give a chance to manufacture from our daily food, and if you can insure its prompt action, and complete digestion, and a regular use of so good and wholesome a remedy as Stuart's Dyspepsia Tablets, you will have no need of nerve tonics and sanitarian food.

It is a well-established truth that nine-tenths of all diseases originate with a breaking down of the digestion. Weak stomach weakens and impoverishes the system, making it easy for disease to gain a foothold.

For business men, office men and clerks, and in fact every one engaged in sedentary or indoor occupations, grains, milk and vegetables, with a moderate meat allowance, are much more healthful than a heavy meat diet.

Only men engaged in severe outdoor manual labor can live on a heavy meat diet and continue in health.

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# EXCLUDE LANDS FROM RESERVES

(Special Dispatch to The Journal.)

Washington, D. C., March 14.—Chief Forester Hiram Pinchot has decided that the following lands, included within the withdrawals from the proposed Blue Mountain forest reserve, shall be excluded from such reserve in fixing the final boundaries of the same:

All of sections 21, 22, 23, 24, 27, 28, 32, 34, 35 and 36 in township 10 south, range 35% east; also all of township 11 south, range 35 east; also sections 13, 14, 24, 25 and 36, township 11 south, range 34 east; also sections 1, 2 and 12, township 12 south, range 35 east, Willamette Meridian.

Mr. Pinchot further states in his communication, which is addressed to Senator Mitchell, that the remaining lands in township 11 south, range 35% east, and in township 12 south, range 35 and 35% east, are practically all held by the federal government, and are covered with merchantable timber and well suited for the purposes of a forest reserve.

Mr. Pinchot makes a further statement as follows: "I wish to emphasize very strongly the fact that in case this reserve is created, the merchantable timber will be sold upon application, and that the policy of the government will be to encourage in every way the agricultural development of the region."

"The lands withdrawn from the reservation lie along the proposed line of railway from Sumpter to Burns.

# COUNCIL SPLITS OVER JAIL SITE

"If there is any room in the city hall for the police station and city jail, I favor placing the department there, providing there are no other serious reasons why it should not be there," said Councilman L. Zimmerman. "I favored the selling of the old site at Second and Oak, and the building of a new jail elsewhere, but if the city hall project can be worked out and good, I would favor a committee of the council to investigate the matter thoroughly, that it may be ascertained definitely whether the plan is feasible."

It is probable a resolution will be introduced into the council at its meeting Thursday asking for an investigation of the plan proposed by Councilman A. K. Bentley to install the police department in the city hall. If there is no committee at present that should take charge of the matter, it is probable that the resolution will ask for the immediate appointment of one by the mayor.

"I am opposed to the move," said Councilman A. F. Flegel. "I favor fitting up the present jail so that it could be kept clean by the use of water. I do not favor fixing up a place with all the comforts of home for the hoboes."

"I think the plan is good," said Councilman Fred T. Merrill. "The city hall was not built for it. I think the old jail should be made good for 10 years to come."

# APPROPRIATIONS FOR EXPOSITION

(Journal Special Service.)

Washington, D. C., March 14.—Commissioner McLean says he has assurances that Massachusetts and New York will appropriate \$25,000 each for the Lewis and Clark exposition, and that these states and New Jersey, Rhode Island, and probably Maryland, will remove their St. Louis exhibits to Portland immediately after the close of the Louisiana Purchase exposition.

# UNWELCOME VISITOR

Mrs. Louise West swore out a warrant in the municipal court this morning for the arrest of Joseph Badura, whom she charged with larceny. Mrs. West said that last Saturday Badura, who is said to live at 22 Grand avenue, broke into her room, No. 2 Burkhardt building, and stole \$5.00.

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The United States quartermasters at Seattle, Portland and San Francisco have been authorized to send out proposals for bids on 2,382 tons of hay and 2,548 tons of oats for shipment to Manila, the hay and oats to be of the best quality.

# SAN DOMINGAN AGAIN FIGHT

(Journal Special Service.)

Washington, D. C., March 14.—Minister Powell, at San Domingo, reports another engagement between the government forces and insurgents at Makorka. The government was victorious, but the insurgent leaders escaped.

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