

JURY IS DECLARED LEGAL

Judge Frazer Decides Body Which Handed Down Sellwood Election Fraud Indictments Was Regular

The grand jury that brought the indictments against the 13 men charged with conspiracy in the Sellwood election fraud has again been declared legal and regular by a judge of the circuit court. Judge Frazer this morning denied motions to quash indictments in all the cases pending.

The motions to quash were based on alleged irregularities in the drawing of the grand jury and in the resignation of Juror Olaf Akeyson. When the indictments were filed the accused men were assigned to the circuit court and directed to plead on July 25. Instead of pleading the attorneys for these men filed the motion attacking the validity of the grand jury, thus avoiding the necessity of saying whether they were guilty or not guilty until the court had disposed of the motions.

This morning the attorneys, George F. Martin and R. T. Platt, announced that they would submit the motions to the judge without argument, and Judge Frazer said he would follow the decision of Judge Sears in passing on the same questions in the Beck case and deny the motions. Judge Sears had held that the grand jury was regularly drawn, that the resignation of Akeyson was regular and that the indictments found by the grand jury were valid.

Attorneys Martin and Platt then asked to be allowed till September 1 to prepare a bill of exceptions on which to base an appeal on the question of the validity of the grand jury. This was allowed and Judge Frazer directed that September 1 be set as a time for the men accused of participating in the election frauds to plead.

It is not considered probable that the plea will be entered on that day, however. The attorneys announced that they will prepare demurrers complaining that the facts charged do not constitute a crime, and that even if the accused men had done everything they are charged with in the indictments it was not sufficient to constitute a violation of the law. These demurrers will be filed by September 1, and the time of pleading for the accused men will be further postponed until the court has passed on the questions raised by the demurrers.

Attorneys Martin and Platt this morning expressed themselves as being confident that the court would be compelled to sustain their demurrers and release the 13 men accused of assisting in the colonization of Sellwood precinct.

Before the grand jury found the indictments they asked Judge Sears for a ruling involving apparently the same questions, namely, whether certain acts constituted a violation of the law. Judge Sears, after considering the matter at some length, expressed an opinion that such acts do constitute a crime, and the indictments were then returned by the grand jury.

Should it develop that the questions that will be raised have already been passed upon by Judge Sears, it is considered probable that his ruling will be followed again, and in such a case the trials would probably be proceeded with during the September term of court, which begins September 4.

The men who were indicted for conspiracy in the Sellwood election frauds are: R. F. Boynton, W. P. Jacks, T. R. Baldwin, A. R. Dimick, O. W. Olson, John Schneider, F. C. Holland, Herman F. LaBrecque, G. Pass, A. E. Finch, J. W. Reed, Alfred Drill and Merton Bell.

PROMPTLY GROWING

Portland Secures Unclaimed Freight

Every year there is an accumulation of unclaimed merchandise at different terminal points in the United States. Imported goods or when the payment of duty is refused are left at the different custom houses for disposal. Express packages misdirected and with no label to show whence they came are all returned to certain points by the express companies for disposal. But the largest quantity comes from the railroad centers in the United States.

Thousands of tons of unclaimed merchandise accumulate every year from wrecking of freight trains alone; wrecks of which the public at large never hears. Thousands of tons are left yearly on account of unpaid freight charges. There are so many causes, such as failure in business, deaths and other accidents which throw the freight back on the railroad and steamship companies' hands that they are too many to enumerate.

There are three principal points where these goods are sent for disposal. They are: Jersey City, N. J., where most of the New York freight terminals are located; Chicago, where the goods from the south and middle west are disposed of; and Portland, Or., where all unclaimed merchandise is sent from the Pacific Slope, since the San Francisco goods formerly all claimed west of the Mississippi river were sent to San Francisco for disposal, now they come to Portland, it being the next largest and best distributing point on the Pacific Coast.

The Consolidated Merchandising Company has contracted with the several terminal companies for all the unclaimed articles not disposed of at private sales. This includes every shipment left on the hands of the consignee for different reasons. If a wreck occurs on any railroad and the freight is lost from the cases or whatever packages it comes in, even though the goods are not damaged, the railroad settles the claims and dispose of the merchandise to their best advantage.

We have secured the spacious quarters at No. 104 First street (in the heart of the wholesale district) for the sale of 104 First street is located between Washington and Stark streets. Here we will sell at retail or wholesale to all comers the first lot of merchandise representing the Portland district. The sale of these goods will start on Friday morning at 9 o'clock and will continue for 10 days, in which time this first consignment must be sold to make room for another consignment held in warehouse.

The first consignment consists of 20 cases of Ladies' Summer Waists, each case containing 300 waists of the best quality, made of various materials, 30 cases of Men's Clothing, Summer and Fall styles, from some of the most world-renowned makers; a case averages about 200 suits; 20 cases of Boys' Cloth Suits, representing about 800 suits; or a complete line of boys' suits of all sizes and materials; 18 cases or 2,800 Men's and Boys' Overcoats, light, medium and heavy weights—a shipment probably intended for this Fall's winter business; 200 cases of miscellaneous articles of Men's and Women's Furnishings and Wearing Apparel, such as hats, caps, skirts, jackets, wrappers, waists, shirts, neckwear, shoes, hosiery, etc. A partial list of articles and prices will appear in tomorrow's daily paper. Everything must be sold in 10 days. Values will cut no figure. The goods must be sold and we have put prices on them that will induce a quick sale. Each lot will be advertised to lay in a supply of clothing, etc., for immediate and future wants. We have segregated all wearing apparel from the other merchandise we have in storage and will close this out first. Our next consignment consists of Hardware, Tools, Machinery, Kitchen Utensils, etc. Third lot dry and fancy Groceries, Flour, Sugar, Canned Vegetables and each lot will be on sale for 10 days, or less if disposed of before that time. All articles will be displayed for convenient examination in open bins and on tables, with prices in large plain figures. Goods not proving entirely satisfactory can be returned and money will be refunded.

All cars transfer to the door, 104 First street, between Stark and Washington streets. Look for our advertisement in tomorrow's (Thursday) papers, Telegram, Journal and Oregonian. The Consolidated Merchandising company, 104 First street, between Washington and Stark streets, actively no goods will be on sale before 9 o'clock Friday morning.

Thousands of Americans are deserting their property in northern Mexico and returning to their native land through fear of the uprising that is expected to take place between September 15 and 18, according to G. C. Cornelious of Chihuahua, who arrived at the Imperial hotel yesterday.

"The conditions in Mexico are becoming grave," said Mr. Cornelious, "and there will be trouble of the worst kind before the affair is ended. I have just received a letter from a friend, who writes that the day before he wrote the letter he was attacked in his mine by seven Mexicans. He shot and killed two and wounded two more. He bound the remaining three and turned them over to the authorities. He wrote me: 'We have to be on the alert all our lives. We never know when our lives will be taken. I have had two friends assassinated, one of whom I took into Mexico. The feeling against the Americans is entirely due to jealousy. The lower classes are but instruments in the hands of the middle class, who are doing everything in their power to rid the country of Americans. They have formed societies and direct their trades against the Americans. They think that they will eventually drive the 'Gringos,' as they call us, from the country. They will, too, unless our government helps us.'"

"We can get no satisfaction from our consular agents in Mexico, because they are all engaged in business down there and any aid they would give us would be construed by the Mexicans as a direct slap at them and they would proceed to destroy the business. I reported an outrage to our consul at Torreon and he told me that he could do nothing because it would jeopardize his interests."

"The upper class recognizes the work that has been done by the Americans in opening up and developing the resources of the country, but they cannot do anything. The remaining classes are ignorant and think that if it were not for Texas they would be the rest of the United States. New troops are being established throughout northern Mexico and every move that can be made is being done by the Mexican government to forestall the attack that will be made by the thousands of cowboys, ranchers and soldiers of fortune across the border in Arizona, Nevada and Texas, in case trouble should occur."

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HESSIAN FLY FOUND IN WESTERN OREGON

Suggested That Executives of Oregon and Washington Have Crops Abandoned for Three Years in Affected Localities.

(Special Dispatch to The Journal.) Salem, Or., Aug. 15.—Governor Mead of Washington is anxious about the presence of the Hessian fly in the wheat fields of that state and the ultimate effect on the grain-growing industry. Governor Chamberlain received a letter today from the governor of Washington inclosing a letter from the president of the Washington Agricultural college and a paper by the Washington state entomologist on the Hessian fly.

The entomologist states that the fly exists in Clarke county, Washington, and to a certain extent in other counties and believes it got there through hay and straw shipped from Oregon to the east to the army posts at Vancouver, Walla Walla and Spokane.

He continues to say that the fly can be found in various Willamette valley and western Oregon counties and given a history of the pest on the Pacific coast. He says it was introduced in California in 1884 and in Oregon in 1897 and again in 1900. He recommends that the governors of Washington and Oregon try to induce the legislatures of these states to pass laws prohibiting the growing of grain of any kind in the districts where the Hessian fly has been seen for two or three years and that the chief executives ask the war department to exercise due diligence about buying hay and straw for the army posts.

Governor Chamberlain has written to the government in regard to the army posts and is doing all in his power to have the pest killed out in this state. However, he believes that the Washington entomologist has been incorrectly informed about the spread of the fly in Oregon. The entomologist, Dr. Corvallis has reported that no one stopped growing wheat on account of the Hessian fly but rather because other crops paid more revenue.

In regard to the spread of the fly, Governor Chamberlain has in his possession a letter from President Thomas Jefferson, written in Philadelphia in 1791, to Charles Thompson, secretary of congress, in which he tells of the appointment of a commission to investigate the Hessian fly.

It would seem from this that the pest is no new thing and caused the government officials just as much trouble in the early days of the republic as now.

SCHOONERS USE TUGS INSTEAD OF SAILS

Aberdeen, Wash., Aug. 15.—An experiment that will be watched with interest by millmen is just being tried by the S. E. Slade Lumber company. It is that of having lumber-laden schooners towed to their destination by tugs instead of trusting to the vagaries of the winds.

This morning the tug Daring of the Grays Harbor Tugboat company, left for San Francisco laden with lumber. Watson A. West with 1,200,000 feet of lumber, and the R. C. Slade, carrying 875,000 feet. The tug is in command of Captain Johnson. If the trip is made safely the Daring will return with two empty vessels, which will be loaded in turn. It is expected that the trip will be made in this manner in a week or 10 days, instead of taking from two to three weeks as is often the case when under canvas.

This will be a great saving in time as well as in wages. The great demand for lumber in San Francisco is the primary cause of the experiment, which is said to be the first of the kind ever attempted.

HOW IS THAT COMPANY OF YOURS?

John M. Pittenger, the State and Resident Agent, Has Received the Following Letter From the Glens Falls Insurance Co. of New York.

Glens Falls, N. Y., Aug. 1, 1909. To John M. Pittenger, Agent: The following is a statement from the company's 1909 semi-annual statement submitted on the 25th of July:

Gross assets	\$4,229,410.58
Capital stock	\$200,000.00
Unpaid losses	747,123.00
Unearned premiums	1,617,005.58
Net surplus over capital and liabilities	\$1,715,282.07

These figures include the company's San Francisco loss of about \$1,000,000, leaving, as you will note, a policyholder's surplus of \$1,915,282. At this date more than half of our San Francisco loss has been paid and General Agent Greenleaf advises that all adjustments and payments may be completed by October 1 next. In spite of many complications and serious local difficulties, the Glens Falls' prompt beginning of adjustments, and patient and satisfactory treatment of claimants, has been appreciated with pleasant mention.

All things considered, the "Old and Tried," even with its considerably decreased surplus, was never comparatively stronger than now. Yours cordially, Secretary.

THE ACCUMULATION AT BIG TERMINAL POINTS TO BE PUT ON SALE AT 104 FIRST STREET

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"The conditions in Mexico are becoming grave," said Mr. Cornelious, "and there will be trouble of the worst kind before the affair is ended. I have just received a letter from a friend, who writes that the day before he wrote the letter he was attacked in his mine by seven Mexicans. He shot and killed two and wounded two more. He bound the remaining three and turned them over to the authorities. He wrote me: 'We have to be on the alert all our lives. We never know when our lives will be taken. I have had two friends assassinated, one of whom I took into Mexico. The feeling against the Americans is entirely due to jealousy. The lower classes are but instruments in the hands of the middle class, who are doing everything in their power to rid the country of Americans. They have formed societies and direct their trades against the Americans. They think that they will eventually drive the 'Gringos,' as they call us, from the country. They will, too, unless our government helps us.'"

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"The upper class recognizes the work that has been done by the Americans in opening up and developing the resources of the country, but they cannot do anything. The remaining classes are ignorant and think that if it were not for Texas they would be the rest of the United States. New troops are being established throughout northern Mexico and every move that can be made is being done by the Mexican government to forestall the attack that will be made by the thousands of cowboys, ranchers and soldiers of fortune across the border in Arizona, Nevada and Texas, in case trouble should occur."

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LOVE ENDS

(Continued from Page One.)

whom he publicly denounced as having caused him enough trouble to drive the ordinary man to the drink that is red. Trouble and misfortune brought them together, it is said, and in the smoke and chaos that followed the great catastrophe there was joy in the hearts of at least two of the homeless thousands of the southern city.

Mr. and Mrs. Gordon visited Portland last week. Each, however, was extremely reticent with reference to their family affairs. Among the acquaintances whom Mrs. Gordon met while in this city was Special Agent Foster, the government's secret service operator, who investigated the charges of counterfeiting against the woman. A counterfeiting outfit was found among her effects at the Portland hotel immediately after her sensational arrest.

To him Mrs. Gordon made no reference to the renewal of affection on her part and that of the man whose counterfeiting she married in Vancouver, Washington. She spoke on general subjects, but incidentally made the remark while in the city that when the opportunity came she intended to decorate the countenances of certain newspaper men with vitriol.

Those who have followed the wonderful matrimonial ventures of the woman have been unable to locate the "dummy" she married in Vancouver. He gave the name of E. S. Gordon of Coos county, but the real E. S. Gordon of that county led the woman's wedding while in Los Angeles and personally investigated. He was unable to solve the mystery, but others said that the woman induced the "dummy" to take part in the ceremony simply that she might establish a claim. Mr. Gordon's wealth in case of his death.

The statement was made to The Journal by a close friend of Mr. Gordon that he and the woman were married and living together in North Bend. In case they married, Mr. Gordon may have trouble in explaining the marriage which, according to the testimony of the officiating minister, she entered into in Vancouver last November.

Others were out and bruised all over, but the exact extent of their injuries is unknown. The place where the accident occurred was at the foot of the Jefferson square grade, and cars usually run very rapidly at that point.

AMERICANS IN NORTHERN STATES ARE IN CONSTANT PERIL—U. S. CONSULS REFUSE HELP.

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KILLS HIMSELF AFTER CARVING UP FAMILY

Batavia, Ill., Aug. 15.—Small Berner this morning armed himself with a razor and attacked his wife and brother-in-law, Ernest Frantzen, then committed suicide. Frantzen is dead and the woman dying.

Porter of Santa Cruz, but Porter is no Sandow and may prove too weak to win even with the aid of the railroad. In that event Herrin might point his finger at Congressman J. N. Gillet of Eureka before blowing the whistle. The railroad has first call on the loyalty of its numerous delegates throughout the state and Herrin will have more votes to trade than Ruesch. Look for our investigation in tomorrow's (Thursday) papers, Telegram, Journal and Oregonian. The Consolidated Merchandising company, 104 First street, between Washington and Stark streets, actively no goods will be on sale before 9 o'clock Friday morning.

RUEF WINS

(Continued from Page One.)

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FOUR SERIOUSLY INJURED IN AUTO COLLISION

Motor Tries to Cross Ahead of Frisco Owl Car and is Completely Wrecked.

(Journal Special Service.) San Francisco, Aug. 15.—As the result of a collision between an owl car of the Eddy street line and an automobile at the corner of Webster street at an early hour this morning, four men are seriously injured. E. J. Hamman, Joseph Murphy, John Lawson and West Lowry were victims. The auto tried to cross the track ahead of the rapidly moving westbound car. The auto was struck fairly by the

DON'T BELIEVE US

WHEN WE TELL YOU THE KNABE-ANGELUS

Is the best, most up-to-date and satisfactory interior player

Piano in the World

Just call and see, hear and operate it and you will know the fact for yourself.

A TEST WILL CONVINCE YOU THAT OUR STATEMENT IS FULLY TRUE.

The Knabe Angelus has not been advertised in this territory to any great extent. The great bulk of Angelus Players ever shipped to Portland has just arrived.

Don't Make the Mistake

Of paying a big price for an ordinary instrument, when the same money will buy the very best—the Knabe Angelus. It will pay you to invest in—TO SEE, TO HEAR—and you will then know THE TRUTH.

KNABE-ANGELUS'S SUCCESSORS—ANGELUS PIANO CO. MAKING MACHINES AND RECORDS

"The House of Quality"

Allen & Gilbert-Ramaker Co.

602, SIXTH AND HOBSON STS.

Your Food

must be properly digested and assimilated to be of any value to you, otherwise it is a source of harm instead of good.

If not digested, it ferments and decays, causing "sour stomach," "heart burn," nausea, headache, flatulence, bad breath and other discomforts.

Kodol

Dyspepsia Cure

compels proper digestion of the food and sends the food nutriment through the blood into all parts of the body.

The tissues are thus built up and every organ is restored to health and strength and put in perfect condition.

Disease is driven out to stay out—the cause is removed.

Plantersville, Mo.—

I have prescribed Kodol quite often in my practice, and have found it a very efficient remedy for all stomach ailments. It has always given the best of results.

J. T. HAY, M. D.

KODOL DIGESTS WHAT YOU EAT

MAKES THE STOMACH SWEET.

Sold by Skidmore Drug Co. and Woodard, Clarke & Co.

The BREAKERS HOTEL

AMERICAN PLAN.

Leading Summer Resort of the Pacific Northwest.

Electric Light, Steam, Hot and Cold Bath Water in Every Tub. Buy Tickets to Breakers, Pacific County, Wash. Postoffice Address, Breakers, Wash.

COLUMBIA LIFE & TRUST COMPANY.

First Life Insurance Company Organized in Oregon Has Lower Guaranteed Premium Rates Than Any Other Company Reliable Men Desired as Representatives

BLACK EAGLE COAL

PHONE EAST 7 \$7.00 PER TON DELIVERED

F. B. Jones & Co.

181 E. Water Street

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FAMINE PRICES IN MANCHURIA

Tacoman Returns Home Saying That the United States is Good Enough for Him.

(Special Dispatch to The Journal.) Tacoma, Aug. 15.—James F. Myhan, a Tacoman who has just completed a trip to Manchuria, where he went with the intention of opening up commercial houses, as well as at Vladivostok, has returned disgusted and declares that America is the proper place for Americans.

"I have a notion that in time Manchuria may be a good place for Yankees, but at the present there is constant unrest and imminent danger of an outbreak. For instance, six weeks ago a next Sunday while I was at Vladivostok fears of trouble were entertained and the Cossacks rounded up and imprisoned 300 people. The officers do not allow any news of affairs in the country to reach the people, and if my friends here had sent me papers during the recent outbreaks in Russia they would all have been burned by the censor."

Then it is a constant holdup in those Russian cities. A room costs from \$3 to \$3.50 in gold per night. This is just for the bare room. You have to pay extra for blankets, six weeks ago the sheets, the pillow slip, the candles, the towels, the girl who makes the bed and the man who opens the door and lets you into it. Meals cost in Vladivostok I paid \$1.75 in gold coin for a dinner for three persons that would cost me no more than \$4 in Tacoma, Seattle or Portland. Coffee costs 20 cents a cup, bread 20 cents, the small slice of butter placed at your plate 15 cents and the waiter 10 cents. I am speaking now of the cheapest fare you can get. You can't get any kind of a meal under \$1.50. When I went to leave the place I was \$2 to have my passport signed up properly. When the country becomes more stable conditions may change but it is no place for Americans now."

CONSTANT UNREST AND DANGER OF OUTBREAKS

People at Vladivostok Not Allowed to Know of Trouble in Russia—Costs Eighteen Dollars for Meal for Three.

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YOUTH ARRESTED FOR INJURING OLD MAN

Chehalis, Wash., Aug. 15.—Dan Vaniman, a young man 18 years of age, is in the county jail here, awaiting the outcome of some trouble he had Saturday with James Patterson, a fellow employe at the furniture factory. Vaniman was feeding lumber into a machine at the factory and Patterson was offeering. Vaniman, it is claimed, was feeding the lumbers faster than they could be taken away, and Patterson, after asking him to go slower, is said to have thrown a small block of wood at Vaniman to call his attention to the fact that he must not feed the machine so fast. At this, it is claimed, Vaniman seized a piece of hardwood, 2 by 4, and hurled it at Patterson, striking him across the face, breaking his nose and fracturing his skull. It is possible that Patterson may not recover. Patterson is an old-time resident of this section and at one time lived in Olympia and also in Tenino.

GOVERNOR PROCLAIMS HOLIDAY FOR OREGON

Salem, Or., Aug. 15.—The governor this morning issued a proclamation making Monday, September 5, a holiday on account of Labor day.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought

Bear the Signature of *Wm. D. Galt*

SWEPT DOWN MOUNTAIN SIDE BY CLOUDBURST

Two Men Carried on Crest of Torrent and Rescued Physical Wrecks.

(Journal Special Service.) San Bernardino, Cal., Aug. 15.—E. G. Custer and R. A. Manuela of Los Angeles, while attempting to scale the summit of Mount San Bernardino yesterday, were caught in a cloudburst and carried on the crest of a torrent down the mountain, being deposited among a mass of logs and other debris at the mouth of the canyon, divested of most of their clothing and cut and bruised in a shocking manner. One was temporarily demented and his companion, who was in the company, rescued him from wandering into the wilds, where death inevitably must have overtaken him.

For two hours the men wandered about the mountains in a driving rain, at last reaching Seven Oaks, where medical aid was secured. Today they were brought down the mountains, both of them physical wrecks.

MONEY FAMINE

(Continued from Page One.)

treasury did not have them to spare. All demands for small bills in excess of \$400 or \$500 lots are being refused. Within the next few months the treasury will be unable to add to the volume of \$1, \$2 and \$5 certificates, and the condition of affairs of more serious consequence will follow. Secretary Shaw will be unable to furnish relief until congress enacts a law authorizing him to issue more silver certificates of small denominations, or providing some other means of increasing the volume of circulating money.

When the crop movement gets under full swing the pinch will be felt. The treasury now holds \$6,944,965 in silver dollars, which represents the amount available for increasing the present volume of \$1, \$2 and \$5 bills in circulation. The bulk of the nation's business is done with \$1, \$2 and \$5 notes.

CZAR'S OFFICERS

(Continued from Page One.)

"They look gay as if they had taken Port Arthur."

The commander ordered the troops to wheel and the girl was taken to the parade ground, and thrashed in the presence of officers, tearing her clothing and raising welts on her back so swollen that the doctors can't tell the extent of the internal injuries.

Some papers printing the news of the assault were confiscated. Popular indignation is at white heat.

The emperor today reviewed the troops. Cheers greeted the czar wherever he appeared. There were no signs of dissatisfaction in the camp. The empress and the queen of Greece rode amongst the troops with the emperor. Just as the review started the czar's coach began to cry. His father took him bestialy on the saddle and the troops laughed and cheered.

Attempts were made today to murder a number of police officials at Warsaw. Twenty murders were reported to the police. The chief and captain at Wloclawek have been assassinated.

BIG STORM ASSAILS PHILIPPINE VETERANS

(Journal Special Service.)

Den Moines, Aug. 15.—A terrific electrical rain and wind storm is raging throughout the entire state. A number of fatalities were reported, including F. A. Bamson, a baker, who was killed by lightning at Ankeny. The parade of the Philippine veterans and the eleventh battery has been postponed.

AVERILL NOMINATED FOR TEXAS GOVERNOR

(Journal Special Service.)

El Paso, Tex., Aug. 15.—The regular republicans today nominated W. L. Averill for governor of Texas.