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PORTLAND, OREGON, SATURDAY EVENING, MAY 9, 1908.—TWO SECTIONS—18 PAGES.

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# Oregon Journal

JOURNAL CIRCULATION

YESTERDAY WAS

30,500

## ARMY SUPPLIES QUANTITIES RESTORED

### KILL RATE ORDER OF COMMISSION

O. R. & N. to File Suit to Enjoin the State Railroad Commission From Enforcing Its Order Reducing Eastern Oregon Rates.

Alleged One Sixth Reduction Would Disturb Balance of the Transcontinental Rates and Also the Rates From California.

Early next week W. W. Cotton, general attorney for the O. R. & N. railway company will file a suit in the federal court for Oregon to enjoin the Oregon Railroad commission from enforcing its recent order reducing distributive rates from Portland to points east of the Dalles.

Mr. Cotton's position will be that such an order as the railroad commission has promulgated would be a violation of the laws of the state of Oregon.

It is alleged by the railroad company that such a reduction would unbalance the transcontinental rate to eastern Oregon points, and also the California rates to the same points in eastern Oregon.

Mr. Cotton, briefly discussing the grounds on which his injunction suit will be brought, said:

Using Baker City for example, the present rate per hundred pounds per carload from the east and from California are slightly lower, as a general rule, than the rates from Portland.

The usual basis of computing the distributive rates from Portland on goods brought from the east or south makes the transcontinental rate about equal to the sum of the Portland terminal rate and the distributive haul back to the destination.

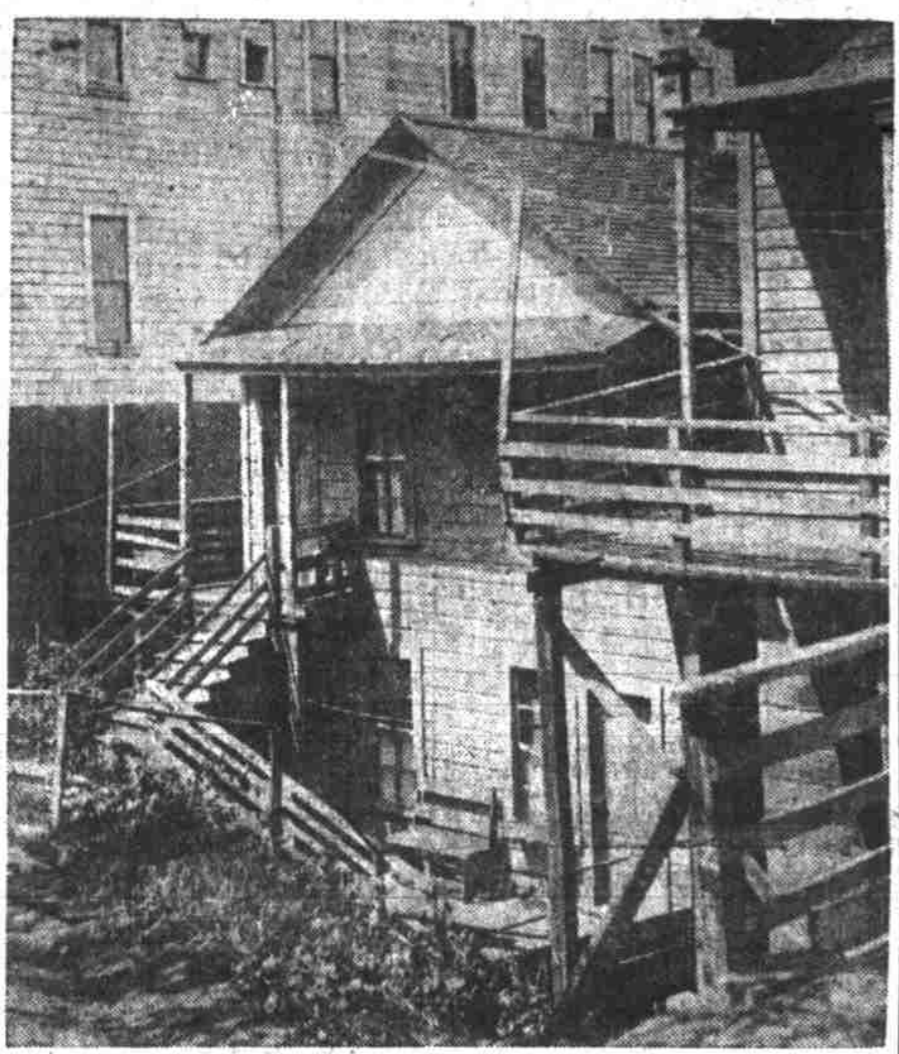
These rates vary slightly, enough to make the rate from Chicago to Baker City, for instance, a little lower than via Portland.

But the reduction of distributive rates asked by Portland and ordered by the commission would bring the rate via Portland down below the rate direct from the east or south to Baker, thereby shutting the eastern Oregon point out of its present chance to ship direct from the east or south unless we reduce our interstate rates.

It is to me like this would be an interference with interstate rates. While there is, not so far as I know, any instance where the rate via Portland is brought up in a direct way, I have found one or two decisions that look good to me. I will have the papers ready for filing the first of next week.

**\$26,000 DAMAGE AT GOLDBENDALE**  
(Special Dispatch to The Journal.)  
Goldendale, Wash., May 9.—Twenty-six thousand dollars, damage was done by a fire which originated in Smith & Gunning's jewelry store about 2 o'clock this morning. The fire spread rapidly and a number of buildings were consumed before the flames were controlled.

### MRS. GRUEB TELLS HOW MARTIN GOT REVOLVER



Home of Mrs. Adam Grueb, Who Says She Lent Martin a Revolver.

In her little cottage at 149 Pennoyer street this morning, Mrs. A. J. Grueb, told how she had tried to save Edward H. Martin from his vicious drug habit; how she had done what she believed her God would want her to do for one of her fellowmen, and in her narrative of her acquaintance with Martin finally told how Martin appeared at her modest home at 4 o'clock last Friday afternoon, just a few hours before Wolf was murdered, and borrowed a revolver.

"Martin was very pale and was in a great hurry, said Mrs. Grueb this morning when for the first time she told of lending the revolver to Martin. "He stood just within the doorway and said that he wanted to borrow the revolver because he was going to engage in target practice. He said that he would return it within a few days, and I gave it to him.

"At that time I did not think much about loaning the revolver to him. It seemed the natural thing to do. He told me of his army experience, said that he had carried firearms two-thirds of his life, and I loaned it to him. I did not know that he had gone back to the use of drugs. I had not seen him for about six months. Had I thought that he had been drinking, or was under the influence of drugs, I would not have let him have the revolver.

"I have no idea what became of the revolver. When I read in The Journal that Wolf had been shot by a dope fiend, it fairly made me sick—I am sick over the affair yet, but I am telling what happened without judging Martin, because my conscience demands that I do so. I do not know whether Martin used the revolver to kill Wolf, or whether he pawned it to raise money to replenish his funds. However, I loaned the weapon to him and am sorry for it, because I am compelled to tell what I know and may injure the man whom I tried to save from himself.

"When I read in The Journal of March 25, 1907, that a young man was about to be sentenced to ninety days on the rockpile in order to cure him of the drug habit, I immediately thought of Dr. Griffin at Salem. I had heard of his cures for such persons and I took one of his cards and went to Father M. Devitt, asking him whether Dr. Griffin's treatment might not work a better cure than Martin would get at the rockpile, because of his cards and went to Father M. Devitt, asking him whether Dr. Griffin's treatment might not work a better cure than Martin would get at the rockpile.

"Then I wrote to Dr. Griffin asking for more information about his treatment because of Martin. I also sent Dr. Griffin a copy of The Journal containing the article about the man who had been shot by a dope fiend.

**HERE THEY ARE:**  
AN OCTOPUS OF JUSTICE—Organization proposed to combat the sharks of crime.  
INDIANS' RELIGIOUS POW-WOW—Presbyterian mission which attracts red men from all parts of Umatilla and other reservations of Pacific northwest.  
REDWOOD LUMBER CAMPS—Forest reserves created in Oregon and Washington to prevent the destruction of magnificent old trees.  
PECK ON PROHIBITION—Former governor of Wisconsin tells of observations in the "dry" south.  
TYPEWRITER FORGERY—Latest thing in crime is detection of criminals through typewriting. How an effort to steal a \$1,000,000 estate was detected.  
DRUMMERS WITHOUT SAMPLES—Men who make big sales without "showing" customer.  
JAPANESE DIPLOMACY POINTS TO WAR—Feverish activity of little brown men should be warning.  
VOYAL GOLD MINES—Nature's greatest gift of wealth is a beautiful voice.  
SING A SONG OF SINKERS—The Katzenjammer Kids in the great comic supplement are only part of the side-splitting merry-making crew The Journal offers for your amusement. Better than ever.

### PORTLAND WILL NOT BE LOSER

Chamber of Commerce Receives Advices From Quartermaster-General Saying Many Purchases Will Be Made Here If Prices Right

General Aleshire Writes Senator Fulton Regarding Future Policy of Government in Dealing With This City.

In a letter from J. B. Aleshire, quartermaster-general of the United States army, to Senator C. W. Fulton, the Portland chamber of commerce is advised today that all the former business thrown to Portland by the commissary department will be at once restored to this city, and that additional business amounting to several hundred thousands of dollars annually will be given this city, if local market prices warrant the awarding of such business to Portland merchants.

The commissary department in a recent order undertook to concentrate its buying at San Francisco and eastern supply points, and it appeared that the army and naval stores that had been bought here would be shipped from long distances to this point for distribution throughout the department of the Columbia and Alaska.

The Portland chamber of commerce took up the matter vigorously through the efforts of Senator Fulton, and the question was brought to the attention of General Aleshire. The general has taken favorable action not only to protect Portland's commercial interests but to proffer a very much larger quantity of goods to this city and the whole northwest. It is believed to be one of the most important victories secured for Portland commercially in a long time past.

The business done by the department of the Columbia and Alaska with Portland has been estimated at \$200,000 annually. This business will be kept here, and in all quarters of the department, the amount in addition can be secured.

General Aleshire's letter is as follows: "Washington, May 10.—Major Department of Quartermaster-General, Honorable C. W. Fulton, United States Senate, Washington, D. C. Referring to your call at this office a few days ago, and to your telephonic request of the commissary department of the Columbia and Alaska, I beg to advise you that I have deferred replying to your inquiry pending the receipt of information from the chief quartermaster, department of the Columbia, that would enable me to adjust the supplies used in the department of the Columbia were furnished from Jeffersonville and other eastern depots, and that the remaining supplies were purchased in Portland and other northwestern markets, under the direction of the chief quartermaster.

It is the desire and the policy of this department to localize the source of supply so far as the local markets will permit, and with this end in view this office notified the chief quartermaster, department of the Columbia, that there is no objection on the part of this office to modification of circular No. 1, 1908, providing for supply by chief quartermaster, department of the Columbia, of such articles under such terms as Portland prices indicate can be secured in that market more favorably than from sources now provided, and with the understanding that no additional expense will be incurred for storage facilities as under previous present authorization. With this understanding the chief quartermaster has permitted to submit a revised report of articles by items which he recommends be authorized purchased by the chief quartermaster.

As soon as information sufficiently definite to act upon is received steps will be taken to arrange for the purchase of such articles from Portland and other northwestern markets as in the opinion of the chief quartermaster can be done to the advantage of the government, as well as to restore the comparatively small amount of business which may have been taken from the city by the circular referred to.

Very truly yours,  
J. B. ALESHIRE,  
Quartermaster-General, U. S. Army.

**New Incorporations.**  
Salem, May 9.—Articles of incorporation have been filed in the office of the secretary of state as follows: The Pacific Monthly company, principal office, Portland, Oregon; capital stock, \$25,000; incorporators, C. E. Wood, Charles E. Ladd and Charles H. Jones.

### NO REFERENDUM ON COUNCIL LAWS UNDER PRESENT CITY CHARTER

Judge Gantenbein Decides Vehicle Tax Test Case, Declaring That Legislature Cannot Amend Any City Charter as Contended by Long's Attorneys

The referendum cannot be invoked upon an ordinance passed by the city council of Portland until the city charter in many particulars amended. This is the substance of a decision rendered by Presiding Judge Gantenbein in the circuit court this morning, the court sustaining the demurrer of City Attorney Kavanaugh to the complaint filed in the name of George Long seeking to restrain the city from collecting a vehicle tax.

The contention of Long's attorneys that the legislative act of 1907 amended the charter of Portland and other cities of Oregon is rejected by Judge Gantenbein. Had this position been upheld there would be great confusion throughout the state, or important provisions in the charters of many municipalities would be void, not being in accordance with the legislative act. The legislature has no right to amend a city charter in any way, the court declared.

**Must First Amend Charter.**  
Judge Gantenbein pointed out that the way exists for applying the referendum to city ordinances, but until the method is provided by the city council amending the charter there is no means for exercising it. The referendum cannot be called into play to hold up measures passed by the council under present conditions.

Long's attorneys will carry the case to the supreme court at once by appealing from the decision of Judge Gantenbein. The question is one that concerns a cities of the state, and it is of the highest importance, therefore that it be determined by the court of last resort.

Judge Gantenbein reviewed at some length the constitutional amendments involving the referendum as applied to cities and legislative enactments in regard thereto, besides giving a brief summary of the vehicle tax ordinance on which it is sought to call a referendum vote. Speaking in reference to the decision, City Attorney Kavanaugh said:

"The decision fully sustains the position I had taken, and had it been otherwise there would have been much confusion. I wish it understood that in deciding against the right of referendum in this case we were not swayed by any unfriendly toward the referendum. In fact, I had hoped that the law would permit the referendum to be taken, but after careful study I was convinced that it could not be done, and argued accordingly.

The way to reach the vehicle tax statute now, on the part of those who oppose it, is by repeal. This repeal can be accomplished by vote of the city council or by use of the initiative or referendum. The referendum cannot be invoked against a measure already in force until the vote is taken. After a measure is once in force it remains in force until repealed by the methods before stated.

This is a suit by plaintiff and others similarly situated to enjoin the city and its officers from enforcing the provisions of ordinance No. 17,414, entitled "An act to license vehicles, etc.," passed by the council over the mayor's veto on February 24, 1908.

On December 17, 1902, the common council of the city of Portland passed ordinance No. 13,138, entitled "An act to license vehicles, etc.," which by which it was provided that all keepers of vehicles used for the purpose of conveying passengers, packages, goods or wares, excepting those for pleasure only. The ordinance is set forth fully in the plaintiff's petition.

On December 17, 1902, the common council of the city of Portland and qualified voters of the city of Portland signed and filed with the city clerk a petition for the referendum against said ordinance No. 17,414. This petition is signed by more than enough voters to comply with both the state and municipal enactments providing for the referendum.

(Continued on Page Two.)

### WOMAN IN JAIL IS NOT MURDERESS

Authorities Convinced That Mrs. Gunness Is Still at Large—Mrs. F. B. Herron Will Be Released by Police at Syracuse.

Body Found in Ashes Not That of Owner of Farm, According to Dr. Long Who Says the Suspected Fiend Is Alive.

(Entel Press Lensed Wire.)  
Syracuse, N. Y., May 9.—After questioning the woman arrested early this morning on a New York Central train on suspicion that she was Mrs. Beulah Gunness, who is said to have converted the ground near the back door of her farm house near La Porte, Indiana, into a graveyard, Chief of Police Condon announced today that he thinks she is Mrs. F. B. Herron of Chicago, as she says this is the name she gave the detectives when she was arrested.

Further proof that she is not Mrs. Gunness came from Franklin, Pennsylvania, in a telegram announcing that the woman in custody is undoubtedly Mrs. Herron, whose mother lives eight miles from there and where she makes her home when she is not visiting in Chicago. Chief Condon says he will release her.

La Porte, Ind., May 9.—Convincing evidence that the body of the woman found in the ruins of the Gunness farm house is not that of Mrs. Beulah Gunness was produced today by Dr. Harry H. Long of La Porte, who made a scientific examination of the charred body.

After completing the examination, Dr. Long declared positively that the remains are not those of the woman he said he knew the woman well and is convinced beyond a doubt that she is still alive. He avers that his examination proved this.

Detectives searching for the alleged murderer have redoubled their efforts. It has been their theory for the last two days that the body of a woman was placed in the ruins of some one, presumably by Mrs. Gunness herself, to throw off suspicion, thereby leading those who found the corpse to the belief that they were those of Mrs. Gunness and her three children.

As the result of Dr. Long's discovery the police have redoubled their efforts to locate Mrs. Gunness. It is believed that Mrs. Gunness is still at large, for the purpose of misleading the relatives of the victims. Mrs. Gunness is believed to be in the vicinity of Aberdeen, South Dakota, for the purpose of misleading the relatives of the victims.

One instance is cited in the case of Bert Chase, of Mishawaka, Indiana, whose father, who disappeared some time ago.

Bert told his brother that he was going to visit a wealthy widow owning a fine farm in Indiana. That was the last seen of him by his friends or relatives. Later the brother received a telegram from a man named South Dakota, announcing that Bert Chase had been killed in a railroad accident. The brother immediately went to Aberdeen, where he discovered that the name signed to the message was fictitious.

**Not Mrs. Gunness' Body.**  
As the result of Dr. Long's discovery the police have redoubled their efforts to locate Mrs. Gunness. It is believed that Mrs. Gunness is still at large, for the purpose of misleading the relatives of the victims.

Dr. Long gives another reason for his belief that the body is not that of Mrs. Gunness, the fact that the finger nail of the man named South Dakota was manicured. He said he was positive that Mrs. Gunness had never seen the man named South Dakota. He also pointed to the fact that the body weighed 225 pounds, while the body at the scene was that of a woman who weighed 125 pounds.

### MASKED BLACK HAND PROWLERS THREATEN LINN FARMER'S LIFE

(Special Dispatch to The Journal.)  
Lebanon, Or., May 9.—A story has recently been made public of an attempted robbery above Waterloo a few weeks ago. It is said about 9 o'clock one night two Greeks, who were cutting wood near Haven's farm, were returning to their camp from Haven's house, when they were met in the road by five men, or boys, and ordered to hold up their hands at the point of a revolver. The Greeks broke and ran for dear life back to Haven's house, reaching there in an exhausted condition and falling upon the floor.

When they told their story Harry Haven and Mr. Kelly got guns and pursued the would-be robbers, but they reached the bridge crossing the river at McDowell creek about 10 minutes ahead of the pursuers, who then gave up the chase.

About the same time some one wrote William Saxour a threatening note, saying if he did not leave \$500 in the mail box by a certain time they would visit his house and kill him and his wife. These are two old people living on their farm, which they recently bought from Thomas Weaver.

Once since some one has tried to hold another Greek up near Waterloo, but he also took to his heels. It is said the first Greek had \$500 in gold in a belt around his waist, and he said he would rather be killed than give up his earnings.

It is said that while no arrests have been made, there is strong suspicion as to the guilty parties.

### BARCELONA OBJECTS TO TALES OF TERROR

Barcelona, May 9.—The alcalde of this city has complained to the United States consul of the letters he has sent to the New York Herald, painting the black colored and a half-civilized people that he has represented the town as inhabited by a horde of savages who always prove to be the worst of the country.