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The weather—Occasional rain to-night and Tuesday; easterly winds.

VOL. VII. NO. 232.

PORTLAND, OREGON, MONDAY EVENING, NOVEMBER 30, 1908.—FOURTEEN PAGES.

PRICE TWO CENTS. ON TRAINS AND NEWS STANDS FIVE CENTS.

JOURNAL CIRCULATION

YESTERDAY WAS

31,325

RAILROAD FIGHTS TO SAVE TRACKS ON FOURTH STREET

COURT KEEPS TRACKS ON FOURTH STREET

Judge Wolverton Issues Temporary Order Restraining City Officials From Enforcing Ordinance.

The trouble between the Southern Pacific company and the city of Portland over the use of Fourth street by the railroad and which is prohibited by an ordinance passed in May, last year, has finally reached the federal court.

The bill of complaint of the Southern Pacific company against the city of Portland was filed in the United States circuit court this morning.

In the temporary restraining order granted the city of Portland is given until December 28 at 10 o'clock to show cause why the order should not be issued as asked for by the counsel for the railroad company.

Mr. O'Brien was arrested November 18, upon complaint filed by J. P. Kavanaugh, city attorney, charging him with violation of the ordinance which provides punishment either by a fine or imprisonment for use of the Fourth street tracks by means of a line which enters Portland by means of the Fourth street tracks.

The bill of complaint alleges that the ordinance is both unreasonable and invalid, and is a violation of the state constitution of Oregon which provides that private property shall not be taken for public use.

For 39 years, the bill states, the company has operated trains along the Fourth street tracks without serious injury. There are 10 regular passenger trains and two regular freight trains daily which are connected with handling the interstate and intrastate business of the company.

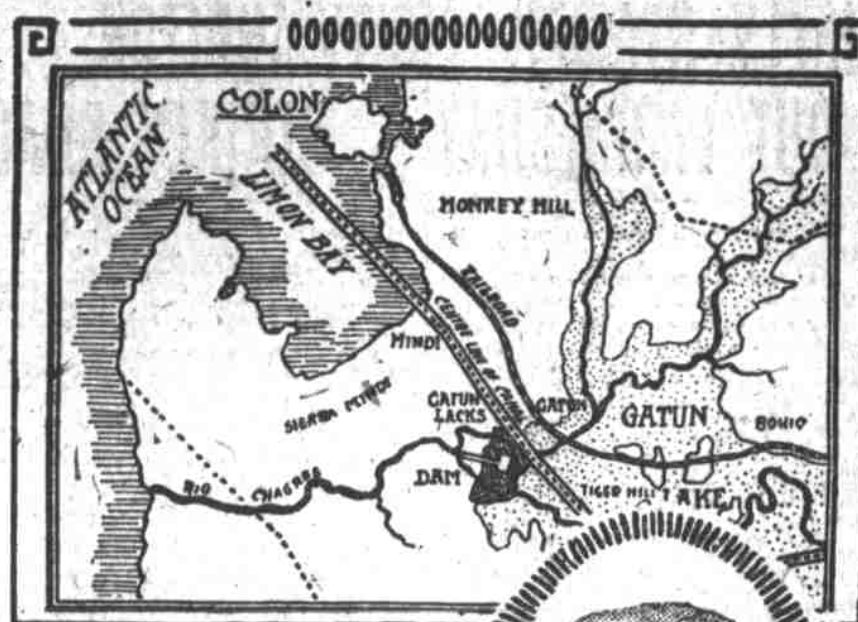
WOODRUFF OUT OF SENATORIAL RACE

Hot Springs, Nov. 30.—Timothy L. Woodruff, chairman of the New York Republican state committee, yesterday eliminated himself from the senatorial race in favor of Secretary of State Taft.

ALL WOULD BE BENEFITED

"Factories, and plenty of them, are absolutely essential in the upbuilding of a community," said John Gardiner & Viggers, manufacturers.

PANAMA CANAL ZONE AND RECENTLY FLOODED DISTRICT



TREATY WITH JAPAN IS SIGNED

Root and Takahira but Make Official the Agreement in Sentiment Already Existing, Is the State Department's Statement.

(United Press Leased Wire.) Washington, Nov. 30.—The Japanese-American agreement was signed at 5:30 o'clock this afternoon by Secretary of State Root and Ambassador Takahira.

TEAMSTER SLUGGED BY BOON COMPANIONS

(United Press Leased Wire.) San Francisco, Nov. 30.—After a desperate fight, with three footpads, Al Ryder, a teamster, was struck on the head with a blackjack, robbed and his belongings thrown into a canal early this morning.

ASSASSIN'S TRIAL AGAIN POSTPONED

(United Press Leased Wire.) San Francisco, Nov. 30.—Again the trial of I. Wan Chang, the Korean who was one of the party that attacked and killed the American diplomat, Durham White Stevens, at the Perry building last February, has been postponed.

WAGGON TO EXPLAIN CUBAN LOAN MATTER

(United Press Leased Wire.) Havana, Nov. 30.—Provisional Governor Charles E. Magoon left this city today for Washington to explain the nature of the proposed Cuban loan of \$25,000,000 before the treasury department officials.

NYSSA BURGLARS ARE UNDER HEAVY BOND

(United Press Leased Wire.) Ontario, Or., Nov. 30.—The Nyssa burglars were examined before Justice King this morning.

STEPS TAKEN TO IMPROVE WATER TO WEALTH

Comprehensive Suggestions in Report of Conservative Committee—Important Recommendations Made—Needed Improvements.

Probably the most comprehensive and suggestive presentation of the resources of Oregon and of the steps that should be taken for their conservation is contained in the report of the commission appointed a few months ago by Governor Chamberlain.

Map showing the Gatun dam in the Panama canal and the district recently partly flooded. Lieutenant Colonel Goethals, chief engineer of the Panama canal commission, below. The report of the Panama commission is published elsewhere in this issue.

REINSTRUCTION ONLY WAY OUT

Until Legislators Are Reinstated a Pledge Is a Pledge, Says Wilcox

(Special Dispatch to the Journal.) Washington, Nov. 30.—T. B. Wilcox of Portland today declared his visit here had nothing to do with the senatorial question in Oregon.

PARKER PROPOSED AS ROOT'S SUCCESSOR

Tacoma, Wash., Nov. 30.—Governor Mead arrived here at noon today and is holding a conference this afternoon with a committee of the Pierce county legislature.

MAGOON TO EXPLAIN CUBAN LOAN MATTER

(United Press Leased Wire.) Havana, Nov. 30.—Provisional Governor Charles E. Magoon is expected to arrive today for Washington to explain the nature of the proposed Cuban loan of \$25,000,000 before the treasury department officials.

ASST. SECRETARY H. L. SATERLEE

Relative of J. P. Morgan Is Slated to Fill Newberry's Position.

GOVERNMENT SENDS OIL CASE UP TO SUPREME COURT



Washington, D. C., Nov. 30.—Another step in the government suit against the Standard Oil company of Indiana went on record today, when the counsel for the government applied to the supreme court for a writ of certiorari.

The government in its petition for a writ of certiorari advances as its principal prayer the importance of an interpretation by the supreme court of the United States of certain clauses of the railroad rate law.

CAPTAIN HAINS TELLS HIS STORY

Blames Annis for Leading Wife Astray During Absence in Philippines.

(United Press Leased Wire.) New York, Nov. 30.—Captain Peter C. Hains Jr., who killed William E. Annis, the magazine publisher, at the Bayside Yacht club last August, today told his story for the first time.

SIMON IS NEAR PORT AU PRINCE

Government Troops in Panic and Inhabitants Flee the City.

(United Press Leased Wire.) Port au Prince, Haiti, Nov. 30.—The advance guard of General Simon's army of Abels is expected to arrive here today, and the greatest excitement prevails throughout the city.

VOICE OF THE EASTERN PRESS

PLEDGES ARE CONSTITUTIONAL

TWO HURT BY EXPLOSION OF GAS

Workmen With Lighted Candle Search for Leak in Purifying Apparatus in North End Plant and Find It—Injuries Not Serious.

While searching for a tiny leak in a pipe in the wash box of the purifying apparatus at the Portland Gas company's plant on First and Planders streets, this morning shortly before 8 o'clock, E. Hargett and B. H. Meehan, two employees of the gas company, were painfully injured by an explosion of accumulated gas.

One of the men was carrying a candle in defiance of orders, the officials of the company say, and the small flame ignited the gas in the chamber, causing an explosion which shook buildings for several blocks around and sent pieces of wood and sheet iron 200 feet into the air.

RUSSIA DEMANDS LEADERS' NAMES

Attorney Invokes Penalties for Contempt to Force Refugees to Answer.

(United Press Leased Wire.) Chicago, Nov. 30.—Attorney Rigby counsel for Russia in her effort to secure the extradition of Christian Rakovsky on a charge of murder, will ask Federal Judge Botha this afternoon for a citation for contempt of court against Martin Jurow, a witness, who refused to divulge names of Russian revolutionary committee.

SEVEN DEAD IN OKLAHOMA FLOOD

Rivers of Section Continue to Rise and Many Persons Are Homeless.

(United Press Leased Wire.) Guthrie, Okla., Nov. 30.—Seven persons are dead, many are missing and thousands are homeless as the result of floods in Oklahoma, Texas, southwestern Missouri and southern Kansas.

REINSTRUCTION ONLY WAY OUT

Until Legislators Are Reinstated a Pledge Is a Pledge, Says Wilcox