

COURT DENIES PETITION IN LAKE CASE

Finis Written to Famous Water Rights Litigation by Decision Rendered by State Supreme Tribunal—Other Cases.

(By Journal Leased Salem Wire.)
Salem, Or., June 29.—In an opinion written by Justice McBride a decree of the circuit court for Union county, granting J. A. Russell \$7500 damages for the death of his son, J. Donald Russell, who was run over and killed by an Oregon Railway & Navigation company's train at Ferry in July, 1907, is reversed and remanded today. The case was tried before Judge T. H. Crawford in the lower court.

The opinion holds that it is the duty of a railroad to properly protect the public from injury at dangerous crossings, such as this one was. The view of the court was that the crossing was not properly protected, and that the crossing was not properly protected.

The court held that it was not negligence on the part of the company because the train, which was a freight, was 30 minutes late, or that the train did not carry a full crew, one of the brakemen having been left behind.

Water Rights Case Determined.
The petition for rehearing in the case of Hough vs. Porter, the famous Lake county water rights case, is denied on the petition written by Justice King.

The case has been pending for four or five years and has cost the 40 litigants involved several thousand dollars.

George H. Small entered the petition for reopening the case. The action today determines the case. The decision, which was rendered in December, 1908, took up a great many points regarding water rights and outlined the interest of each settler who had a claim on the waters of Silver creek.

The case of the German Savings & Loan society vs. George W. Gordon, appealed from the circuit court for Multnomah county, C. U. Gantenbein, judge, is affirmed in an opinion written by Chief Justice Moore.

The corporation asserted that it had an easement incident to its ownership of adjoining land, and the assertion is confirmed by the court in its decision today.

Frank Menefee Feted.
(Special Dispatch to The Journal.)
The Dailes, Or., June 29.—Friendship lodge No. 9, Knights of Pythias, tendered Honorable Frank Menefee a reception last night in honor of his election to the office of grand chancellor of the domain of Oregon by the grand lodge, which held its annual session in Pendleton last week.

Mr. Menefee is the second member of Friendship lodge to have been elected to the office of grand chancellor. Judge W. L. Bradshaw was honored with that office some eight years ago, and is at present one of the representatives from this state to the supreme lodge.

SPRECKELS PAPER WILL AID HENEY

Call Emphasizes Support of Prosecutor and Hostility to Grafters.

(United Press Leased Wire.)
San Francisco, June 29.—Simultaneously with the arrival of John D. Spreckels from San Diego today his newspaper here, the Call, printed an editorial pledging its support to the graft prosecution and saying, with reference to the candidacy of Francis J. Heney for district attorney, that he is "the only man in the field at this time who seems to fill the bill."

The action of persons who in the name of the Good Government league sent out "straw ballots" bearing hidden marks by which persons who wished to vote anonymously could be identified, is condemned by the paper.

Incidentally stating that the paper's support of the graft prosecution is not a cause for the relationship between John D. and Rudolph Spreckels but rather in spite of it, the Call editorial says:

"Some of the Call's journalistic neighbors are, or profess to be, much concerned about the attitude of this newspaper toward the graft prosecution. They need not worry. The Call is on the people's side in this struggle and will stay there. It has not wavered in its support of the district attorney during the long fight to catch and convict and punish the authors of San Francisco's municipal shame. It will continue in that course while an indicted grafter remains untried. Moreover, it will do its best to secure the election in Langdon's place of a district attorney who will vigorously and efficiently carry on the work begun under Langdon's administration. Francis J. Heney is the only man in the field at this time who seems to fill the bill."

Cause Supported on Merits.
"Let it be understood that the Call's support of the graft prosecution is given not on account of the relationship between Rudolph Spreckels and the owner of this paper, but in spite of it. Also, let it be understood that Rudolph Spreckels has not and never did have the remotest interest in this paper or the slightest influence in shaping its policies. The Call has not stood behind or for the man, but it has stood and will stand fast for the work he inaugurated, disregarding altogether his identity or the motives that actuated him. That work would have been indorsed and aided by the Call no matter by whom begun, whether by Spreckels, or Smith, or Brown, or anybody at all."

Boasts Other Papers.
"And the Call neither seeks nor desires any credit for its stand as to the graft prosecution. The prosecution of rich men who bribe poor men to commit crimes is not merely right; it is the duty of the plundered people's law officers to prosecute the real criminals and it is the duty of honest men and honest newspapers to uphold and aid the public prosecutors in their duty."

That fall to discharge this duty are cowardly and the newspapers that defend the bribe-givers are crooked. The Chronicle is both crooked and cowardly. The Examiner, nursing its wounds inflicted upon its circulation by an outraged public, is, for the nonce, cowardly. As for the Globe, it is merely the handbill of Patrick Calhoun, inasmuch as he pays for it, he is privileged to say in it what he pleases about his own virtues and the utter wickedness of public officials that dare to prosecute him and of courts that have the hardihood to try him. The Globe is owned by graft—the others, such as the Chronicle, are only rented."

Ballot Trick Denounced.
"It is chiefly the Chronicle, pretending to be concerned about the Call's policy toward the graft prosecution, that pokes an inquisitive nose into the business of this paper—and it is not a clean nose, having been engaged lately in rooting around the muckheap for the price its owner seems to have found. The excuse for its latest offensiveness is approval by the Call of the shabby political trick attempted in the name of the Good Government league. This newspaper does not know who is responsible for the stamp-ridden marks of identification on the people's ballot, and does not care. It was a stupid as well as a vicious thing, obviously done in bad faith, and unless its author be promptly disavowed the league may expect to suffer severely on account of it. The candidacy of Phelan was foolish enough, but this means of advancing it might well have been suggested by an enemy."

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YOUNG LAD IS RUN DOWN BY AUTO

(Continued from Page One.)

lief was given by Miss M. Crowe, a nurse who has been attending Mr. Keats' young son, and who was riding to town in the machine.

Dr. E. A. Rockey was called at once and every effort was made to save the life of the boy. Later, after making an examination, the physician ordered the removal of the injured lad to the hospital, where he was taken in the automobile. He died at about 11:45 o'clock without having regained consciousness.

Mr. Keats explained later to the authorities that he was traveling at a speed of about five miles an hour. Witnesses corroborated his statements. When the machine struck the boy Mr. Keats was preparing to pass between the moving ice wagon and another vehicle on the opposite side of the street and was running the machine carefully.

An inquest will be held either this afternoon or tomorrow.

Keats Makes Statement.
Mr. Keats, who is the oldest automobilist in the city, and is known as one of the most careful drivers, is deeply grieved by the accident, even though it was doubtless unavoidable, and no blame is attached to him by the bystanders or by the boy's parents, to whom the circumstances were explained.

"It was one of those unavoidable accidents that sometimes occur," said Mr. Keats, "and all goes to show that no matter how careful you are the things will happen. I was driving up Twenty-first street when I saw this ice wagon approaching from the opposite direction. Another rig was standing by the curb and there was so little space between that I did not know if I could pass between with my machine. Consequently I was driving very slowly, not more than four miles an hour, for I did not know but that I might have to turn out to the left anyway."

"Just as I came opposite the ice wagon this boy jumped out in front and my mud guard hit him and threw him back. His fall on the pavement resulted in a fractured skull. I had a house attending a case there, and she jumped out and took care of the boy. We took him into a neighboring house and called a doctor who pronounced the child all right. He regained consciousness at once, but when I took him up to take him to his home he seemed worse."

"The doctor was called again, and we took the child to the hospital, where he was put to bed and an operation was decided upon. Before the things could be got ready, however, he died. I had already brought the parents to the hospital, and they attach no blame to me. The child was a reckless little fellow, who made a practice of jumping on the back end of the cars. He had been in many accidents, and had barely escaped drowning several times. It was an unfortunate accident which I deeply regret, but unavoidable. Had I been going fast I should of course have passed him."

This is the first accident Mr. Keats has ever had, and he has never been arrested for exceeding the speed limit. He is in the automobile business and drives almost all the time, so that his record is unusual.

As a result of the fatal accident to the Roffing boy, Chief Grismacher this morning gave out orders to patrolmen to arrest all boys caught jumping on and off wagons.

against the Corvallis & Eastern railroad, one for not building a railroad at Lyons, the other by R. L. Robertson, for injuries received while in the employ of the railroad company. He asks for \$10,000 damages. The grand jury drawn yesterday morning is composed of John W. Pugh of Shedd, foreman; Robert Arnold, Shedd; T. C. Isom, Brownsville; H. L. Kiser, Price; John Meiner, Tangent; J. A. Rowell, Sweet Home; C. Scott, Tangent.

RAILROAD CASES TAKEN UP AT ALBANY

(Special Dispatch to The Journal.)
Albany, Or., June 29.—Judge George H. Burnett is holding the regular June term of circuit court for Linn county, department No. 1. A number of cases have already been settled and others continued. There are two damage suits

The military authorities of several European nations are testing the tachypod, a sort of enlarged roller skate operated by pedals, by which it is claimed a man can get over ground as rapidly as though mounted on a bicycle.



Anty Drudge on the Farm.

Mrs. Farmer—"I s'pose all you fine city folks are 'way ahead of us who live in the country."

Anty Drudge—"Goodness, no, Mrs. Farmer. I see you use Fels-Naptha; your hands are white and you have plenty of time for reading and music. You can't get ahead of the woman who uses Fels-Naptha, whether she lives in the country or city."

Do women cling to delusions longer than men? That's an open question. In China, men do the washing and they have been doing it in the same old way for 4,000 years.

In America more than a million women have broken away from the old-fashioned traditions, and have adopted the Fels-Naptha way of washing. That means cold or lukewarm water—never hot—no boiling, no hard rubbing, a saving of time, temper, trouble, fuel, clothes and health.

Follow directions on the red and green wrapper.

A. B. Steinbach & Co.

The Advantage of Buying Your Straw Hat Here Is Most Pronounced



We call attention to our matchless exhibit of "Brook Straws," embracing every known braid and shape.



PEER OF ALL \$3 HATS

Genuine Ecuador and Monte Cristo Panama Hats From \$5.00 Up

Worms

"Cascarets are certainly fine. I gave a friend one when the doctor was treating him for cancer of the stomach. The next morning he passed four pieces of a tape worm. He then got a box and in three days he passed a tape worm 45 feet long. It was Mr. Matt Frock, of Millersburg, Dauphin Co., Pa. I am quite a worker for Cascarets. I use them myself and find them beneficial for most any disease caused by impure blood."

Chas. E. Condon, Lewistown, Pa. (Mifflin Co.) Pleasant, Palatable, Potent, Taste Good. Do Good. Never Sickens, Weakens or Grips. 10c, 25c, 50c. Never sold in bulk. The genuine tablet stamped C. C. C. Guaranteed to cure or you money back.



Grows for Pacific Northwest Soil and Climate. Now on display at all best dealers. Ask for Catalogue. If not on sale in your neighborhood, write us, giving name of your dealer, and we will mail you a packet of flower seeds free for your trouble. Front and Yamhill sts., Portland, Or.

FOUR MORE DAYS SHOES! - SHOES! - SHOES!

An extension of four days time has been given ELLIOTT BROS. to finish closing out the shoe stock of

285 Morrison Street

W. J. FULLAM

The Pioneer Shoe Man of Portland

285 Morrison Street

In other words, we have been given until Saturday Night, Ten O'Clock to complete our mammoth task of selling

Fifteen Thousand Pairs Of High Grade Shoes in Fifteen Days

TOMORROW MORNING, Wednesday, we will begin bombarding where stock is the heaviest, and continue every hour, every minute of our entire time for the next four days in selling this stock

\$1.00 Bombardment No. 1 **\$1.00**
About 250 Pairs of Ladies' High Grade Shoes, Regular Price \$5.00 to \$6.00. Tomorrow Morning on Opening Our Doors We Will Start Selling These Shoes at **\$1.00** PER PAIR

And will continue as long as one pair lasts. It will pay you one time in your life to come early; be there just exactly when the doors open, for \$5.00 and \$6.00 values are not going to last long at ONE DOLLAR PER PAIR

And Again The Price Has been Slashed by Elliott Bros., All Over the House, Shoes Now at Your Own Price, Not Ours any Longer. Shoes for The Family, Man and Wife, Young Man, Young Lady, Boy and Baby

ELLIOTT BROS. SALES SPECIALISTS

Selling The Stock of

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