

# ANGRY MAN ATTACKS COUNCILMAN DEVLIN

## FAILING TO GET HIS MONEY POOR MAN GROWS DESPERATE

Councilman Thomas C. Devlin was this morning attacked in the lobby of the German-American bank, the premises formerly occupied by the Oregon Trust & Savings Company bank, of which Mr. Devlin is receiver, and felled to the floor by an unlooked for blow from Ralph R. Ruffner, city ticket agent for the Texas & Pacific railroad. Ruffner was promptly arrested and is now held to answer to a double charge of assault and battery and threatening to kill. The arrest was made by Patrolman Harms and Sergeant Harry Parker.

Ruffner, according to Mr. Devlin, came into the bank at about 11 o'clock this morning, with a demand that he be given 10 acres of land at Tigardville in lieu of his deposit of \$1500. This was refused him, as it is stated that greater offers have been received for the same property. Ruffner then is said to have cursed the councilman and threatened to kill him, and then, to have unexpectedly struck Mr. Devlin.

**TAKEN BY SURPRISE.**  
"I was taken entirely by surprise," stated Mr. Devlin. "He was very abusive, and threatened to kill me, saying: 'I'll get you yet. You and I will take the long trip together.' I turned away from him to avoid trouble, when he struck me across the side of the head, breaking my glasses and knocking me to the floor. I do not know how many times he hit me, as the blow on the side of the face stunned me."

**MARKED BY BLOWS.**  
Mr. Devlin was considerably marked up by the blows which he had received. He swore to a complaint against Ruffner, and Deputy District Attorney Hennessy first fixed the bail at \$500, but when the young man was brought before him he became insolent and made the remark, when asked whether he would attack Devlin again, that he would not dirty his hands upon him. Mr. Hennessy then fixed the bail at \$1500. W. B. McBride, general agent of the Texas & Pacific, stated that he would give bond to this amount. He states that the young man was made desperate by the fact that his sayings were tied up, and that this caused him to take this action.

Mr. Devlin states that he has known the young man for a long time, and has always been friendly toward him and has tried to help him. Recently, he says, the young man has been abusive concerning the money.

## DEMAND TROOPS FOR STRIKERS TAFT'S ITINERARY EXCLUDES TACOMA

**(United Press Leased Wire.)**  
Hannibal, Mo., Aug. 3.—Fifteen hundred foreigners are parading the streets today, intimidating residents of the city and assaulting employees of the Atlas-Courtland Cement company, against which they are striking. There have been a number of small riots and serious disturbances are expected to take place before night.

The cement company's \$4,000,000 plant is at the mercy of the mob. Officials of the company have requested the authorities to demand the aid of state troops.

## BALLINGER TO BE CAREFUL WITH FUNDS

Secretary Will Take Time in Making Apportionment for Reclamation Work in This District—Compliments Engineers on Work

Apportionment of the government reclamation fund for western projects has been taken under consideration by Richard A. Ballinger, secretary of the interior. His final report, dependent upon the speed with which he can get through the mass of data submitted to him by supervising engineers, may be made in a week or the wait may be prolonged to a period of 30 days.

Secretary Ballinger's newness to the work planned by the reclamation service is responsible for the delay. "I want to secure the best possible comprehension of the situation," he announced this morning.

For this reason the secretary of the interior will go painstakingly through every estimate prepared for his inspection by the supervising engineers of the six western districts. Had he been older in the service and familiar with the situation, a few leading questions would have been decisive as the detail work has been imposed upon himself.

**Will Pare Down Expenses.**  
In concluding the conference this morning with Director Newell of the reclamation service, together with the supervising and consulting engineers, Chief Engineer E. Davis and Chief Electrical Engineer O. A. Ensign, the secretary of the interior announced a general retrenchment policy in administrative expense.

"I am heartily in sympathy with any plan that will reduce operating expense while expending the maximum sum in

## SENATE SEES OREGON CITY MURDERER TO HANG

Conferees' Report to Be Acted Upon Thursday, 2 P. M.—Cotton Schedule May Be Reopened, as Well as Leather—Delay Possible.

**(United Press Leased Wire.)**  
Washington, Aug. 3.—The senate this afternoon agreed upon Bailey's motion to vote on the tariff conferees' report at 2 o'clock Thursday afternoon. The objectionable language in the leather schedule of the tariff bill is generally credited to Senator Lodge and Representative Gardner and McCall of Massachusetts. It is alleged that they are trying to preserve the interests of New England.

**(By Journal Leased Salem Wire.)**  
Salem Or., Aug. 3.—Mathew Jancijag and Harry Daley must hang. Both were convicted during the past few months of murder in the first degree. They appealed to the supreme court and a decision was reached today. In both instances the proceedings in the lower courts were found regular and the verdict affirmed. The cases were argued the same day, July 21.

Jancijag was indicted, tried and convicted of murder in the first degree for killing Mary Smrekar, July 11, 1908, at Oregon City. An exception was taken to the instructions of the court. No part of the evidence adduced at the trial was given to the supreme court.

The opinion is written by Associate Justice Slater. It was tried in the lower court before Judge Thomas A. McBride, now on the supreme bench by virtue of appointment by Governor Benson. For that reason he did not participate in this decision.

**Conscious of Purpose.**  
The court held that the act constituting the basis of the presumption of malice from the deliberate and unlawful use of a deadly weapon must have been deliberate, that is, accompanied by such circumstances as evidenced a mind fully conscious of its own purpose and design.

"To deliberate," says Justice Slater, "is to weigh the motives for an act, its consequences, the nature of the crime or the things connected with the intention with a view to a decision thereon."

Failure of Presiding Judge C. U. Gantenbein to instruct the jury as requested by the counsel for the defendant is made the basis for the appeal in the Harry Daley case also. Daley shot and killed Harry Kinney in a saloon in Portland and was convicted of murder in the first degree.

Evidence was produced at the trial tending to show the defendant was not guilty by reason of mental incapacity, and the counsel for the defense asked the court to include in his instructions

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## RESERVOIR IS READY TO BE STARTED

Specifications for Big Water Basin Are Prepared and Bids Will Soon Be Asked for—Work Commences in October.

Specifications for the new 50,000-gallon storage reservoir to be built on Mt. Tabor as a preliminary step in the construction of the second pipe line to Bull Run, were completed in the office of the city water department's chief engineer this morning and although the footings have not yet been made the approximate cost of the big concrete basin will be about \$360,000.

The plans will be submitted to the water board at its next meeting and the city auditor will then be directed to advertise for bids for its erection. Actual construction work should be commenced before the first of October.

The building of the reservoir was decided upon as the initial step in the installation of the new pipe line at the last meeting of the water board under the direction of Dr. Lane, and City Engineer Thomson of Seattle was engaged as consulting engineer to assist Chief Engineer D. D. Clarke of the water department in arranging the details of the mammoth project, which will cost more than \$3,000,000 before its completion.

**Thomson Is Elected.**  
Mr. Thomson will arrive in the city from Seattle tomorrow and he will accompany Engineer Clarke to the headquarters at Bull Run on an inspection trip. He will afterward survey the specifications for the reservoir and give them his official approval.

Assistant Water Engineer F. M. Randlett says the 24 mile pipe line to the source of supply on Bull Run river should be

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## HE SAID THAW WAS CRAZY



Dr. Britton D. Evans, the famous alienist, on whose testimony principally Thaw was acquitted of the murder of Stanford White on the ground of temporary insanity, whose secret report to Thaw's attorney caused a sensation at the hearing now in progress to determine whether Harry K. Thaw has fully recovered his reason.

## DROPS PISTOL, IS KILLED

Frank Ellis Dies While Trying to Reach for Guide Cord in Cave of Josephine County—Wife Remains by Side Until End.

**(Special Dispatch to The Journal.)**  
Grants Pass, Or., Aug. 3.—The body of Frank Ellis, who accidentally shot himself while exploring the Knappton cave near this city on Sunday night, was brought here today. The remains have been shipped to The Dalles, the former home of the unfortunate man.

Briefly, this is the prelude to one of the most pathetic accidents that has happened in this section of Oregon in years. It was for the first time made known today the peculiar circumstances under which Ellis was shot. The fact in the matter was that Ellis was climbing up a steep incline to explore an upper cave. The party of pleasure seekers had placed a guide string at the bottom of the incline. Ellis carried a revolver in his pocket. He reached over to feel for the guide string and in doing so the weapon slipped from his

pocket and struck the rock floor of the cave. Fate seemed to have selected the unfortunate man for its own, for when the cartridge exploded in the gun the bullet passed out of the barrel and struck Ellis in the head. He was killed.

Mrs. Ellis with a Mr. and Mrs. Viavard and two young ladies of Grants Pass were waiting below the shelf. Some one shouted, "Run, run, there has been a murder."

Mrs. Ellis returned and went to her husband's rescue. She remained by his side all afternoon in the pitch darkness of the caves, waiting for help. He died and his body was not removed till late this morning.

The revolver was found near the top of the incline, particles of marble grit from the hammer and one exploded shell indicating that Ellis had accidentally shot himself.

## BLACK HAND HOLDS CHILDREN FOR RANSOM

**(United Press Leased Wire.)**  
St. Louis, Aug. 3.—Following the kidnapping of Grace and Alfonso Viviano, second cousins, 3 and 5 years of age, respectively, and a demand for \$10,000 ransom, detectives today arrested Joseph Bonanno, suspected of being an accomplice of Samuel Turisti, who is believed to have taken the children from their home.

No trace has been found of Turisti, and no word has been heard from the children since the arrival last night of a special delivery letter in which it was said that they were being held for ransom.

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## CARLOS' SON READY FOR A CALL

Would Not Invade Spain at Head of Army, but If Alfonso Cannot Restore Order He Will Undertake Task If Needed.

**(United Press Leased Wire.)**  
Vienna, Aug. 3.—Denying that he will lead an army of Carlitos against King Alfonso, Don Jaime gave out an interview here today. The pretender declared that the only condition under which he would enter Spain at the head of an army would be in the event that Alfonso was overthrown and a leader was needed to restore order.

## REFUGEES FROM BARCELONA TELL TALES OF TERROR

**(United Press Leased Wire.)**  
Barritz, Aug. 3.—Regular train service from Barcelona was resumed today, and with its resumption came a train of refugees from the revolt riven province of Catalonia. Passengers arriving from Barcelona say that the government forces are fortifying their position in the central city, in anticipation of an outbreak.

The revolutionists are encamped in the mountains surrounding the city where they took refuge following the slaughter of the last few days.

Barcelona is now in possession of loyal troops, but the condition of the defenses and the position of the loyal forces makes it probable that the succeeding fighting will be bloody.

Allowing for exaggeration by terrified refugees who have arrived here, it is estimated that the list of dead at Barcelona reached 2000 in the three days of fighting there.

## DON JAIME'S HOPE OF SUPPLANTING ALFONSO REVIVED

**(United Press Leased Wire.)**  
Cerbere, France, Aug. 3.—Troops sent from Barcelona to dislodge the rebels entrenched in the mountains were repulsed with heavy losses, according to messages received here today. The situation in Catalonia is very serious and the followers of the late Don Carlos,

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## IRRIGATION IS VERY EASY TO LEARN

Government Engineer Tells Interesting Things About Wonderful Projects Now Under Construction—Difficult Feats in Building.

Ability to learn without previous farm-irrigation experience is the best asset for the newcomer on irrigated lands, says C. H. Swigert, supervising engineer for government reclamation projects in Washington. Swigert with the supervising engineers of other districts is attending the meeting being held today with R. A. Ballinger, secretary of the interior.

"The men who make the greatest failures on irrigated lands are the men who think they know most about farming," he asserted yesterday evening. "Men who have had previous experience on farms come west with the idea that they have nothing left to learn. Hence they refuse to learn. As a result they give the land too much water or too constant-ly; it soars or the alkali comes to the surface and the property is rendered valueless."

**Needs Artistic Touch.**  
"Many people think you dig a ditch and set the water to the land and the sun and the earth and the Lord do the rest," Mr. Swigert continued. "As a matter of fact the artistic touch is applied after the crop has been sown. Underdrainage is all important. Land that is soggy must be artificially drained with underdrainage."

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## FAITHFUL GIRL DEFIES THIEVES

Dares Them to Shoot—Tied in Chair When She Tries to Send an Alarm.

**(United Press Leased Wire.)**  
New Kensington, Pa., Aug. 3.—Battling with two men and thwarting them in an attempt to rob the railroad company, Ella Clifford, a 24-year-old girl, employed as night telegraph operator at Breburn Road, was finally overpowered last night by two thugs, who bound her to a chair, where she was found this morning. Two men suspected of the crime have been arrested.

The girl was alone in the railroad office at Breburn Road, a station 22 miles from Pittsburgh, when the men entered. Pointing a gun at her head, one of the men threatened to shoot her if she did not tell them where the company's cash, amounting to several hundred dollars, had been hidden.

"I dare you to shoot," she calmly answered the brave girl. "I will never tell you where the money is."

As she defied the men, Miss Clifford edged toward the telegraph key on her table, hoping to send on the wire a call for help.

"No you don't," shouted one of the thugs, divining her intention, as he grasped her by the wrist. The girl struck the man a stinging blow, which angered him. A struggle followed and the girl was finally bound to a chair, out of reach of the telegraph key, and left there for the rest of the night.

## MINERS REELECT MOYER PRESIDENT

**(United Press Leased Wire.)**  
Denver, Aug. 3.—Charles H. Moyer was unanimously reelected president of the Western Federation of Miners today. C. E. Mahoney was elected vice president.