O.-W. R. & N. FILES SUIT TO KEEP NORTH BANK OFF OF STEEL BRIDGE

Harriman Road Wants Courts to Restrain Railroad Commission.

An injunction suit was filed in the circuit court by the O.-W. R. & N. today to restrain the S. P. & S. from undertaking to enforce the recent award of the state railroad commission in respect to fixing compensation for the use of the new steel bridge. The suit asks further, that the railroad commission decree be set aside.

Numerous damages that would be done the complaining company are specified in the bill of complaint, which alleges principally, however, that the railroad commission in the first place had no jurisdiction in the case and that the rates fixed are far too small.

The railroad commission decree in this matter was given July 9. A rate of 85 cents per car and $1.70 per engine of each S. P. & S. train running over the new steel bridge was specified. It was predicted at the time by attorneys for both corporations that in their opinion the O.-W. R. & N. company would challenge the ruling.

The complaint alleges that both the Southern Pacific and the O.-W. R. & N. have been handling O.-W. R. & N. traffic in their own trains over the bridge at a reasonable rate and with prompt service. The S. P. & S., however, asked these companies to fix a rate so that it could switch its own trains over the bridge.

The Harriman roads have consistently refused to grant this permission, however, and the Hill corporation appealed to the railroad commission. The O.-W. R. & N. then proceeded to resist this action by suing to restrain the commission from proceeding to consider the S. P. & S. plea. This injunction was granted and the demurrer of the commission to this proceeding is now pending in the local circuit courts.

Shortly after the railroad commission announced its decision in the matter, the O.-W. R. & N. announced that it would not abide by it and the plea for injunction to restrain enforcement of the decree was today's result of that announcement.

WOMAN IS TEMPORARY HEAD OF BLIND SCHOOL

No Pupils There Until Fall Term Opens But Grounds Need Attention.

(Special to The Journal.)

Vancouver, Wash., Aug. 8.—Mrs. Mary R. Gray, mother-in-law of County Auditor William Marshall, was yesterday named temporary superintendent of the state school for the blind at Vancouver. George Mullin, who had held the position for several years, resigned recently at the request of Governor Lister, the resignation taking effect on August 5, and since that time the institution has been without an official head. Hermann W. Ross, member of the state board of control, was in the city yesterday and made the appointment. One of the faculty of the Oregon state school for the blind was offered the position of superintendent, and it was through the likelihood of his acceptance that Mr. Mullin was asked to resign at the time. The Oregon board, however, increased the salary to meet the Washington offer, and the Vancouver school was left without an official head.

There are no pupils at the school at present, the fall term not having taken up, but the buildings and grounds needed attention. A permanent superintendent will likely be selected before the fall term opens.

RAP FROM GOOSE WING CURES HIS PARALYSIS

Frightened Bird Strikes Paralytic on Neck, He Finds He's Cured.

Los Angeles, Aug. 8.—After suffering from partial paralysis, Arthur Reddington, a Lamanda Park rancher, claims today that he was cured by a blow from a goose's wing.

The "cure" came while Reddington was hobbling along a country road. A flock of geese, frightened by an automobile, flopped across the road and the wing of one of the birds struck Reddington a sharp blow on the neck.

"I instinctively ran a few steps and threw up my hands to ward off another blow," Reddington said. I almost collapsed from astonishment when I then found I had recovered complete use of all my limbs."

BORAH ATTACKS SECRET ESPIONAGE OVER JUDGES

Washington, Aug. 8.—Stung by a denial by Attorney General McReynolds of a charge that special agents of the department of justice keep secret espionage over the United States judiciary, in some instances influencing the judges' decisions, Senator Borah declared the senate would prove the truth of the charge.

"Much as I am opposed," said Borah, "to direct election and recall of federal judges, it would be infinitely better than to maintain them subject to the control of this sinister, secret influence."

Both Senator Works and Senator Norris upheld Borah. Senator Crawford held the charge was astounding.

O. P. Lowe Sues for Divorce.

(Special to The Journal.)

Vancouver, Wash., Aug. 8.—Suit for divorce has been filed with the county clerk by O. P. Lowe against Alice Lowe, the charges being desertion and abandonment. They were married on January 31, 1912, and about six months later the defendant left the plaintiff and went to Haselton, B. C., where she now resides. The plaintiff is the owner of three lots in Yacolt and personal property valued at $250, which he asks the court to decree to him in his own right.

DAVIS MURDER TRIAL BEGINS WITH CLAIM HE IS NOT SLAYER

Bullet That Killed Mrs. J. M. Stewart From Her Own Husband's Gun, Says Defense.

(Special to The Journal.)

Dallas, Or., Aug. 8.—The trial of Davis for the alleged murder of Mrs. J. M. Stewart of Ballston began today, the sessions being occupied with getting a jury. The defense will claim that Davis did not shoot Mrs. Stewart, but that her own husband did so, unwittingly.

Davis was arrested on June 30. He waived preliminary examination. Being without funds to hire an attorney, Walter L. Tooze Jr. was appointed.

Sentiment in the Ballston territory was very strong against Davis. The coroner's inquest did not develop anything except an apparently plain case of murder. It was claimed that Davis shot Mrs. Stewart with a 32-calibre automatic revolver. When first arrested, it was the general opinion prevailing that Davis had no defense except insanity. He had been released from the asylum at Salem about five months ago. It was known that he had owned a 32-calibre automatic revolver and one being in evidence at the scene of the alleged crime, it was assumed that Davis did the killing.

At the coroner's inquest, witnesses said but one gun was in use on that day and that gun a 32-calibre automatic in the hands of Davis. G. M. Stewart, husband of the deceased, denied the possession of any kind of gun or dangerous weapon.

Tuesday morning a sensation was sprung by the defense. Davis was indicted Monday afternoon, charged with murder in the first degree, and pleaded not guilty. Tuesday morning he filed in the court an affidavit of himself and of Dr. A. B. Starbuck, the physician in attendance at the coroner's inquest, and a motion asking that the body of Mrs. G. M. Stewart be exhumed and the bullet causing her death be removed from the body.

In his affidavit, Davis alleged that he never owned any other gun than a 32 caliber automatic revolver, a gun that shoots only a certain kind of shells—two kinds, in fact, viz.: Steel jacket, and copper covered bullets with small lead tip. Then he made the startling declaration that Mrs. Stewart was killed by a soft-nosed lead bullet discharged from a 32 caliber nickel-plated revolver in the hands of her husband, G. M. Stewart, though he further alleged that the killing was accidental. Davis was not present at the coroner's inquest, and had never had the opportunity of examining the wound, and for that reason his declaration created considerable excitement.

The court granted the request, and Coroner R. L. Chapman of Polk county was ordered to exhume the body, remove the bullet and bring the same into court. It was ordered that the exhumation be done in the presence of J. M. Grant, sheriff; J. E. Sibley, deputy district attorney; Walter L. Tooze Jr., counsel for the defense, and Dr. A. B. Starbuck, attending physician. On Tuesday afternoon the coroner with helpers and newspaper men, went to Amity, raised the body and extracted the bullet. Davis' claim was vindicated, for the bullet proved to be a soft nosed lead bullet of such character as can not be shot in a 32-caliber automatic revolver.

The finding of this bullet changed the whole outlook of the case, and immediately the prosecution began to try to find proof that Davis had two guns, one of them a gun that would shoot soft-nosed bullets.

The case promises to be a hardly-fought contest. Relatives and friends of Mrs. Stewart have raised a fund with which to hire special counsel to aid District Attorney Upjohn in the prosecution.

LIND, UNDETERRED BY THREATS, WILL GO ON TO MEXICO

(Continued From Page One.)

to the Huerta government and representatives of the foreign powers a note stating the exact steps proposed by the United States. At the same time Secretary Bryan will transmit to foreign diplomats here an exact text of the note.

President Wilson expects other nations to support his program. It was authoritatively stated this afternoon that the proposals to be submitted by Lind do not contemplate the retirement of Huerta, but request an early election to name his successor. The president is confident that Huerta will change his attitude when he understands the real plans of the United States.

The Mexican embassy, in an effort to justify Huerta's action, declared it was necessary, because William Hale and Francisco Del Valle, who investigated Mexican affairs, had made colored reports of their observations. The embassy insists that only care for the national honor of his country actuated Huerta.

President Wilson has directed Secretary Bryan to keep in close touch with O'Shaughnessy and the latter was directed to report immediately.

There is an air of expectancy in official circles here, and it is an open secret in both the army and navy departments that news of anti-American demonstrations in Mexico is momentarily expected. It is believed that when Lind proceeds to Mexico City he may be the center of an unfriendly demonstration which might be so serious as to force the sternest measures.

Garrison Will Not Talk.

Boise, Idaho, Aug. 8.—"I will not discuss Mexico, Japan or the location of army posts while on this trip," was the reply of Secretary Garrison today when questioned as to reported army activity in connection with Mexico.

Grounds and buildings of Boise barracks, recently abandoned, were inspected this morning by Secretary of War Lindley M. Garrison and Major General Leonard Wood. Luncheon in honor of the visitors was tendered at noon at the Boise Commercial club. The party arrived early this morning from Walla Walla, and will leave this evening for Salt Lake.

Del Valle Holds His Council.

Los Angeles, Aug. 8.—R. F. Del Valle, former state department envoy to Mexico, refused today to comment on charges by the Mexican embassy in Washington that his report had been colored. He also refused to divulge the contents of the report.

"I have no criticism or statement to make," Del Valle said. "My report is in the hands of the person who should properly handle it.

"I will not now, nor will I ever tell what my report contained. It is not my property. The United States government can announce it when it sees fit. There are others making reports on the Mexican situation besides myself."

Troops Ready for Service.

San Francisco, Aug. 8.—At the headquarters of Major General Arthur Murray, commanding the western division of the United States army, no orders of any kind have been received from Washington to get the two brigades under his command ready for service in Mexico. The troops could be moved quickly, however, as they are prepared for field service.

It was explained that if a sudden move were attempted by the United States the division now stationed on the Mexican border probably would be the first to move.

At naval headquarters it was also asserted that no specific orders have been received, but that the vessels on the Pacific could be quickly assembled and put in readiness for service.

Mexico at Boiling Point.

Mexico City, Aug. 8.—Jingoism is at the boiling point here today, and hostility toward the United States has not been so open and apparent for years. The coming of John Lind, President Wilson's envoy, is violently opposed as an unwarranted interference with Mexico's affairs. There has been no general anti-American demonstration yet, but if Lind insists on coming to the city, it is feared that outbreaks will occur.

INCORPORATION PAPERS OF TWO FIRMS FILED

The Summit Timber company, with a capitalization of $50,000, was incorporated at the office of the county clerk today. The headquarters of the concern, which is to do a general logging and lumber business, are at Hillsboro. J. P. Tamiesie and William Mahon of Washington county, and F. C. Whitten of Portland are incorporators.

Cleveland Bender, Frank C. Jones and H. B. Dickinson are incorporators of the Sanitary Market of Gresham, for which articles were issued by the county clerk this morning. The capital stock is $1000.

May Use Cars of One Make.

All motorcycles, automobiles and trucks in the service of the city will hereafter be of some certain make if the plan suggested by Will H. Daly, commissioner of public utilities, is put into effect. A saving of cost in repairs and supplies can be brought about, it is believed, through the adoption of this plan. Instead of purchases being made in small amounts under the new proposed plan the supplies can be purchased in large quantities and a saving result.

Proposed Improvement Opposed.

A number of persons remonstrating against the proposed improvement of Maryland avenue held a conference with City Commissioner Dieck this noon for the purpose of preventing work from being done on the street. A number of arguments were advanced by the remonstrators.

The annual convention of the Colorado Federation of Labor will assemble in Trinidad on August 18.

WHAT ARE YOU GOING TO DO ABOUT IT?

BEVERIDGE BILL WAS N. A. M.'S FAVORITE

National Tariff Commission Association Was Formed to Boost It—Emery.

(United Press Leased Wire.)

Washington, Aug. 8.—Testifying under cross-examination before the senate lobby committee today, General Counsel Emery of the National Association of Manufacturers admitted that the association inspired the formation of the National Tariff Commission association. He said the latter organization was composed of thousands of manufacturing interests who wished to aid the Beveridge tariff commission bill.

Emery swore that neither the N. A. M. nor the National Council for Industrial Defense ever employed former Congressman James Watson of Indiana, but admitted that the National Tariff Commission association had.

SACRAMENTO'S TORRID SPELL GETTING WORSE

Sacramento, Cal., Aug. 8.—Following yesterday's hot wave, when a record was established in the government mercury tubes, Local Forecaster Taylor holds out but one scant hope to heat sufferers in the Sacramento valley and predicts another sizzler today.

At 3 o'clock yesterday afternoon the thermometer registered 104, and at 4 o'clock, usually the hottest period of the day, the high mark was reached, when the mercury jumped to 108, giving Sacramento the unpleasant distinction of being the hottest spot in the United States. Forecaster Taylor says yesterday's figures break all records for 36 years.

EARTHQUAKES DESTROY TWO PERUVIAN TOWNS

Lima, Peru, Aug. 6.—Caravali and Quicacha, two towns in Peru, were destroyed Wednesday by an earthquake, according to advices received here today, which say that thousands are homeless, and that immediate relief is imperative.

Caravali lies 130 miles north of Mollendo, a sea port in the state of Arequipa, and has a population of 4000. Quicacha is a smaller town in the same state.

$500,000 ROAD BOND VOTE IS CALLED IN JACKSON

Medford, Or., Aug. 8.—Acting upon largely signed petitions, the Jackson county court today called a special election on September 9, submitting to the people the issuance of $500,000 five per cent bonds for the construction of a paved highway from the California state line to the Josephine county line, a distance of 50 miles, construction to be under the supervision of the state highway engineer.

The adopted route provides a new entrance to the state over the Siskiyous, with a maximum grade of five per cent, eliminating the present toll road and continuation of the California state highway, now under construction. Jackson county is the first Oregon county to take advantage of the new law permitting the issuance of road bonds.

HOW TO GET TURKEY OUT IS POWERS' PROBLEM

London, Aug. 8.—A plan to force Turkey to abandan Adrianople was considered today at a conference of ambassadors of the European powers. Bulgaria has formally notified the powers that it stands ready to demobilize its army as soon as peace terms are formally signed. It also served notice that it is up to the powers to force the Turks to evacuate Adrianople.

Journal Want Ads bring results.

MISUNDERSTANDING OF LAW CAUSES TROUBLE

Complaints of Fishermen of Discrimination Largely Due to Ignorance.

Complaints are being made by fishermen that they have been prevented from fishing in navigable streams by fish wardens. There seems to be some misunderstanding relative to the terms of the law.

The matter was referred today to the office of the master fish warden.

"The law seems to be perfectly plain," said Chief Clerk Eugene S. Cattron. "The attorney general has given it as his opinion that a stream in which merchandise can be floated is a navigable stream. Or in other words, a stream is navigable when it is capable of serving an important public use as a channel for commerce, such as the floating of logs, for instance."

The section of the game and fish laws applying to this subject is numbered 41 and it reads as follows:

"Navigable rivers, sloughs or streams within the meander lines, or if not meandered, between the lines of ordinary high water thereof, of the state of Oregon, and all rivers, sloughs and streams flowing through any public lands in the state, shall hereafter be public highways for the purpose of angling thereon, and any rights or title to such streams, or the lands between the high water flow lines or within the meander lines of navigable streams hereafter acquired by any person, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose; provided that the provisions of this act shall not interfere with valid existing rights."

It will be noticed that the law defines public highways to be navigable rivers, sloughs or streams within the meander lines, or if not meandered, between the lines of ordinary high water thereof, and also to be all rivers, sloughs and streams flowing through any public lands of the state.

POSTOFFICE DESIGNS TO BE IN BY OCTOBER 6

(Washington Bureau of The Journal.)

Washington, Aug. 8.—The treasury department will hold a competition for the selection of an architect for the new postoffice building at Portland. Legislation fixes the limit of the cost of the building, complete, inclusive of fees to architects, but exclusive of the site, at $1,000,000. The following architects have been invited to enter the competition and have accepted: Doyle & Patterson, Lawrence & Holford, Whitehouse & Foulhoux of Portland, Or.; Bliss & Faville of San Francisco; John Russell Pope, Clinton & Russell, J. H. Freedlander of New York. The date set for the submission of designs is October 6.

VERDICT BLAMES I. W. W. FOR HOP YARD RIOTS

Marysville, Cal., Aug. 8.—Organizers for the I. W. W. are held responsible today by a coroner's jury for the death of District Attorney E. T. Manwell, Deputy Sheriff Reardon and two others, killed in the recent rioting in the hop yards near Wheatland.

In passing on the killing of Manwell the jury found that he "came to his death from a gunshot wound inflicted by a gun in the hands of rioters incited to murderous anger by leaders, organizers and agitators for the I. W. W."

TWICE MARRIED, HE ASKS TWO DIVORCES

Pair Had Two Ceremonies Performed and Now Seek a Double Divorce.

San Francisco, Aug. 8.—Do a man and a woman, twice married to make a marriage doubly sure, also have to secure two divorces?

This is an odd point that arose today in the superior court here through the filing of a divorce complaint by James J. Haffinger against Lily Banchiero Haffinger.

The couple were married at Clayton, Cal., in 1911, and three days later in San Francisco remarried by a justice of the peace. Haffinger sued his wife for divorce last January and was granted a decree. In the proceedings the Clayton marriage only was mentioned. Mrs. Haffinger did not contest the suit.

The fear now that he is not really divorced prompted Haffinger to file a second suit.

Massachusetts is the first state to require employment certificates for all workers under 21.

Sunday dinner at the Imperial is really a delightful little vacation all by itself. The pleasant music, the well-cooked food and the incomparable service insure for you a real change.

Music.
Table d'Hote Dinner, $1.00.

AMUSEMENTS

HEILIG 11th and Morrison Main 1 and A-1123
TONIGHT 8:30 ALL THIS WEEK
SPECIAL PRICE MATINEE TOMORROW—2:30
The Passing Show of 1912
Eves., $2 to 50c. Mat. $1.50 to 50c.
SEATS NOW SELLING

7 NIGHTS BEGINNING NEXT SUNDAY
HENRY W. SAVAGE OFFERS
EVERYWOMAN
Her Pilgrimage In Quest of Love
Evenings and Saturday Mat: Lower floor $2, $1.50. Balcony, $1, 75c, 50c. Bargain matinee Tuesday, $1 to 25c. Special Mat. Thursday, $1.50 to 50c. Mail orders received. Address W. T. Pangle.

PANTAGES
Broadway and Alder Streets.
ALL THIS WEEK—8 English Roses, Chas. Lindholm & Co., The Cycling McNutts, Dilla & Templeton, 4 Victorias, Miss Edith Haney, Pantagescope. Popular prices. Boxes and first row balcony reserved. Box office open from 10 a. m. to 10 p. m. Phones A-2236, Main 4636. Curtain 2:30, 7:15 and 9:10.

LYRIC
WEEK AUGUST 4—A Rare Comedy Skit—Hotel Flim Flam, laugh dispensing Comedy Galore. Introducing all the latest Song Hits. Tuesday night, athletic contest; Friday night, chorus girl's contest. Prices—Nights, 15c, 25c, Matinee, any seat, 15c.

Columbia Theatre
Sixth and Washington Sts.
Open 11 a. m. to 11 p. m.
SPECIAL FEATURE—King Robert of Sicily," a beautiful and spectacular two reel Essanay drama; "The Granite Dells of Arizona" (Selig Scenic); "The Devil and Tom Walker" (Selig Comic); "The Romance of Rowena" (Edison Comedy-Drama). Matt Dennis, baritone; Karp's Orchestra. 10c—Admission—10c.

BASEBALL!
RECREATION PARK
Corner Vaughn and 24th Sts.
Spokane vs. Portland
August 4, 5, 6, 7, 8, 9, 10
Games begin week days 3:15 p. m. Sunday at 2:30 p. m.
LADIES' DAY FRIDAY
Boys under 12 free to bleachers Wednesday.

The Round-Up
THE WORLD'S GREATEST OPEN-AIR SHOW.
Western Cowboys and Cowgirls and Full-Blood Indians in Thrilling and Spectacular Sports and Pastimes of the Reservation and Range.
PENDLETON, OREGON.
SEPT. 11, 12 AND 13, 1913.
For further information relative to the Roundup apply to The Journal, Portland, Oregon.

THE OAKS
Big Free Bill at Portland's Amusement Park.
FREE
2:30 and 8 p. m.
VAUDEVILLE
MOVING PICTURES
BAND CONCERTS
Admission to Park, 10c. Launches, Morrison Bridge. Cars, First and Alder.

BANKRUPT FURNITURE STOCK
ENTIRE STOCK
Peters Mfg. Co.
Great opportunity for those starting housekeeping to furnish an elegant home at a surprisingly low cost.
63 Fifth St., Cor. Pine

Graves Music Co. Removal Sale
Continued at 111 Fourth St.
New Building not yet ready at 149-151 Fourth street. We need necessarily continue the sale of Pianos and Player Pianos still on hand, as also the carloads of New Pianos and Player Pianos ordered for 149-151 Fourth street, now arriving at 111 Fourth street.
NEW AND USED ALIKE—ALL REDUCED FOR QUICK SELLING
No room—the pianos must be sold forthwith, so here goes one kind:
Brand New $375 Piano

$235 Sale Price $140 Saving for you $10 Sends it to your home $6 Monthly keeps it there
YOU CAN AFFORD TO PAY $10 CASH—YOU CAN AFFORD TO PAY $6 MONTHLY
You can, therefore, afford to let us deliver one of these elegant, full, sweet-tone, easy-action pianos, containing all of the latest improvements, to your home today.
We are offering entirely new pianos this week, not used, not shopworn, not damaged, but brand new pianos just received from the factories too soon for our new building—no room here—they must all go quickly, and, therefore, prices on brand new pianos are actually reduced to the price of used ones to sell them at once.
Other Pianos $125, $165, $185, $215, etc.
Player Pianos $365, $395, $415, $465, etc.
START WITH $1.00
Make your selection now and pay $1 down, if you do not want to pay the full payment, and then before delivery you pay the balance of $5 or $9, or whatever agreement you make for the first payment, and the balance $6 monthly, etc., until the piano is paid for in full.
Every Piano or Player Piano purchased carries with it the Graves Music Co. guarantee of satisfaction, as also the usual guarantee from each manufacturer of these new musical instruments; besides, we will take it in exchange within one year, allowing full amount paid, if desired.
Removal Sale Catalogue of Musical Instruments mailed you on request.
GRAVES MUSIC CO., 111 Fourth St.