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**IRRIGATION CO.  
SUED FOR \$16,000**

EMATIILA COUNTY MAN  
IS THE VICTIM.

J. N. B. Gerking of Athena, Seeks to Recover From Columbia Southern Company Money Sunk in Preparing Farm for Water Which Never Came—Suit Brought in Portland.

At least one Umatilla county man has been caught in the scheme of the dishonest irrigation company of central Oregon and suit has been brought to recover some of the money "sunk" in the Laidlaw lands.

J. N. B. Gerking the pioneer of Athena, who has been at Laidlaw for a number of years improving a tract of land under the Columbia Southern Irrigation company's project, failing to secure water for his land, after he had spent several thousand dollars improving it, has sued the company for \$16,000 damages, the suit being brought in Portland. The Oregon Daily Journal says of the matter:

Threatened with the loss of his home and the improvements he has made on a tract of land in Crook county, J. N. B. Gerking has begun suit in the circuit court against W. A. Laidlaw for \$16,000 damages.

Laidlaw is a principal stockholder and general manager of the Columbia Southern Irrigation company, from whom Gerking purchased the land, but he says Laidlaw is unable to deliver title without fraud upon the United States government and committing subordination of perjury in making proof.

Gerking paid \$6400 for the land and water right, and he says that with the improvements he has made the place is worth \$16,000 today. He cleared 100 acres, seeded 50 acres to alfalfa and planted the remainder to trees, berries and vines. He ran laterals for irrigation and fenced the place, only to learn, as he says, that

**COLDS**

The very hour a cold starts is the time to check it. Don't wait—it may become deep-seated and the cure will be harder then. Every hour lost at the start may add days to your suffering. Take

**F & S**

**Cold Capsules**

Used in time they save all that might follow—sickness, worry, expenses. They never fail.

**Tallman & Co.**

Leading Druggists.

**Condensed Report of the  
Commercial National Bank**

Rendered to Comptroller of Currency

July 15, 1908.

United States Depository

Resources.	
United States bonds.....	\$ 78,456.81
Loans and discounts.....	155,305.35
Overdrafts.....	6,797.85
Bonds and warrants.....	15,872.90
Furniture and fixtures.....	6,700.00
Cash on hand and in banks	126,538.32
	<b>\$389,470.23</b>
Liabilities.	
Capital stock.....	\$ 50,000.00
Surplus and undivided profits.....	5,495.34
Dividends unpaid.....	3,000.00
Circulation.....	50,000.00
Deposits.	
Individual.....	254,752.28
United States.....	25,000.00
Banks.....	1,222.61
	<b>280,974.89</b>
	<b>\$389,470.23</b>

49 per cent of deposits on hand and in banks.

Increase in deposits since last call May 14, '08, \$48,824.13.

**TRITES EXPLAINS  
CAUSE OF FIRE**

OPERATOR SAYS AUDIENCE WAS NOT IN DANGER.

Sprocket Wheel Caught for an Instant and Just at the Wrong Time—Fire Confined to Iron Cage—Due to no Fault of the Operator.

Pendleton, Ore., July 21, Editor East Oregonian, I ask your indulgence of space to explain the cause of the fire at the Pastime theater Saturday.

First—Because the entertainment by motion picture shows is very popular in Pendleton; second, because people from mouth to mouth reports have an erroneous idea as to the danger of said fire, thus injuring a legitimate amusement; third, in self defense

In these days of progressive and rapid amusement, people will no longer stand for waits. The rapidity of continuous shows have forced the operator into a position where he must be capable of doing two things at once, most of the time. While one film is running through the machine, in view of the audience, the operator must be rewinding the other reel, preparatory for continuous work, having it ready to at once take the place of the reel run through when it is finished, and so on ad infinitum.

In Saturday's fire, for some unexplainable cause, the little sprocket wheel, which draws the film through the machine, failed to do its work for a second or two, thus allowing the full glare of the intense light to touch it while stationary, immediately igniting it. I was rewinding at the time, and in endeavoring to pull the burning film from the machine, it broke in two, dropping onto the other film on the rewinder thus placing me between two fires, and forcing me to jump for safety.

I never keep but one reel in the operating room at a time, except the few minutes it requires to rewind it, and had the film ignited at any other time, than when it did, there would have been no fire.

A word to the public—it was demonstrated in Saturday's fire, that with the iron operating rooms with which all the moving picture shows are now equipped there is absolutely no danger to an audience.

The fire at no time ever got outside the cage after I made my hurried exit, after closing all the doors. The little scorching the woodwork on the front received was caused by jerking one of the iron doors open after the fire was practically out.

I write this in justification of myself, as an operator, and that the amusement loving people of the city may have no fear, at any time, of fire in any of our moving picture shows. Thanking you for your courtesy, I am

Very truly yours,  
WILL TRITES.

**Finger Shot Off.**

James Conlan, an employe of Pendleton Scouring mills, while in the Blue mountains yesterday on a hunting and fishing trip, had the misfortune yesterday to accidentally shoot off the end of the middle finger of his left hand. While the injury is not serious it will disable him for some time and he will not be able to work.

**Baker Wins Twice.**

Two defeats have just been administered to the Pendleton ball team at Baker City by the remnant of the league team of that place. Saturday's game was won by Baker by a score of 17 to 6 and yesterday's game went to Baker by a score of 8 to 2.

**RAILROAD EMPLOYES.**

Total number of people working for roads in United States is 1,672,074.

The number of persons reported as on the pay rolls of the railroads in the United States on June 30, 1907, was 1,672,074, which is equivalent to an average of 735 employes per 100 miles of line says the interstate commerce commission report.

As compared with the year 1906, these figures show an increase of 150,719 in the number of employes, or 51 per 100 miles of line. Of employes 65,298 were engineers, 69,384 firemen, 48,869 conductors, and 134,257 other trainmen. There were 63,414 switch tenders, crossing tenders, and watchmen.

The total number of railway employes, disregarding a small number not assigned, were apportioned among the four general administrations, 64,898; for maintenance of way and of equipment, 352,181, and for conducting transportation, 713,465.

The report includes summaries showing the average daily compensation of 18 classes of employes for a series of years, and also the aggregate amount of compensation returned for the several classes. The total amount of wages and salaries reported as paid to employes during the year ending June 30, 1907, was \$1,072,386,427.

**House Blown Down.**

During a storm Tuesday a house under construction in Selah valley, near North Yakima, was blown down and a carpenter who was working on the building was struck in the back of the neck by a ladder, but was not seriously injured.

Charles Burns will be obliged to face a murder charge in the district court at Wallace, Idaho. Burns is charged with attempting to hold up Charles Edwards and shot him in the thigh. Edwards died Tuesday from the effects of the wound.

Read the East Oregonian.

**WOLVERTON UPHOLDS LAWS.**

Federal Judge Renders Two Decisions of Interest to Stock Shippers.

Two opinions of vital interest to shippers of stock and common carriers were handed down by United States Circuit Judge Wolverton this morning in two cases of the United States against the Oregon Railroad & Navigation company for alleged violations of the statute of 1906 dealing with the watering, feeding and resting of stock in transit.

The first case was presented to the court for decision on a demurrer interposed by the railroad company attacking the constitutionality of the law. The railroad was proceeded against for having carried 31 hogs for a longer period than 28 hours without unloading for feed, water and rest and the written consent of the owner not being secured to the 36-hour clause of the law.

Judge Wolverton in overruling the demurrer and thereby upholding the constitutionality of the act declares that the law springs from the promptings of humanity in addition to subserving the interests of the owner of the stock, in that the longer the stock goes without food, water and rest the greater the deterioration and loss of flesh.

The main contention of the railroad was that as the law gives the owner the right to waive the 28-hour feature for a 36-hour period it placed legislative authority in the hands of the shipper, and the act was consequently void. The court decides adversely, however, and overruled the demurrer.

The other matter up for adjudication dealt with a shipment of 53 head of cattle in two cars over the O. R. & N. The railway filed a motion to determine whether the law contemplated a separate penalty for each car of each shipment.

Judge Wolverton states in his opinion that the point in issue was recently decided by the district court of appeals for the sixth circuit. In that case the appellate tribunal held that where several shipments belonging to different owners are hauled on the same train and the transportation company is derelict a penalty is recoverable for each shipment, not each car. The court says he is impressed with the soundness of the decision and decided in accordance therewith, so only one penalty is assessed in the case at bar.

**VICTIM OF FLY POISON.**

Walla Walla Baby Drinks Fatal Poison and Dies.

Crawling up on a bed where a saucer of fly poison had been placed by his mother, little Willie Lowden, aged 18 months, drank the contents of the dish and died yesterday afternoon at the hospital, despite the efforts of physicians to save his life, says the Walla Walla Statesman.

The little fellow, like all children, was always into everything and his mother had carefully placed the fly poison where she thought the child could not possibly reach it. But the baby, when unobserved, scrambled up on the bed and drank the deadly liquid, not being able to tell in his baby mind that it was not for him to drink. The poison is sweet and the child drank it all.

He was brought to St. Mary's hospital, where Doctors Keylor and Shaw did everything in their power to save his life but last night he died.

William John Lowden was the son of Mr. and Mrs. Frank Lowden, of Lowden station. He was a strong, healthy child and had never known a sick day.

Funeral services were held this morning from the MacMartin undertaking chapel and interment was made in the Masonic cemetery. Rev. Mrs. Cobleigh conducted the services.

**Card of Thanks.**

We desire to express our deep thanks for the sympathy and assistance that has been given us during our bereavement over the death of Orville Turner and to especially thank the Knights of Pythias for their aid.

MRS. ORVILLE TURNER,  
DINES TURNER,  
ELMER TURNER.

**DON'T WAIT**

UNTIL YOUR WATCH REFUSES TO RUN BEFORE HAVING IT CLEANED, ADJUSTED AND FRESHLY OILED, COMPARE YOUR WATCH WITH A STEAM ENGINE WHICH IS CLEANED AND OILED DAILY.

CAN YOU NOT SEE HOW THE DUST MIXED WITH THE GUMMED OIL AROUND THE PIVOTS OF YOUR WATCH WILL WEAR THEM COMPLETELY OUT IN A SHORT TIME, IF YOUR WATCH HAS NOT BEEN IN A GOOD REPAIR SHOP WITHIN THE LAST TWO YEARS IT IS BADLY IN NEED OF GOOD ATTENTION. BRING IT INTO ME AND I WILL ATTEND TO ITS WANTS PERSONALLY AND INSURE YOU A FIRST CLASS JOB.

ROYAL M. SAWTELLE  
JEWELER

**Now for those  
Vacation  
Needs**

If you are intending taking a summer trip, you will find many needed articles here, such as

- Suit Cases - \$1.50 up to \$30.
- Traveling Bags 1. up to 20.
- Trunks - - 4.50 up to 20.
- Bathing Suits 1. up to 6.

Our "Keep Cool" wearing apparel will assure you a contented vacation

ROOSEVELT'S

**BOSTON STORE**

Where You Trade to Save.

**OREGON ACTIVITIES.**

Salem Cherry Fair was a magnificent Success.

Portland, Ore., July 20.—The Cor-telyou club of Brooklyn, N. Y., was represented in Portland Sunday by a delegation of one hundred and twenty five of its members.

The Cherry Fair at Salem last week was a great success and many were present from Portland and other points.

A contract for \$75,000 for the construction of the foundation of the main building for Swift & Company to be finished within ninety days, was let last Friday.

The Astoria Regatta, with thirty splendid aquatic events, is scheduled for August 27th, 28th and 29th, and the railroads have made a rate of a fare and a third for the round trip from all points in the state.

The Washington State Press association enjoyed one of their best annual conventions at Vancouver during three days of last week. A trip up the Columbia River, a trolley ride to Portland and a banquet at Vancouver, were among the features of entertainment.

Judge George T. Baldwin, Vice President of the Oregon Development League, and W. O. Smith, editor of

the Klamath Falls Evening Herald, were in Portland Saturday as a special committee from the Klamath Falls Chamber of Commerce to invite the Y. M. C. A. excursion party which goes to Crater Lake August 7th, to arrange their itinerary so as to include a visit to Klamath Falls.

**Premium Lists are Ready**

The premium lists for the district fair have been received by Secretary Thomas Fitz Gerald and may be had by writing to Mr. Fitz Gerald for the same. Every farmer who intends to enter an article for exhibition should have a premium list and it is hoped that those interested will write for the lists. They are to be distributed free. The lists this year show a number of new features and every producer is interested in the fair and the premiums to be given.

**Will Harvest in Canada**

J. Clove the well known combined harvester operator and threshing machine man will leave in a few days for Claresholm, Alberta where he will run a large threshing outfit for the Rigbys during the coming harvest season. The Rigbys have a large crop and in addition will cut considerable grain for other farmers. Crops are excellent in that country this season.

**THE SHOW SHOP**

Cor. Main & Court Sts. A. C. Friedly, Mgr.

The Blackmailer  
Husband Wanted  
Multnomah Falls  
Fighting Parson  
SONG

In the Garden of the West.

**Persian Cleaning and Dye Works**

UNDER NEW MANAGEMENT.

Ladies' and gents' clothing cleaned and pressed. Ladies' fine garments a specialty. All work guaranteed.

F. M. LORIMER, Proprietor

Phone Main 194. Main Street, Near Bridge.

**Boys' Wash Suits**

Mid-Summer Clearance  
Sale Prices.

- \$2.50 Suits Sale Price \$1.95
- 2.00 Suits Sale Price 1.55
- 1.75 Suits Sale Price 1.35
- 1.50 Suits Sale Price 1.15
- 1.00 Suits Sale Price 80c
- 75c Suits Sale Price 55c
- 50c Suits Sale Price 40c

**THE MEN'S SHOP**

MAX BAER