

FILE PETITION FOR WRIT OF MANDAMUS AGAINST F. W. BENSON

A suit of William Daly, Jacob Voorhees and others against F. W. Benson, as secretary of state, was begun this morning, when a petition for mandamus was filed in department No. 2 of the circuit court for Marion county.

The petition, after the usual showings as to the citizenship, etc., of the petitioners, and the allegation that said F. W. Benson is secretary of state, sets up that the petitioners on the 18th day of May, 1909, presented said Secretary Benson for acceptance and filing, petitions for order and reference to the people of the state of Oregon, a measure passed by the legislative assembly of the state of Oregon at the 1909 session, known as House Bill No. 158 that said petitions were in due form as required by law, and were duly signed by 5507 qualified signers and legal voters, which was more than enough legal petitioners to entitle said petition to be received and filed by defendant, and placed upon the ballot to be voted upon at the next ensuing election, to be voted upon by the people of the state.

House bill No. 158 provides for one additional circuit judge for the fourth judicial district (Multnomah county) and amends the code to suit this change.

The petition then sets out the act in full and adds that on the 18th of May, when defendant received the petitions he stated he wished to take the matter under consideration, and consult the attorney-general, and that on the 18th of May defendant refused to file said petition.

Wherefore, the plaintiffs having no speedy remedy at law, ask for an alternative writ of mandamus, requiring defendant to file said petitions, or show cause why he has not done so.

It will be remembered that upon the passage of the law Governor Chamberlain appointed W. N. Gates to the new judgeship, and he now holds the place. Attorney-General Crawford will probably represent Secretary Benson, and the matter will be heard within a few days.

STILL YOU MUST PAY FOR CATCHING SUCKERS

The new fish laws have been the source of much discussion lately concerning persons being deprived of angling for fish which are not protected by law, and which, at the same time, are eatable. The new game law says that to fish a person is compelled to drop a dollar to the county clerk to get a license in return, this dollar being required to help the protective fund, such as hiring game wardens to see that certain fish are not being caught out of season, and that no unlawful fishing is being done otherwise. Now the question is, do these licenses become necessary to a rod and line artist when he goes out fishing for suckers, chubs, catfish and many other inhabitants of the water which are not protected by law now, and which never have been protected? According to law, the license is necessary even if you should be caught with anything resembling a fish, and in this event the still-water fish will thrive and multiply, until some other plan is devised whereby they can be caught lawfully, for there is very few fishermen who pay this big dollar for a license who will spend his time catching suckers, when he is entitled to fish and catch the best in the puddle. However, there are hundreds of fishermen who enjoy fishing for the less wily fish, but to pay a dollar for catching fish which are far from being up to the standard, and which become so numerous other respectable and high-toned fish will not congregate with them, is a trifle expensive.

FIGHT FOR FRIEND ACCUSED OF MURDER

Noxapater, Miss., May 27.—Reports reached here today of a skirmish last night between the state militia and the men who have joined Thomas Atkinson, the escaped convicted murderer, who was recognized after living 18 years near here as a peaceful, law-abiding citizen.

The Atkinson men fired upon the troops from a thicket, during a heavy rain. The marksmanship on both sides was poor, and though the soldiers answered the fusillade, it is believed that no one was killed. The storm made accurate firing impossible.

There is no indication today that the Atkinson men have any idea of surrendering. Governor Neel has received many letters threatening his life, unless he relinquishes the man hunt. Atkinson made many friends during the years he lived as a good citizen, who say they will never submit to his being hanged or imprisoned for life.

HENEY SAYS THEY SWORE TO FALSEHOODS

San Francisco, May 27.—That the prosecution in the Calhoun trial will try to prove that Luther G. Brown and Thomas Gibson, United Railroad detectives, gave testimony which they knew to be untrue, was the assertion of Special Prosecutor Francis J. Heney today.

The statement was called forth by an objection offered by Defense Attorney King to Heney's question to Dr. Guy Brown, of Oakland, who was on the witness stand. Brown had testified that he was in James L. Gallagher's home, in Oakland, when it was dynamited, and that Gallagher also was in the house at the time, contrary to testimony offered within the last week.

Heney asked the witness if, at any time subsequent to the dynamiting, he had been interviewed by a detective. Brown replied that a man giving his name as Hart, claiming to be a Pinkerton employee, had talked to him after the explosion.

King's objection to this question, interposed before the arrest was given, called from Heney the following: "The question I asked the witness is material. By following this we want to show that Brown and Gibson knew parts of their testimony was false when they gave it. Also, that they tried to manufacture evidence."

Thomas Gardner, treasurer of the Fireman's Fund Insurance Company, was called to corroborate the testimony given by Brown. Gardner was a neighbor of the Gallagher family in Oakland, and was in the house immediately after the explosion.

William Abbott, chief legal adviser of the United Railroads, testified that the reports on jurors, delivered by him to E. A. Platt, while in the employ of the district attorney, were no longer in his possession. He stated that the reports were always destroyed after the completion of the case in which they were involved.

WHEAT PRICES ARE A TRIFLE LOWER

[United Press Leased Wire.] Chicago, May 27.—Wheat opened with a hesitating tone and made a fractional advance early, but closed rather weak 1/4 to 1 1/2¢ a bushel under the closing of yesterday.

The following reports from the Minneapolis Northwestern Miller was the bearish feature for new crop deliveries:

"The spring wheat crop in Minnesota, North and South Dakota gives every indication of being in excellent condition. Since seeding has been stopped weather has been favorable. Quite general rains during the week have furnished ample moisture."

A Cairo, Ill., special says: "Wheat buyers in this section are offering farmers from \$1 to \$1.10 a bushel for their grain in the field as it stands."

A Family Medicine Without Alcohol

A Strong Tonic - Without Alcohol | A Great Alternative - Without Alcohol
A Blood Purifier - Without Alcohol | A Family Medicine - Without Alcohol

Ask your doctor if a family medicine, like Ayer's Sarsaparilla, is not vastly better without alcohol than with it.

THE MARKETS

San Francisco, May 27.—Wheat—No. 1 California club, per cental, \$2.10 @ 2.15; California white milling, \$2.15 @ 2.20; northern bluestem, \$2.25 @ 2.30; off grades wheat, \$1.85 @ 2; red, \$2.07 1/2 @ 2.10.

Barley—Feed barley, \$1.52 1/2 @ 1.60; common to fair, \$1.45 @ 1.55; brewing at San Francisco, nominal at \$1.55 @ 1.70; Chevalier, \$1.65 @ 1.72 1/2, according to quality.

Eggs—Per dozen, California fresh, including cases, extras, 27¢; firsts, 25¢; seconds, 24¢; thirds, 23¢.

Butter—Per pound, California fresh, extras, 26¢; firsts, 25¢; seconds, 24¢.

New cheese—Per pound, California flats, fancy, 12 1/2¢; firsts, 12¢; seconds, 11 1/2¢; California Young America, fancy, 17¢; firsts, 14 1/2¢.

Potatoes—Per cental, River Whites fancy, \$2 @ 2.25; Oregon Burbanks, \$2.40 @ 2.50; new potatoes, per pound, 3 @ 3 1/2¢ for white and 3 1/2 @ 4¢ for red; sweet potatoes, \$1.25 @ 1.50.

Onions—Per cental, Australian Brown, \$4; Texas Bermudas, per crate, \$1.25 @ 1.35; new green, per box, 40 @ 50¢; new red, per sack, \$1 @ 1.25; silver skins, per box, 75 @ 85¢.

Oranges—Per box, Navela, sizes 80 to 120, \$1.15 @ 1.75; sizes 150 to 216, \$2 @ 2.50; Tangerines, per box, 75¢ @ \$1.

FRUITLAND MARKETS.
Wheat—Track Prices.

Club	.....	\$1.20
Bluestem	.....	\$1.30 @ 1.35
Turkey red	.....	\$1.26
Valley	.....	\$1.17
Flour	.....	
Patents	.....	\$6.25
Straights	.....	5.30
Exports	.....	4.70
Valley	.....	5.50
Graham, 1 1/4 sack	.....	5.60
Whole wheat	.....	5.80
Hay	.....	
Willamette valley ordinary	.....	\$14 @ 15
Eastern Oregon, fancy	.....	\$18 @ 20
Alfalfa	.....	\$7 @ 14
Clover	.....	\$11 @ 12
Cheese	.....	
F. C. Twins	.....	17 1/2¢
F. C. Triplets	.....	17 1/2¢
Young America	.....	18 1/2¢
Cream brick	.....	20¢
Swiss block	.....	20¢
Limberger	.....	18 @ 20¢
Milkstuffs	.....	
Brans	.....	\$26.50
Middling	.....	\$33.00
Shorts, city	.....	\$29 @ 32
Chop	.....	\$24 @ 30
Roiled Barley	.....	\$35 @ 37
Eggs	.....	
Select Oregon	.....	24 @ 25¢
Eastern	.....	15¢ @ 20¢
Dressed Meats	.....	
Hogs, fancy	.....	10¢
Hogs, ordinary	.....	8 @ 9¢
Picnic	.....	10¢
Hops large	.....	8 @ 9¢
Veal, extra	.....	10 1/2¢
Veal, ordinary	.....	8 @ 9¢
Veal, heavy	.....	8¢
Mutton, fancy	.....	6 @ 7¢
Cottage roll	.....	11¢
Breakfast	.....	17 1/4 @ 21¢
Regular short clear, smoked	.....	14 1/2¢
Ditto, unsmoked	.....	12¢
Clear backs, smoked	.....	13¢
Shoulders	.....	11¢
Butter	.....	
Fancy	.....	25¢
Choice	.....	30¢
Store	.....	18¢
Oats	.....	
No. 1, white	.....	\$41.00
Gray	.....	38.00
Potatoes	.....	
Buying prices, cwt	.....	\$1.75 @ 2
Fresh Fruits	.....	
Oranges	.....	\$2.25 @ 3.25
Lemons	.....	\$1.75 @ 4
Apples, box	.....	65 @ 2.50
Bananas, lb.	.....	5 1/2 @ 6¢
Poultry	.....	
Chickens, mixed	.....	14 1/2 @ 15¢
Fryers	.....	22 @ 25¢
Roosters, old	.....	10¢
Broilers	.....	28 @ 30¢
Dressed poultry, 1c lb. higher	.....	
Ducks	.....	14 @ 15¢
Geese, live	.....	10 @ 11¢
Turkeys	.....	20¢

Local Retail Market.

Wheat, per bushel	.....	\$1.25
Hay, cheat	.....	\$16.50
Hay, clover	.....	\$14.00
Potatoes, bushel	.....	70 @ 80
Apples, bushel	.....	50 @ 1.00
Prunes, per lb.	.....	1 1/4 @ 4¢
Prunes, per lb.	.....	1 1/4 @ 4¢
Cranberries, Howe's variety, bbl	.....	15.00
Butter and Eggs, Retail.	.....	
Eggs	.....	25¢
Creamery butter	.....	30¢
Country butter	.....	25¢
Flour	.....	
Eastern Oregon	.....	\$1.75
Brans, per sack	.....	.95
Shorts, per sack	.....	\$1.35 @ 1.55
Roiled barley	.....	40.00

Local Wholesale Market.

Wheat, bushel	.....	\$1.15
Oats, bushel	.....	55 @ 57¢
Flour, hard wheat	.....	\$6.40
Flour, valley	.....	\$5.40 @ 6.00
Mill feed, shorts	.....	33.30
Mill feed, bran	.....	30.00
Hops, 1908 crop	.....	1.10
Hops, 1907 crop		2 @ 3 1/2
Chittam bark		10 @ 3 1/2
Wool, coarse		.18
Wool, medium		.20
Mohair		.23

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BATTLE FOR LIFE ON BURNING STEAMER

Vancouver, B. C., May 27.—Larsen, deckhand, and three Japanese are dead. Second Mate C. W. Watts badly burned and may die, and others of the crew partly suffocated or burned slightly, is the news brought to port this morning by the steamer Coquitlam of the Union Steamship Company's fleet. While off Point Roger Curtis en route to the Queen Charlotte Islands about 5 o'clock this morning, the little steamer caught fire from some unknown cause, the flames starting in the cabin and rapidly gutting the cabin, saloon and galley. Larsen was caught in his berth and suffocated, while Watts also caught in his berth, had a narrow escape from death. Two of the Japanese were burned in their berths while the third, Fireman Satow, was overcome by smoke in the engine room. Second Engineer George Black stuck heroically to his post until forced to shut off the engines and escape to the deck. There were 10 passengers aboard the ship besides a heavy cargo and seven large horses, none of which were injured. The passengers battled for life in their night clothes, using the fire hose until the water supply gave out and then forming a bucket brigade.

The steamer came back under her own steam, arriving here at 11 o'clock.

TWO IRON WORKERS FALL EIGHT STORIES STILL IN COURT OVER CASTELLANE KIDS

[United Press Leased Wire.] Paris, May 27.—The court of appeals today decided that the children of Count Boni de Castellane and his former wife, who was Anna Gould, shall remain in the care of their mother, who now is the Princess de Sagan. The decision provides that the mother and father may have 15 days in which to agree upon a school where the two other children shall be placed. If they cannot agree the court will order the children placed in Lysee Janson de Sailly, in this city. The youngest, Jay Gould, will remain with his mother until he is 10 years old, when he will join his brothers at school. The expense of the education of the children and also the expense of their vacations will be shared equally by the father and the mother.

Prof. R. H. Washburn and wife return to Vermont after three years spent at Willamette university.



If You Work Outdoors

Any cold you contract should be cured without delay, and driven entirely out of the system—unless you wish to invite an attack of Pleurisy or Pneumonia.

Dr. D. Jayne's Expectorant

is known as the most successful preparation ever discovered for Colds, Coughs, Bronchitis, Inflammation of the Lungs or Chest, Pleurisy, Asthma and diseases of similar nature. This famous remedy has been dispensed for over 75 years, and is sold by all druggists, in three size bottles, \$1.00, 50c and 25c.

Dr. D. Jayne's Tonic Vermifuge is a splendid building-up tonic for systems weakened by Coughs or Colds.

Old-timers east of the mountains are predicting a flood in the Columbia this summer. The conditions are much like those in 1894, only more so.

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Exquisite (for music lovers)	 2.50	Outlook	 4.00		
Farm Journal (2 years)	 1.25	Pacific Monthly	 2.50		
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