

IS FOREGROUNDED

Forest Grove Saloon Cannot Open.

NO RIGHT BY CHARTER

Judge McBride Holds That License Is Impossible.

PROTEST BY COLLEGE WINS

Officials Have No Power to Pass an Ordinance Allowing Liquor-Selling Unless the Legislature Amends Charter of City.

HILLSBORO, Or., April 2.—(Special.)—Judge T. A. McBride this morning overruled the demurrer of the defendants, C. N. Miller, Mayor of Forest Grove, and this practically decides that Forest Grove can have no licensed saloon under the provisions of the present charter.

The Pacific University is the plaintiff, and has been making a long fight to keep saloons out of the town.

The decision handed down covers the ground in the several legal aspects, and the only recourse at present for the saloon-keeper, A. G. Watson, is to file a bond and appeal the case to the Circuit Court.

The decision delivered by the court is as follows, verbatim:

"That the institution was founded by Harvey Clark with the stipulation that no intoxicating liquors should ever be dispensed on the premises of the charter of the University. That there has never been a licensed saloon in the town, and that because of this fact many people bought property and resided there, and that because of this many endorsements have been made to the University. That the Mayor and Council have passed a license ordinance, and that A. G. Watson is about to open a saloon within 300 feet of the University entrance."

Judge McBride said the important question was whether the authorities have the right to license a saloon. By the charter they are given the right to regulate. In his decision he reviews the amendments made to the Forest Grove charter at various sessions, and then says:

"Taking the charter by its four corners and seeking in its contents as a whole for light upon this question, I cannot read the charter as it stands. The Legislature did not put it there; the City Council, which caused this charter to be presented and wrote their approvals of its provisions upon its face, did not put it there—and the court will not put it there."

"I am satisfied that the Legislature never intended that the City Council should license the saloon, and that it should license a bawdy house or a gambling hell. In passing upon this question the court does not consider what would be best for the citizens of Forest Grove. It is possible that the liquor traffic would be less dangerous to the public morals if conducted as required in the proposed ordinance, than it would be conducted secretly and unlawfully, but that is true they have to go to the Legislature and secure the authority which in my power is lacking in the present charter."

"The ordinance set forth in the complaint are wholly void for want of authority in the City Council to pass it, and the demurrer will be overruled."

REJOICE AT INJUNCTION.

Saloon Would Have Opened White Church Was Being Dedicated.

FOREST GROVE, Or., April 2.—(Special.)—Temperance people here are rejoicing at the decision of Judge McBride, which grants a permanent injunction against the issuing of a saloon license in Forest Grove. Both sides had expressed confidence in the final outcome of the case.

The liquor men had announced that they would open the saloon simultaneously with the exercises of dedication at the Congregational Church tonight. It will remain closed, and the church services will take on the usual quiet character of the city, with the other Congregationalists, together with the other people of the city, having behind the Pacific University in its application for injunction.

The saloon building was completed and fully stocked for business, but the proprietor had not yet paid his license money. It is thought that he will attempt to operate as a "commercial club," such as the one which successfully evaded the prohibitory ordinance last year. If he does the university, encouraged by this victory, will try to suppress it.

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At 10 o'clock tonight the jury returned a verdict of not guilty for Anderson.

mines, earned \$3 per day and that at that time, not having shaved, he had been taken to be 21 years or older. The defense made a strong plea to the effect that the defendant had charged Anderson with committing the offense and it was shown that he was sick in bed he could not justly be held responsible for the presence of the boy in his saloon. If he was there, a fact which the defense disputed.

COLLEGIANS IN A CIRCUS.

Washington Students to Give Show to Raise Athletic Fund.

UNIVERSITY OF WASHINGTON, Seattle, April 2.—(Special.)—Now that all of the indoor meets and athletic exhibitions in the University have been finished during the coming two weeks, Dr. Miller will keep the students busy preparing for the big circus which they are planning to give April 11. Nearly the entire student body is participating in the athletic events as well as men. As it is the first thing of its kind that has been attempted by any of the colleges in the Northwest, its outcome is anxiously awaited by the collegians.

Dr. Roller, however, has given such affairs before with great success, and is being assisted by Professor Lee M. Dugay. The students have taken hold of the thing with a will, and have been working hard for it for the last two months.

It is the aim to have the circus resemble an up-to-date show in every particular. The program has been divided into certain divisions of the work and are determined that their respective departments shall be the best. George Baldwin, one of the prominent musical club members, has charge of the concert and is doing his utmost to have a performance which will induce the crowd to stay after the big show. William Brinker, one of the best known athletes at the university, is manager of the big side shows. He has, he claims, many animals already made up and intends on April 15 to offer to the public an interesting and novel entertainment.

The athletic management is in great hopes that the circus will yield sufficient profit to relieve the student association from the embarrassing position which it is in. Unless a big sum is cleared up, the Spring athletes will be compelled to do without much of the material they have planned on getting.

Two performances will be given, one in the afternoon and one in the evening.

WIDOW TIED KEEN'S NECKTIE

Divorce Defendant Admits This, but Says Wife Was Jealous.

HILLSBORO, Or., April 2.—(Special.)—The third day of the Keen divorce trial ended this morning with the testimony of the better part of tomorrow to get the case to the jury. W. B. Keen, who married Mrs. Reynolds and from whom Mrs. Keen No. 1 desires a \$5,000 payment for damages, testified this morning by two related how he went from Woodlawn to Cedar Mill and rented the Brugger farm. Mrs. Reynolds being an heir. While Keen was returning to the farm, Mrs. Reynolds died, and Keen alleges that he was lectured by the widow as confidential adviser; that he made a two or three week visit to the widow, and that she and his wife conspired to tie his necktie, but that when he returned to the Dallas, visiting with the widow's relatives after their business was concluded, he found that she had been locked in the cellar and that she was finally ate supper at the widow's house, although he was within a few minutes' walk of his home and had not seen his wife to talk to her. He swore that Mrs. Reynolds had never made advances to him, and that she had been friendly with him at a party held at the home of the widow's daughter, Sadie Keen, as she testified the other day. He said that Mrs. Reynolds might have tied his necktie the next morning, but that when he returned to his wife was unreasonably jealous of the widow, and his daughter flippantly called Mrs. Reynolds, now Mrs. Keen, the "old girl."

Keen flatly contradicted several witnesses for the defense and alleged that he saw Mrs. Reynolds but two or three times after leaving Mrs. Keen No. 1 and the day when he was served with the divorce summons. The case will conclude tomorrow.

BURGLARS LOCK UP THE COOK

Lone Woman in Restaurant is Seized and Put on Ice.

TACOMA, Wash., April 2.—(Special.)—A sensational robbery of the City Restaurant occurred early this morning by two bold robbers and was reported to the police soon after the crime was committed. Miss Jessie Jensen, the night cook, who declared she had been locked in the kitchen by the thieves and had finally escaped by prying open the door with a cleaver which she found inside, gave the facts of the case. She was alone in the place at the time.

According to the woman's story, the men gained admittance by prying open the rear door, evidently under the impression that the place was entirely deserted at night. One of the intruders, Miss Jensen stated, wore a red handkerchief over the lower part of his face, and the other had his face blackened. Upon entering the kitchen one of the men seized Miss Jensen, forced her into the large ice chest, and locked the door.

Another man, who had been subsequently investigated, that the men rifled the cash register, securing \$10 in cash. They escaped by the rear door.

ARREST YOUNG SCHOOL MA'AM

Miss D. H. Allen Charged With Murthering Her Own Infant.

SPOKANE, Wash., April 2.—(Special.)—Lottie, the Douglas school teacher, has been held to the Sheriff of Ottawa County, Minnesota, to arrest Miss D. H. Allen, charged with the murder of her babe in Douglas County one year ago. Sheriff Pratt has also arrested Miss Allen's aunt, Mrs. Manda Dutton, and her two sons as accomplices.

A year ago Miss Allen, a young school-teacher, proved title to her homestead near her aunt's home, near St. Andrews, Wash., and a few days later left for Minnesota. About four days later the body of an infant was found a few miles from her aunt's home. The child had been killed by a blow on the head. Evidence has been secured which convinces the officers that Miss Allen was the mother of the child.

Horseshiel Under Bonds.

OREGON CITY, Or., April 2.—(Special.)—After a preliminary examination before Justice of the Peace Stipp here today, Dan Mays, of Portland, was held to the Sheriff of Clatsop County on a charge of stealing seven head of horses from farmers residing on the west side, Deputy District Attorney Schuebel conducted the prosecution, and called only two witnesses, Charles Moehnk, one of the farmers from whom the horses were stolen, and Isaac Berman, of Astoria, who purchased the stolen animals and identified the prisoner as the man of whom the purchase was made.

Wealthy Widow Found Dead.

BERKELEY, Cal., April 2.—Mrs. Lelia Batterman, the wealthy widow of the late T. S. Batterman, a well-known mining man, was found dead in her bed at her home on Channing Way today. Death resulted from asphyxiation. The gas was found turned fully on and the door of the room was closed on the inside. Whether death resulted accidentally or not is not known.

POLICY HOLDS GOOD

Supreme Court Renders an Opinion on Insurance.

FOUR DECISIONS REVERSED

Judge Holds That Cascara Bark Could Have Been Shipped by the Railroad When Bar Was Too Rough.

Where a life insurance policy provides that the policy shall be void unless the premium be paid May 1, it will be construed to remain in effect for the full period for which premium has been paid in advance. Redemption of real property from foreclosure sale by an assignee of the mortgage, renders the property subject to the lien of a judgment secured against the mortgagor prior to the redemption.

SALEM, Or., April 2.—(Special.)—The Supreme Court handed down decisions in four appealed cases today, in all of which the lower courts were reversed.

The most important decision is that in which a life insurance policy is construed as to make it effective, though one provision of the contract provides that it shall become void. The decisions are:

Stinchcombe vs. N. Y. Life Ins. Co. Idonia Stinchcombe, applicant, vs. New York Life Insurance Company, respondents, from Multnomah County. John B. Cleland, Judge, reversed, and new trial ordered. Opinion by Chief Justice Wolverson.

On May 5, 1894, George W. Stinchcombe made application to defendant for \$2000 insurance on his life, payable to his wife, Idonia. It was stipulated, among other things, that the policy should not be in force until the premium had been paid, and that no suit should be brought under the contract after the lapse of two years from the time the cause of action accrued.

On July 24 the policy was delivered and the premium, \$75.40, being for two years, was paid.

On July 3, 1896, Stinchcombe died. On March 22, 1899, his widow requested the company to send her blanks for proof of death, which she did so, except that she omitted the proofs April 25. The company made no objections thereto, but retained the proofs, and this action was brought July 24.

The complaint set out the policy in full, showing, among other things, that the premium was to be paid on May 5 of each year, and the policy should become void unless the premium was paid within a month's grace should be allowed, subject to interest charge of 5 per cent per annum during the delinquency. The policy also provided that within one year after death proof of death must be furnished.

The complaint contained two causes of action. The first setting forth the facts of the contract, death, payment, etc., and the second the same as the first, except that it was alleged that the company had waived the provision that proof must be furnished within a year. A demurrer was sustained as to the first cause, but overruled as to the second, and at the trial a non-suit was granted, whereupon plaintiff's request for a new trial was granted.

The opinion of the Supreme Court gives a lengthy discussion of the questions involved. Briefly stated, the opinion shows that the two-year premium was paid on July 24, 1894, which would cover the period to July 24, 1896. If now effect is to be given to the provision that the policy shall become void if the premium is not paid, the contract would terminate on July 24, without the insured receiving any insurance. The court says:

"There is no incongruity, and if the company's contention be the correct one, it is perfectly manifest that it will be fraught with injustice to the insured."

The court construes the contract to remain in force for the full period for which the premium was paid. The policy was therefore in force when the insured died on July 3, 1896.

Upon the other question, the Supreme Court holds that failure to make proof within a year after death did not work forfeiture, for the reason that there is no penalty of that kind. The company having received and retained the proofs without objection must be deemed to have approved them. The cause of action accrued when the proofs were delivered and approved, and this action having been commenced within two years thereafter, a good cause of action was established. The demurrer was therefore overruled.

Fleishman vs. Meyer. I. Fleishman and D. J. Guggenbime, appellants, vs. Meyer & Kyle, respondents, from Lane County. Reversed and dismissed. Opinion by Justice Moore.

This was an action by Guggenbime & Co., of San Francisco, to recover damages for the breach of a contract to deliver 10,000 pounds of cascars bark at 23 1/2 cents per pound. The defense was that according to the contract the bark was to be shipped by boat, but at the stipulated time the Siuslaw Bar was in such condition that boats could not pass over, and that defendants were excused from filling the contract at the appointed time because prevented by the act of God. Another defense was that the attorneys for Guggenbime & Co. had compromised the matter by accepting a lesser quantity at a later date. The plaintiffs were defeated in the Lower Court and appealed.

The Supreme Court holds that the condition of the Siuslaw bar was no defense, for the bark could have been rafted out to the railroad and shipped in that manner.

The case is reversed because of error at the trial in instructing the jury. The court refused the request to instruct the jury that in the absence of an express authority the attorney-at-law has no right to compromise or settle a claim for his client. The statutes of Clatsop County, which were in evidence, the Supreme Court follows the common law and holds that the instruction should have been given as requested. The court says, however, that authority to compromise a claim will be implied in the regular course of pending suits and actions, when an attorney has neither time nor opportunity to consult with his client, whose interests would be imperilled by delay.

That Ligozone Does What Medicine Cannot Do. A 50c Bottle Free

We Paid \$100,000

There are at least three million homes in America which know from experience the value of Ligozone. Some of those homes use it simply to keep well, as we do. But tens of thousands have lives that were saved by it.

Yet some remain sick with a germ disease while all those millions know that Ligozone cures. Some still cling to drugs for what drugs never can do. They are poisoning themselves. Their own friends—their own neighbors—can tell them the way to get well.

We ask those sick ones to write us. We will buy for each one the first bottle of Ligozone, and pay the druggist ourselves for it. Each is welcome to try it at our expense, then let the results decide about using it afterwards.

Don't try to kill inside germs with drugs, for you cannot. Don't cling blindly to old methods of treatment, used before germs were discovered. Let us prove what this new way means to you.

Not Medicine

Ligozone is not made, like medicine, by compounding acids and drugs; nor is there any alcohol in it. Its virtues are derived solely from gas, made in large part from the best oxygen producers. The process of making takes hours, and requires immense apparatus. At the end of two weeks, we get one cubic inch of Ligozone for each 1,250 cubic inches of gas used. The attainment of this product has, for more than twenty years, been the constant subject of scientific and chemical research.

The main result is to get into a liquid, and then into the blood, a powerful, yet harmless germicide. And the product is so helpful—so good for you under any condition—that even a well person feels its instant benefit.

This is the product which in the past two years has sprung into world-wide use in the treatment of germ diseases. It is now used by the sick of nine nations; by physicians and hospitals everywhere. It

is daily used in millions of homes in America.

For the American rights to Ligozone, and the rights in other countries have sold for proportionate amounts. We mention this fact to indicate the value of Ligozone—the value to you. Men have never before paid such a price for any discovery used in the cure of sickness.

We need not tell you that we proved Ligozone well before buying it. For years it was tested through physicians and hospitals, in this country and others. It was employed in every stage of every germ disease; in all the most difficult cases obtainable. With thousands of sick ones, considered incurable, we proved that it did what medicine could not do. Then, and then only, did we pay the price.

Since then we have spent nearly \$2,000,000 to make Ligozone known. We have bought the first bottle and given it free to every sick one we learned of. These people told others and the others told others. The result is that Ligozone is now more widely employed than any medicine ever was. And no one can doubt that it is doing more for sick humanity than all the drugs in use combined.

The reason is that germs are vegetables; and Ligozone—like an excess of oxygen—

Millions Know

That Ligozone Does What Medicine Cannot Do. A 50c Bottle Free

is deadly to vegetal matter. To the human body Ligozone is exhilarating, vitalizing, purifying—the most useful, the most helpful thing possible. But to germs it is certain destruction; and these facts are true of nothing else in existence.

Germ Diseases

These are the known germ diseases; all due to germs or to the poisons which germs create. These are the diseases to which medicine does not apply, for drugs cannot kill inside germs.

All that medicine can do for these troubles is to act as a tonic, aiding Nature to overcome the germs. But those results are indirect and uncertain, depending on the patient's condition. A cure is always doubtful when drugs are used, and some of these diseases medicine never cures.

Ligozone alone can destroy the cause of these troubles. It goes wherever the blood goes, so that no germ can escape it. The results are almost inevitable. Diseases which have resisted medicine for years yield at once to Ligozone. "Incurable" diseases are cured by it. In any stage of any disease in this list the results are so certain that we will gladly send you what this wonderful product means to you.

Kills Inside Germs

The greatest value of Ligozone lies in the fact that it kills germs in the body without killing the tissues, too. And no man knows another way to do it. Any drug that kills germs is a poison, and it cannot be taken internally. For that reason, medicine is almost helpless in any germ disease.

Ligozone is a germicide so certain that we publish on every bottle an offer of \$1000 for a disease germ that it cannot kill. Yet it is not only harmless, but of wonderful benefit—better than anything else in the world for you. No one is so weak that he cannot be helped by it.

All diseases that begin with fevers—all inflammation—all catarrh—all contagious diseases—all the results of impure or poisoned blood.

In nervous debility Ligozone acts as a vitalizer, accomplishing what no drugs can do.

First Bottle Free

If you need Ligozone, and have never used it, please send us the coupon below. We will then send you an order on a local druggist for a full-sized bottle—a 50c bottle—and will pay the druggist ourselves for it. This applies only to the first bottle, of course—to those who have never used it.

The acceptance of this offer places you under no obligations. We simply wish to convince you; to let the product itself show you what it can do. Then you can judge by results as to whether you wish to continue.

This offer itself should convince you that Ligozone does as we claim. We would certainly not buy a bottle and give it to you, if there was any doubt of results. You want these results; you want to be well and to keep well. Then be fair enough to yourself to accept our offer today. Let us show you, at our expense what this wonderful product means to you.

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At 10 o'clock tonight the jury returned a verdict of not guilty for Anderson.

Senator Rand and Judge Clifford made an effort to prove that there was a conspiracy on the part of Sheriff Brown to procure the conviction of Anderson and others; that the Sheriff had supplied the witness, Renstrom, with money to pay liquor. This evidence was not offered, as it developed later that the witnesses depended on were not in the city. They were sent for, however, and it is likely that the attempt to prove a conspiracy will be tried tomorrow when some of the other cases are up.

In behalf of the defense it was shown that Anderson was sick in bed at the time of the alleged offense and had not been in the saloon for several days before and for several days after; that he had instructed his bartender not to allow minors in the saloon. The bartender swore that he had not noticed Renstrom in the saloon, and did not believe he was there on the day named or any other day.

Renstrom said he had worked in the

ELECT UNDER COVER

Anti-Prohibitionists Do Not Declare Themselves.

Mayor Charles H. Bee, Mayor, F. M. Wilkins; Recorder, B. F. Dorris; Treasurer, Frank Reiser; Councilman, first