

Will Be Sentenced Thursday.

Proceedings in Both Departments of Circuit Court.

Circuit Judge Geo. H. Burnett, re-commenced department No. 1, of the Marion county circuit court at 9 o'clock this morning in the county court room.

F. L. Gardner, the Monitor post-master-merchant, who was convicted on July 7, of the crime of rape committed May 29, 1897, with Mabel Hitchman, the 14-year-old daughter of Walter Hitchman, was to have been sentenced by Judge Burnett this morning, but his attorneys, Messrs. Timon Ford and R. J. Hendricks having filed a motion for a new trial, the pronouncing of sentence was suspended, pending argument of the motion. R. J. Hendricks opened the argument for the defense. The motion for a new trial was read as were affidavits from M. E. Poore and members of the grand jury all of which went to show that Mabel Hitchman had testified in justice court at the preliminary examination that the crime was committed May 29, 1897, and when the case was on trial in the circuit court she made oath that the crime was perpetrated on April 29. The grounds upon which the defense requested a new trial and as contained in the motion were as follows: In because of surprise to the defendant occasioned by the testimony of Mabel Hitchman, by which she charged the date of the alleged occurrence from the 29th of May back to the 29th of April, which ordinary prudence could not have guarded against; 2d. Because of newly discovered evidence material for the defendant, which could not with reasonable diligence have been discovered and produced at the trial; 3d. Insufficiency of evidence to justify the verdict; 4th. Because said verdict is against the law.

Deputy District Attorney J. H. McNary and District Attorney S. L. Hayden followed and showed that the date upon which the crime was committed was immaterial, providing it was within the time as provided in the statutes. Counsel for state also contended that the result of the first trial would not be effected in least by a new trial.

Timon Ford then addressed the court on behalf of the defendant and for over an hour labored earnestly for a new trial. The defense laid unusual stress on the fact that the principal witness for the state, Mabel Hitchman had contradicted herself as to the date upon which the alleged crime was committed.

Judge Burnett took the matter under consideration until 2 o'clock Thursday afternoon, when the case will be further argued. Gardner (about 45 years of age, 5 feet 6 inches in height and slightly corpulent. He wears a heavy moustache of unusual length. Judge Burnett made the following order today: State vs. F. L. Gardner, rape; defendant's motion for new trial argued and further hearing postponed until July 15, 1897, at 2 o'clock p. m. Time for pronouncing judgment also postponed to that time.

The case of the Battleville farmers' warehouse association, et al. vs. A. E. La Roque is being argued this afternoon before Judge Burnett. Carson & Fleming appear for the plaintiffs while Messrs. W. T. Slater and A. C. Hough have been retained by Mr. La Roque as counsel.

IN DEPARTMENT NO. 2. The entire time of Judge Hewitt's court today was occupied by the Laughmiller divorce case. The case began Tuesday afternoon and at 2:30 o'clock this afternoon, the testimony for the plaintiff had not been all received. Geo. G. Bingham, of this city, and Chester Dolph, of Portland, are counsel for Mrs. Laughmiller. Messrs. Wm. Kaiser, W. H. Holmes & Kellogg, are counsel for the defendant.

THE COUNTY COURT. Judge G. P. Terrell and Commissioners Watson and Davis convened the Marion county court at 3 o'clock this afternoon and proceeded to the transaction of the business not yet considered at the July term.

LEARNING FAST.—Housekeepers are learning to replace broken dishes free. The freshest and best teas and coffees are sold as cheap as anywhere at the Yykhoma Tea store, with tickets for crockery and glassware thrown in. At 243 Commercial street, Salem.

NOTICE.—All Odd Fellows of the city and visiting Odd Fellows are requested to meet at the I. O. O. F., hall in the Holman building, corner of State and Liberty streets, at 9:45 a. m. Thursday to attend the funeral of E. M. Waite, Ed. N. Edes, N. G., Olive Lodge, No. 18. C. H. Robertson, secretary.

E. M. WAITE'S DEATH

Has Deeply Moved the Community—Provision for Funeral.

No death has ever occurred at Salem among business men that has been so generally regretted as that of E. M. Waite, the veteran printer and public spirited citizen of Salem.

His many relations to all the activities of this community are now severed, but his influence will be felt for years to come. His strong social nature, his willing mind, feet and hands, made him a treasure to this community. Mr. Waite was an old time printer and also a graceful writer.

His pen often contributed to the local columns of the press and always in an agreeable and interesting manner. No man had a greater pride or better taste in decorating and beautifying his home and grounds. It was due to his efforts that the state house grounds were beautified and planted with shrubbery. He inspired others to make improvements and his thorough knowledge of botany was always at command of anybody who desired information.

WAITE AS A PRINTER. E. M. Waite's exact age is not known. Some who have known him long think he was 66, but he was possibly 70. He was born in Massachusetts, and lived in Westfield, where he learned the printer's art when quite young. He worked on the Journal of Commerce of New York, and left that city for Oregon.

He came by the Isthmus and located in Oregon City, in 1851. There he was foreman for A. Bush, territorial printer, and was also foreman for State Printer Bush when the capital was changed to Salem. He was also foreman on the Oregon Statesman and the Christian Advocate. In 1859 he started a book and job office in Salem, and, with the exception of a short interval, was in the printing business for himself thereafter.

In 1874, Mr. Waite was the Republican nominee for state printer. For 11 years he was secretary of the state board of agriculture. He served as member of the Salem city council and was chairman of the board of school directors of the Salem district when he died. He was also a member of Olive lodge, I. O. O. F., of Salem.

HIS OLD FELLOW RECORD.

Mr. Waite became a member of Olive lodge No. 18, I. O. O. F., of this city on the evening of February 11, 1871, when he was initiated, and he has held membership continuously since that date. He has ever been a consistent and faithful member of the fraternity. He soon advanced in the order. On July 11, 1874, he was installed noble grand of the lodge filling the office during his term of six months with credit to himself and entire satisfaction to the fraternity.

On July 2, 1875, Mr. Waite was installed treasurer of the lodge and his work in the order, and scrupulous care of the funds gave such entire satisfaction that he was kept in that position for a number of terms. On April 3, 1875, Mr. Waite was elected a representative to the grand lodge of Oregon, and on May 19th, of that same year, he became a member of the grand lodge in which he held his membership to his death, being for a number of years a very active member of that body. Mr. Waite was known among the members of the order of Odd Fellows, not only in every portion of this state but far beyond its confines, and his demise will be sincerely mourned by all of them.

IN OTHER BUSINESS.

E. M. Waite was also engaged in other lines of business, among which were stock buying for the immigrant trade in Eastern Oregon, shipping produce to California, etc. In company with E. Holland he went to where Silverton now stands and built a store, being the first building erected in that now flourishing little city. There he soon became tired of merchandising, and afterward he began working at the case along side of his old chum, W. B. Carter (deceased) in the Christian Adyocate office, in Portland; at the same time, as an outside speculation, he and Mr. Carter were running a milk-ranch near the city. A few months later he came with the first Statesman to Salem, and he followed it with the legislature to Corvallis and back to Salem. In 1869 he established a job office, in Salem, adding to it from time to time until it became one of the best selected in the state. Prior to his launching into business for himself Mr. Waite for an employe in the job printing office then owned by A. L. Stinson, now deceased. He was at one time con-

sorted with the management of the Willamette Farmer, which was published in Salem for a number of years.

THE FUNERAL.

The funeral services will take place Thursday morning at 10 o'clock, from the late residence of the deceased, Rev. P. S. Knight officiating.

After the services at the home, Olive Lodge, No. 18, I. O. O. F., of which Mr. Waite was an honored member, will take charge of the remains, and will conduct the funeral services of that order at the grave, before final interment.

Interment will be held in the family burying ground in Rural cemetery.

The Salem Floricultural society, of which he was president, have appointed a committee to decorate his last resting place with flowers and have ordered a beautiful floral piece for the coffin. E. M. Waite will be buried in flowers.

A Business Change.

The Willamette hotel livery barn, which has for several years past been conducted by J. F. Shoun, has been purchased by W. J. Huffman, who owned the place some 5 years ago. This barn will have the best of stock at all times and most of its vehicles are new. They make a specialty of keeping the gentlest horses, especially for single driving for ladies. They also are prepared to furnish parties with hack and outfit for coast or mountain parties. Mr. Huffman is a competent man in the livery business and will without a doubt do a flourishing business.

From a Washington Man.

"I was troubled with headache and biliousness and was very weak. One day I saw testimonials from people who had been cured by Hood's Sarsaparilla and I decided to try it. When I had taken three bottles the headache and stomach trouble had all disappeared."

EDWARD MELLANDY, Brookfield, Washington.

Hood's Pills are the best after-dinner pills; assist digestion, cure headache. 25 cents.

O. C. & E. R. F. CO.

Sunday Special Seaside Train Sunday July 11, 1897.

and each Sunday thereafter a special seaside train will run on the following schedule: Leave Albany 7 a. m.; leave Corvallis 7:30; arrive at Newport 11:30 a. m.; leave Newport 5:20 p. m.; arrive Albany 9:35, connecting with Southern Pacific southbound overland.

Fare for the round trip from Albany, Corvallis and Philomath, \$1.50; points west of Philomath to Eddyville \$1; Chitwood and points west, 75 cents. These tickets good only date of sale. The above train will positively run every Sunday during the season, rain or shine.

Do not wait for further advertising, but make your arrangements to go. The train will be there for you. EDWIN STONE, Manager. J. C. MAYO, T. F. and P. A.

Special reductions in

Wash Goods

Stock's

257 Commercial st.

"THE"

Last and Final Week

Will positively wind up

SATURDAY

We have decided to close out our store here and next Saturday night will be the last chance you will have to buy goods at your own prices. During this our last week we must dispose of all our stock as we do not wish to freight any of it away, and in order to do this we will offer you such bargains in our lines as never before offered. Our auction sale will continue at the usual hours each day until we close up Saturday. Remember that this is positively our last week and come prepared to partake of the feast of the biggest bargains ever offered in Salem. Your own prices will rule, so do not delay. Follow the crowd. Come to

SHAW'S

Bankrupt Stock

Corner State and Commercial streets.

Call for County Warrants. Notice is hereby given that I have funds on hand to pay all warrants presented prior to June 19th, 1896, and interest will cease on the same from the date of this notice. Dated July 12 1897. G. L. BROWN, County Treasurer.

WE CLOSE.—The last of the sale of the Shaw bankrupt stock will be closed out this week.

WILLAMETTE TENT

And Awning Co. Dealer in tents, awnings, flags, canvas, cotton wagon covers. Tents and awnings of all kinds made to order by J. L. FREELAND.

Opera house block, Salem.

Solid Gold Set Rings

\$1.00. = E. M. ROWLEY.

A fine assortment of bargains left from the W. W. Martin bankrupt stock. Must be sold regardless of cost.

Watch Cleaning . . . . . 75c Main Springs . . . . . 75c

C. H. HINGES. Leading Optician, Watchmaker and Jeweler.

Second door north of P. O. Eyes Tested Free.

Parties Having

Peach Plums

Will do well to call on the

OREGON FRUIT & PRODUCE CO. Office and warehouse, corner Trade and High, Salem, Or.

O.C.T Co's Fast Passenger Steamer 'ALTONA' Leaves for Portland Monday, Wednesday, and Friday at 7 o'clock a. m. Regular service and low fares. Deck between main and lower decks.

Velvet Grip Hese Supporters FOR Ladies, young ladies, misses and children combine all the newest features of up-to-date supporters, 25 cents and up. Men's Elastic Garters with the 'VELVET GRIP' at the best.

J. J. Dalrymple & Co. PORTRAIT FRAMES, 16x20 At Reduced Prices! FOR THE NEXT 30 DAYS

A large assortment to be closed out at \$4.50, \$5 and \$6.50. A big solid oak frame, complete for \$2. A large line of the latest things in picture moulding received this week.

Buren & Hamilton, 'The Furniture Men.' 300 Commercial st. Salem, Or.

OREGON PERSONALS. Druggist D. J. Fry returned last evening from Portland. E. H. Stock returned this morning from a short visit in San Francisco. Mr. and Mrs. Carey F. Martin have returned from Gladstone Park and Portland. Dr. and Mrs. E. A. Pierce went to Portland to attend the funeral of S. B. Parrish.

W. C. Smith, a graduate of W. U. medical college, today took out a medical license. Misses Ethel and Genevieve Huxbes, Esther Collins and Oakie Matthews are at Gladstone Park. Attorney P. H. D'Arcy returned last evening from Portland whither he accompanied Hon. W. J. Bryan on Monday.

Hon. D. L. Keyt and D. H. Putman of Perrydale were callers today. They say hops and grain are going to make good crops. Mrs. H. D. Trover and Miss Phyllis Lundy left this morning to visit old home scenes in Ohio and expect to be gone about six weeks.

Mrs. D. C. Sherman and daughter Estella are home from Portland. Miss Sherman, the stenographer, has been on vacation for three weeks. E. J. McOscar, of Ft. Wayne, Ind., is in the city on a short visit with his brother, having taken advantage of the C. E. Excursion to the Pacific coast.

Mr. S. M. Stock, goes to San Francisco, this evening to be gone for about a month. He will be accompanied by STANDARD FASHION CO'S. STANDAHL PATTERNS.

We have secured the agency for Salem for the Standard Fashion Co's. patterns. We will have the new stock ready for the inspection of our friends and patrons about August 1. It is not necessary for us to say much by way of an introduction for these patterns. They are handled in Portland by the great house of Olds & King. They were formerly sold in Salem by the Palace Dry Goods & Shoe Co and are well known to many stylish women of this city. In style and fit they have absolutely no superior. In addition to their intrinsic worth, a very strong point in their favor is their cheapness. They are sold at prices fully 25 per cent. cheaper than other patterns. Further announcements will appear later.

WILLIS BROS. & CO. No. 302 Commercial street First floor south of the new post-office.

We have found the most system, very satisfactory. The wholesale dealer appreciates it, we like it, and our patrons are well pleased with it. We buy our goods cheaper and, consequently, we can and do sell cheaper. It has made new customers for us. Once they come, they always stay. Investigate our claims of having the finest and cheapest line of Dry Goods and Ladies' Furnishings in the city. Specialists in Hosiery, Ribbons, Laces, White Collars and Cuffs. T. HOLVERSON.

Thereby Miss Mandie, who has been visiting with the Stock's for some time. Mr. Newton Dryhead and Miss Ella Shumard, of Franklin, Ind., are the guests of Miss Rose Woodruff. These 7 some people attended the great C. E. convention at San Francisco, and stopped off at Salem this morning enroute home, for a short visit with Miss Woodruff.

C. E. DELEGATES Thousands Pass Through Salem on Their Return Home. As previously announced, thousands of the delegates to the International Christian Endeavor convention are passing through Salem on their return home to points in the middle West, Atlantic and New England states.

The convention met in San Francisco on July 5, and its closing session was held July 12, when the immense army of young Christian workers departed for their homes. Most of the delegates came via Southern and Central routes, and decided to return via the Northern route, thus completing a circuit of the United States. The routes selected for the homeward journey, will afford the Eastern tourists much beautiful scenery and those fortunate enough to possess cameras will carry back with them many views of beautiful mountain scenery as souvenirs of the journey to the Pacific coast.

The first section of the C. E. home-bound excursion train reached Salem at 4:15 a. m. today and made only a brief stop. The train consisted of 12 coaches, but most of the tourists had not yet risen and were thus denied the pleasure of seeing the Capital City in all its beauty, on a typical Oregon summer morning.

Section No. 2 of the Endeavorers' excursion, consisting of fifteen coaches did not reach Salem until shortly before 12 o'clock noon: all the coaches were comfortably occupied. In one coach a company of young people were observed playing a game of cards. No poker chips being seen, the writer concluded that the young people were engaged in that ever-fascinating game of whist as a means of relieving the monotony of a tedious railway ride of several thousand miles. At best it was not a very high recommendation for persons of their profession.

By reason of the Endeavor excursions, the north-bound California overland, due in Salem at 7:10 a. m. did not arrive here until 12:55 p. m. today. It consisted of three baggage cars and nine passenger coaches, as usual, heavily loaded.

At least five additional C. E. excursion trains will leave Ashland, tonight, bound for Portland, thence to Eastern points. The trains will consist of about a dozen coaches each, and will pass through Salem, Thursday morning. The greater part of the Oregon delegation, especially the local contingent, will probably arrive home on the trains tomorrow morning.

Laugh at the Sun Drink HIRES Rootbeer Keep Cool-Drink HIRES Rootbeer Keep Well-Drink HIRES Rootbeer Quenches your thirst HIRES Rootbeer.

Post Office Grocery

Fresh sweet fruit and vegetables. Choice table peaches 10c a can. Choice table Apricots 10c a can. Choice Petite Pruns 3c a pound. World Beater soap 20 oz for 5c.

HARRITT & LAWRENCE