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THE OLD WHITE CORNER

Lace CURTAINS

We have just received a large and complete line of lace curtains, comprising the new imported Nottingham, etc. Never before have we been in a position to supply the wants of the home after summer house cleaning.

New Ribbons

Ribbons of every hue. Just the right shades to enhance the beautiful complexion tints of blonde, brown and brunette. Broad, rich wash ribbons for the little girls. Ribbons narrower widths for the thousand and one uses as dress accessories.

"Edna May"

The new cap for the ladies. ALL THE RAGE. Colors brown, red, white, green, etc. We have just received an express shipment of these, and advise early choosing as the supply is limited.

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NEW TODAY

When Your Best Girl—Says she will be a sister to you, give her your clothes to press. Then you will bring them to your stepmother, and get them fixed right, no matter what they need. Suits pressed by the month. Gloves, neckties, silk gloves or any fabric, no matter how delicate, made to look like new. Mrs. C. H. Walker, prop., 195 Commercial street.

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Best Star A. Star Shingles
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PER 1000.
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DOING THEIR DUTY.

Scores of Salem Readers Are Learning the Duty of the Kidneys.

To filter the blood is the kidney's duty. When they fail to do this the kidney's are sick.

Backache and many kidney ills follow. Urinary troubles, diabetes.

Doan's Kidney Pills cure them all. Mrs. Conradina Arnold, of 440 East First street, Albany, Oregon, says: "Doan's Kidney Pills did me considerable good. I used them for rheumatic pains across the small of my back and down through the sides which were very severe when I stooped to lift anything or sat in one position for any length of time. I got Doan's Kidney Pills and commenced their use. I began to get better right away and continued taking them. They soon relieved me and I have had very little trouble since. I shall always try to keep Doan's Kidney Pills in the house and will recommend them at every opportunity.

Plenty more proof like this from Salem people. Call at Dr. Stone's drug store and ask what his customers report.

For sale by all dealers. Price, 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.

Remember the name—Doan's—and take no other.

CHILDREN OBY FOR FLETCHER'S CASTORIA.

BUREN WILL CASE REVERSED

Judge Galloway Holds that Deceased Was Incompetent—Sets Aside Will

In the case of John Christie vs. Hugh McCulloch, writ of review, the writ was sustained, and a non-suit ordered.

In the Parkersburg drainage district case the injunction was made permanent, and the decree granted as prayed for in the complaint. By stipulation the guardian of Francis Wattier, V. Wattier, was substituted as defendant. The contempt proceedings against Wattier Bros., W. B. Brown and J. J. Becker was dismissed.

In the Buren will case Judge Galloway today reversed the decision of Judge Scott, and holds that the testimony of the physicians shows clearly that Mr. Buren was incompetent to make a will at the time. Below is given the full text of the verbal opinion.

In this case entitled in the matter of the estate of A. B. Buren, deceased, appealed from the county court, it seems that Buren, deceased, was a long time resident of Marion county, Oregon. He died on the 24th day of February, 1904. Prior to his death, on the 18th of February, he made his last will, and executed the same in the presence of witnesses. He disposed of his property to his two children, Max O. Buren, a son, residing in Salem, Marion county, Oregon, aged 35 years, and Leda Buren, a daughter, residing in said Marion county, Oregon, aged 19 years. He appointed his daughter sole executrix of his estate without bonds, and in her petition for letters probate I notice the probable value of the real estate in Marion county is \$16,000, and he was possessed of personal property in Marion county of the probable value of \$25,000. Now the son, Max O. Buren is not satisfied with the disposition of his father's property, and filed a protest, asking that the will be set aside as the decedent was incompetent, and was not in his right mind, owing to old age and sickness, and upon the further ground that the deceased had been rendered incompetent, by reason of sickness and mental infirmity, at the time to dispose of his property intelligently.

The case was heard before the county court and Judge Scott, after all of the testimony had been taken, rendered his decision. I have carefully read his findings, and have also read the authorities cited by the attorneys in the case on either side, and all of the testimony was read over in the presence of the court, and since that time I have taken pains to re-read a greater part of the testimony. The point to pass upon, as I hold it, in this case is whether or not the deceased was in his right mind, whether he was competent to execute a will at the time he did execute it, some six days before his death, and lying on his deathbed. It is not the province of this court to consider whether or not he made a just distribution of his property; he had a right, if he was in his right mind, with his full mental faculties, to dispose of his property just as he saw fit, either to make an equal distribution or an unequal distribution, and to give one child what he saw fit, so long as he was protecting himself by making a certain allowance to the others. It is not for this court to pass upon at that time whether he equally divided his property, or made an equal distribution, or a just distribution, but whether he was competent at that time to execute the will. Judge Scott is very careful in his opinion, and I believed he tried to be very candid and honest in it, but he seems to give equal weight to the testimony of the witnesses, irrespective of their qualifications to pass upon the mental condition of the deceased at the time he executed this will. This court does not presume to impeach the integrity or good intentions of the writer of this will, or those who witnessed it. One can witness a will and certify that the person who made the will, the testator, was in his right mind and all those things, at the same time he merely testifies to the testator's signature to his will; that is all he does, viz: certifies to the testator's signature. Now there have been a number of witnesses, some of them have been immaterial, and certainly their testimony is of very little weight, not that their testimony has been false or anything of that kind, but it has very little weight certainly in the rendering of this decision as far as that goes. There is the testimony of Dr. F. E. Smith, who attended this man, the deceased, for a year prior to his death. It seems he was constant in his attendance upon the deceased. There is also the testimony of Dr. J. N. Smith, who was called on the 16th or 17th of February, some seven or eight days prior to the death of Buren. These two witnesses

gave testimony positively from their standpoint as medical practitioners that this man was not competent at that time to dispose of his property; he was not in a state of mind, owing to long sickness and the influence of narcotic drugs, and the effect of hypodermic injections of narcotics. At the time this will was executed Dr. Smith testifies that the patient was being given a 1/4 grain of morphine every two hours, in addition to hypodermic injections, and Dr. Smith said positively that, in his opinion, a man under those conditions is not competent to execute a will. Just to quote from Dr. F. E. Smith's testimony he was asked by the scrivener of the will about the condition of the patient, and he shrugged his shoulders, because he said it was ridiculous to entertain the idea that this man, Buren, would be competent to make a will to dispose of his property at that time. The court has read, so far as he was able, the authorities which have been cited, and it seems to be good law certainly that a practicing physician, who had daily intercourse with the patient, and who was necessarily required to examine into the mental condition of the man as well as his physical condition is paramount to that of a casual visitor at the bedside of the patient. Believe that to be good law. Dr. F. E. Smith is positive in his testimony, and so also is Dr. J. N. Smith, another reputable physician practicing in this community. There is no testimony to lessen the weight of the evidence of these physicians, and it is presumed they stand high in their profession, and are competent to pass upon the mental condition and the physical condition of the deceased. There is but very little testimony to show to the contrary; there is only the testimony of a lady to whom he had spoken prior to his sick spell, to the effect that he wanted to make a will and dispose of his property, and asked this woman not to say anything to his son and daughter. There is no testimony to indicate what his intentions were at that time, no testimony that he had any ill feeling towards his son, or that he had any special preference for his daughter. Now there is some testimony that shows that his son had never received any part of the estate prior to his father's death. He had business relations with his father, but he testified that he and another man bought out the business; but that would make no difference now, for the question is whether or not he was competent to make a will. While I believe that a man would be justified in disposing of his property as he wished, if he had full mental capacity, that he could with his own property that he had accumulated do as he pleased, but the question is whether or not this man, Buren, only six days before his death, on his deathbed from the result of an incurable disease, and that disease, as the testimony shows, one that has a tendency to affect the mental faculties who was under the influence of drugs to deaden his sensibilities and render him mentally incompetent and insensible of the surroundings, and to prevent him from intelligently disposing of his property, and another thing is that the man was said to be deaf, but there was no proof that he did not hear the will read to him; the court believes that the will was read to him, and he was made to understand so far as the scrivener was able to make him understand. Now, there is the evidence of Dr. J. N. Smith and Dr. F. E. Smith. Both gave positive testimony that he was not in such a condition as he should be to make a will, and the court paid a great deal of attention and respect to the testimony of Dr. Cusick and Dr. Williamson. I know it is claimed that Dr. Cusick and Dr. Williamson did not see the patient at the time the will was executed, but Drs. Williamson and Cusick are both experts on such diseases, and being competent to testify at least on such diseases testify that from the diagnosis of this case, made by Dr. F. E. Smith and Dr. J. N. Smith, who were present (particularly Dr. Frank E. Smith, who had charge of him, and had been his physician for a year or more) they say that he was not in a condition to have made a will intelligently, and not in his right mind. Now, it is true that Dr. Byrd and Dr. McNary were called, but their testimony was more upon a theoretical diagnosis of the case. Dr. Byrd testified that he had seen him probably about six weeks before his death, and while he may have been in a condition to intelligently execute a will at that time, he may not have been so only six days before his death, and under all this testimony, which I have considered, I am constrained to overrule the lower court, and such is the order.

W. H. Holmes and J. H. McNary represented Miss Leda Buren in this case, while Carson & Cannon appeared as attorney for Max O. Buren. By this decree Judge Galloway has set aside the will, and, as a result, the property will be divided as if no will had been made.

When seen after adjournment Judge Galloway stated to a Journal reporter that he would expect to take Mr. Holmes' opinion in a legal matter as

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The Busy Store OFFERS MATCHLESS BARGAINS FOR THIS SALE

We know it is the quality and low prices that the people want advertised, and not a whole newspaper full of talk. See below what we have to sell. They are the best value that was ever offered to the people of Salem.

- FINE SILKS.**
All new and fresh and sparkle with beauty.
500 yds. Wash India Silks, all colors, fine quality, regular price 39c Sale price.....23c
Remnants of fine silks half price.
1000 yds. Fancy Dress Silks, the very latest, worth up to \$1.00. Price.....49c, 59c and 69c
Soft India Silks and Chiffon Silks, suitable for fine waists and evening dresses. 39c, 45c and 65c yd.
75c Black Silk Taffeta, yd.....45c
\$1.50 Heavy Black Silk Taffeta, 36 inches wide, suitable for underskirts, yd.....95c
\$1.39 Black Silk Peau de Soie, a fine, heavy quality, sale price, yd.....85c
- FINE DRESS GOODS.**
Advanced sale of up to date new Dress Goods.
75c and 85c Heavy Mohair Dress Goods, yd.....49c
75c Fancy Mohair Dress Goods, yd.....49c
50c Twilled Mohair Dress Goods yd.....29c
\$1.75 Heavy English Mohair Dress Goods, yd.....95c
\$2 Cravante Dress Goods, yd.....\$1.39
\$1.50 all wool French Voiles, Batmanes, Eolienne, French Crepes, yd.....49c, 75c and 85c
Remnants Dress Goods, Half Price
- SHOPPING BAGS.**
Grand Assortment at Small Prices.
50c, 75c and \$1 values, sale price.....25c, 35c and 49c
- LADIES' FANCY COLLARS.**
Beautiful Novelty Collars, all kinds, prices 3c, 5c, 8 1/2c, 10c and 25c.
- Embroideries.**
1000 yards to select from. New arrivals.
50c Corset Cover Embroidery, 20 in. wide, special price, yd.....25c
Odd lots of Embroideries, all prices.....1c, 2c, 3 1/2c, 5c, 8 1/2c and 10c.
- LACES.**
We carry an immense stock of laces—Valencienne Laces, Torchon
- Laces, Oriental Laces, Silk Laces, Mocklin Laces and dozens of others at small prices, 1c, 2c, 3c, 5c, 8 1/2c, 10c, 12 1/2c, 18c, 25c, etc.**
- CORSETS.**
We carry a fine stock at low prices.
50c summer corsets, linen mesh 25c
85c model form corsets, price.....49c
\$1.50 Warner Brothers' Rust Proof Corsets, price.....95c
75c Girdle Corsets, all colors, pr.....45c
20c Girdle Forms, price.....25c
- MUSLIN UNDERWEAR.**
Complete stock at small prices.
500 Corset Covers, 39c quality, sale price.....25c
20c Corset Covers, odd lot, price 9c
Skirts, Drawers and Night Gowns at reduced prices, 25c, 30c, 49c and up.
- LADIES' DRESS SKIRTS.**
New arrivals at low prices.
\$5.50 Accordion Plaited Dress Skirts, all colors, at manufacturers' cost, only.....\$3.90
\$4.50 New Mohair Dress Skirts, price.....\$2.85
Others cheaper and others higher price.
- LADIES' SHOES.**
500 pairs new shoes bought cheap. Ladies' \$2.25 fine Kid Shoes with French Heel and Patent Toes, price only.....\$1.39
- WASH SUITS.**
Splendid line; all reduced
\$4.50 Nobby Wash Suits, price \$2.25
\$5.50 Wash Suits, sale price.....\$3.50
White and colored Wash Suits Half Price.
- SHIRT WAISTS.**
Prices on Shirt Waists Slaughtered. Must go regardless of cost. 25c, 35c, 45c and up.
- DOMESTICS.**
500 yards Calico, standard make, yard.....3 1/2c
500 Linnen Fringed Napkins, each 4c.
Fancy Lawns and Dimities, Half Price.

SALEM'S FASTEST GROWING STORE. McEVoy BROS. Corner of Commercial and Court Streets

against that of any number of physicians, but that in this case, which involved solely the question of the mental condition of the deceased, he feels constrained to give precedence to the opinions of the attending physicians in preference to those of all the attorneys in the town.

DIED.
SCHUBINGER.—At the home of his uncle, F. A. Schubinger, east of this city, Tuesday, August 1, 1905, at 10:30 o'clock, Joe Schubinger, aged 28 years and 25 days, of complication of diseases.
He was born in Switzerland, June 4, 1877, and came to the United States 17 years ago, to Illinois, and four years ago he came to Oregon, and has resided the greater part of this time in this city. He was a member of the Catholic church, and a young man of exemplary habits. He leaves one sister in Illinois.
The funeral will be held tomorrow (Thursday) at 8 o'clock a. m. from St. Joseph's Catholic church, and the burial will be in the Catholic cemetery.

Reported a Floater.
This forenoon, about 11:30, little 10-year-old Ruth Stottlemizer, while sitting on the river bank, south of the steel bridge saw what she declared was the body of a drowned man rise up from an eddy near the center of the river, and then suddenly disappear. The girl went screaming to the tent nearby, where her folks are camping, an between hysterical sobs told her mother what she had seen, and declared it was the body of a man—that she had seen the arms thrown up, and could see the black hair on the back of the man's head. When questioned closely she was positive it was a man's body she had seen, as the arms were too long for a child.
A Journal reporter went to the river where the body had been seen. When he arrived the alarm had been spread, and a number of persons were watching the river for signs of the reappearance of the body, but up to press hour it had not been discovered.

Dr. Stone's Drug Store

Does a strictly cash business, owes no one, and no one owes it; carries large stock; its shelves, counters and show cases are loaded with drugs, medicines, notions, toilet articles, wines and liquors of all kinds for medical purposes. Dr. Stone is a regular graduate in medicine and has had many years of experience in the practice. Consultations are free. Prescriptions are free, and only regular prices for medicine. Dr. Stone can be found at his drug store, Salem, Oregon, from 6 in the morning until 9 at night.

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You can use us when in need of Tires, Rims Coaster Brakes, Etc. Our Stock is complete, our work the best.

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THE BICYCLE MAN

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That we are still doing business, and lots of it. We keep the very best of everything for the bicycle, do the best work, and will guarantee to please you. There are other shops, of course, but this is the place where you get the best work at honest prices.

Frank J. Moore
Phone 301 Black. 379 Court Street.

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IS AN ARTICLE OF MERIT AND A JOY FOREVER TO THE WEARERS OF EYE GLASSES. IT STAYS ON BY SUCTION, NOT BY PINCHING. COME IN AND SEE THEM.

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