

A Judge Recalled

The Result of a Friendly Suit In Court

By F. A. MITCHEL

George Jernegan, a student of medicine at a southern university, having reached that stage of his studies (anatomy) wherein he needed to dissect human bodies in order to see for himself the muscles, arteries, bones and other parts that constitute the machine, man found to his discomfort that the university authorities were unable to provide him with a subject. Not willing that his career as a sawbones should be nipped in the bud on this account, he resorted to a method which was once much in vogue among medical students, but which is now considered to be obsolete—he robbed a grave.

A young man named Blackiston had distinguished himself as a law student. It was considered that the day would come when he would make a second Daniel Webster. But, whether he studied too hard or his precociousness meant a disordered brain, he went the way of most prodigies—he broke down. One day he was found with his head on a pile of lawbooks unconscious. Doctors were called in who prescribed all sorts of treatments, from hot water at the feet to a bath in ice water, without restoring the patient. He remained in a comatose condition for many days, the action of the heart apparently growing weaker each day till at last the physicians in attendance could not detect even a flutter. So he was pronounced dead, was buried, and the legal world regretted that the profession had lost a coming shining light.

Now, Jernegan was looking for a subject about the time that Blackiston was buried. The night after the funeral the former went to the cemetery, dug up the corpse and, putting it in a gunny bag, carried it to the dissecting room. Fearing that if left as it was it would be recognized, he con-



THE CORPSE WAS MUNCHING A PRETZEL.

cluded to cut it up before morning; but, being tired with the work he had done, he went to a saloon near by with a small pitcher and returned with it full of beer, besides pretzels. These he placed on a table beside the corpse and, noticing that his tobacco pouch was empty, went out again for tobacco. When he returned this second time and entered the dissecting room he was paralyzed with astonishment. The corpse was munching a pretzel and was just reaching out for the pitcher of beer.

So long was the draft in man who has been several hours under cold ground certainly needs all the stimulus he can get that Jernegan, fearing there would be none left for himself, called a halt. The corpse paid no attention to the interruption, continuing to drink till the last drop was exhausted, then got back on the dissecting table and closed his eyes. Jernegan to determine the fact of life or death pricked the corpse's cheek with the point of a knife, knowing that if the subject was dead no blood would flow. A red drop stood on the cheek. The subject opened his eyes and, seeing a man standing over him, asked where he was.

Jernegan told him that he was supposed to be dead, had been buried, resurrected and had he not revived would soon have been cut up in a dissecting room.

The vigor of Blackiston's mind seemed to have been at least in a measure restored and went right on in the vein that had been interrupted by his stroke or whatever it was.

"You're a body snatcher," he said.

"Lucky for you that I am. If I hadn't resurrected you you'd have died a horrible death."

"That may be, but I wonder if I have not cause for an action against you?"

"Action for what?"

"I'm not sure whether it would come under the law against body snatching, trespass or disturbing my repose."

"Disturbing your repose? Well, I like that!"

"There is another point of law involved. A certificate of my death has doubtless been made out by the doctors, and in the eye of the law I'm a dead man."

"You came very near being a dead man in the eye of the medical profession."

"The case interests me. I am sensible of the obligation I am under to you for saving my life, but you wouldn't mind my bringing a friendly suit against you to try this singular case, would you?"

"Not a bit, if you'll pay all the costs."

"I'll do that."

Mr. Blackiston got down from the dissecting table and tried to walk, but failed. He sat down and asked Jernegan if he would kindly call a carriage. When it arrived Jernegan attended him to his home.

Blackiston sued Jernegan for trespassing upon his grave. The case excited so much attention among the

members of the legal profession that the bar association volunteered to furnish counsel for Jernegan's defense and retained their most brilliant member for the purpose. Blackiston conducted his own case.

"Your honor," he said in his opening remarks, "I shall proceed to show by competent witnesses that the defendant did with malice aforethought invade and trespass upon my grave, interfere with my repose, feloniously steal my body, place it in a bag and carry it to a dissecting room. He then and there was making preparations to take apart my members for the purpose of study when I returned to consciousness. This suit is brought with a desire to learn the legal status of a corpse. It is a principle of common law that there are no property rights in a dead body. No one owns it but itself. That it has legal rights has been established in the case of the estate of Swiback versus Oppenheim, wherein it was decided that the body of Swiback was a part of his estate, in which he had the same interest as in his real estate."

"Your honor," replied counsel for defense, "this being a friendly suit to establish a principle we admit without the fact being established by witnesses that the defendant did remove the body of the plaintiff from its grave, but we claim that the plaintiff, being legally dead, has no standing in this court."

"I propose," said Blackiston, "to try the case on that very issue. I therefore admit that in the eyes of the law I am dead. Nevertheless in a sense a corpse is a living person. It being the duty of the state under the law to protect the repose of the dead, it follows that the dead have rights. Therefore when a corpse is feloniously invaded in its own domicile, the grave, it must have a legal standing with the state to protect itself, if it has a legal standing against the state it must have such standing in court against an individual."

"There is no question," replied counsel for the defendant, "that the plaintiff is legally dead, nor is there any question that he is really living. Nevertheless I am considering him as a corpse resurrected, returned to life and with the right to establish his former legal identity. Since we are endeavoring to establish a principle of law let us admit that Blackiston has established such legal identity. In that case I think he would stand before the court as a resurrected living corpse, which, as was held in the case of Brickbat versus Cobbleston—"

At this point the court interrupted the learned counsel to say that the brain wear and tear of the case were so exhausting that he would adjourn the court for one hour for refreshment, recommending phosphoric foods calculated to restore the enormous cellular waste. When the court convened again his honor remarked:

"In order to proceed with this trial it must be admitted that the plaintiff has a standing in this court, and so the court holds."

"Very well," said Blackiston. "My standing before this court as a corpse having been admitted, I demand damages against the plaintiff for invading the six feet of ground in which I as a dead man had an inalienable right."

"Your honor," quickly interposed counsel for the defense, "the plaintiff cannot claim damages, though his standing in court and the trespass is admitted, for since there is no property right in a corpse the law does not give a right to recover in a court for a violation of sepulture. If we admit that the plaintiff suing as a corpse has cause for action against a man for stealing himself a corpse—the present action falls to the ground and can only be brought again as an action of one dead body against another, for which there is no law of the land that can compel an answer."

Blackiston now arose and delivered an argument that has since been considered a wonder by every member of the bar who heard it. But unfortunately the reporters, who were not skilled in legal lore and could not digest the arguments, had been sinking to slumber, and when the phenomenon arose to speak the last journalist had gone to sleep.

When the summing up had been concluded the judge announced that he would take a week to consider the case and would hand down a decision at the end of that period.

When the day came for him to read his decision the courtroom was crowded to overflowing. The judge looked ten years older than before the trial. He began to speak in a feeble voice, but gained strength as he proceeded. The lawyers and spectators listened patiently though eagerly till the gist of the opinion came in the last few words. "There is nothing in the constitution to enable a dead man to bring an action in a living court."

A mighty shout of "Recall him! Recall the stupid blunderer!" arose. And straightway those adverse to the opinion proceeded to unseat the judge.

The movement was successful, but the poor man died on the very day he was unbenched.

Deadly Marshes of Siberia.
The largest extent of marsh land in the world is to be found in the lowlands which form part of the steppe of Baraba, between the rivers-Intish and Obl, in Asiatic Russia. The region is flat and covered with forests, salt lakes and quivering marshes, extending over an area which is not less than 100,000 square miles. During the summer dense clouds of mosquitoes float over the treacherous ground. Immense areas of these dreaded urmans have never been visited by man. The marshes, treacherously concealed under a swaying layer of grassy vegetation, can only be crossed by means of a kind of snowshoe in winter except at the peril of one's life.

Angelo's Verdict.
Once a painter notorious for plagiarisms executed a historical picture in which every figure of importance was copied from some other artist, so that very little remained to himself. It was shown to Michael Angelo by a friend, who begged his opinion of it. "Excellent," said Angelo, "only at the day of judgment, when all bodies will resume their own limbs again, I do not know what will become of that historical painting, for there will be nothing left of it."

Donlin Making Good.
Mike Donlin is making good in right field for the Pirates. He is batting considerably over .300 and playing a grand game in the field.

Football in Denmark.
In Denmark the state takes 20 per cent of the gross receipts at football matches.

Thirty 2:05 Trotters.
There are only thirty trotters who have covered a mile in 2:05.

FOUR REAL STAR FIRST BASEMEN

Daubert, Merkle, Konetchy and Hoblitzel Wonders.

ARE QUARTET OF SLUGGERS.

Every One of Them Can Whale the Ball For Keeps and Run the Bases Well, Besides Being All a First Sacker Should Be.

Star baseball players of any kind are exceedingly rare, but big league managers assert that crack first basemen are the scarcest commodities in the land. Any one doubting this statement may have it confirmed by asking either Barney Dreyfuss or Fred Clarke of Pittsburgh. After trading Kitty Bransfield to the Phillies in 1905 the Pirates were engaged in a continuous search for a first sacker until the spring of this year, when Clarke hit on the brilliant idea of converting "Dots" Miller into a first baseman. The Kearny (N. J.) boy has played the best first base the Pittsburgh bugs have seen in eight years, but "Dots" has not yet shown class enough to displace any one of the "big four" of the National league—Fred Merkle, Jake Daubert, Dick Hoblitzel and Edmie Konetchy.

Some first basemen this quartet. Every one is a star of the first magnitude, and all are young men with their best days still ahead of them. All are lusty clubbers, as all first basemen should be, and hammer the old ball all over the lot. However, unlike some of the slugging first basemen of old, all these four men are among the leading speed merchants in the National league.

It is hard to decide which one is the star of the quartet. Manhattan fans swear by Fred Merkle, and Brooklyn fans can see only Jake Daubert, while Cincinnati and St. Louis fans believe "Hobby" and "Koney" have no superiors.

Perhaps no ball player, unless it is Rube Marquard, had a harder time to make good than Fred Merkle, and Fred deserves all the good things that have come to him in the last two years. Everybody knows the unfortunate "bone" Fred committed in 1908

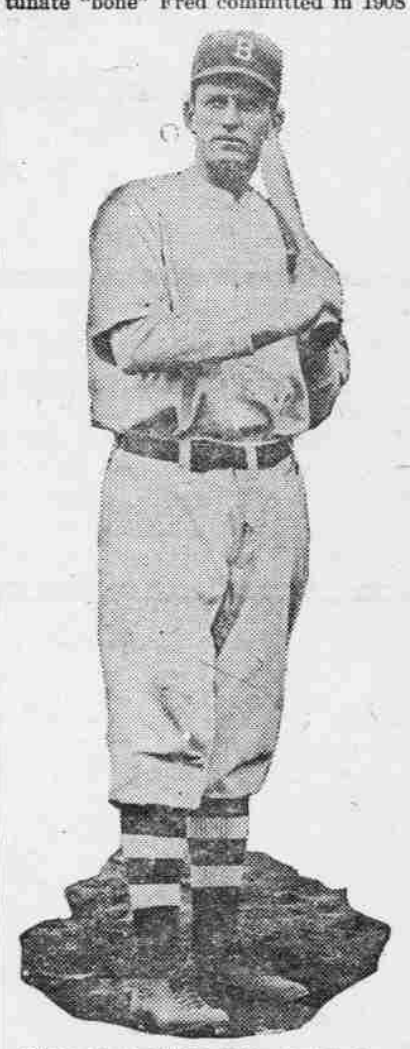


Photo by American Press Association.

JAKE DAUBERT, BROOKLYN'S GREAT FIRST SACKER.

and how it cost the Giants a championship. The fans did not forgive Fred for that lapse for a long time, and many managers laughed when Merkle was under discussion. "McGraw actually believes he can make a first baseman out of that fellow," said a prominent manager in 1909. But McGraw made a first baseman of Merkle, all right.

Jake Daubert is another star who had to fight his way to the front. Turned back by Cleveland as next of big league caliber, Jake got a chance with the Superbas in 1910. No one considered that Daubert had a chance to beat out "Home Run" Tim Jordan, but Daubert played such great ball that he simply could not be kept out of the game. He is now in his third year with Brooklyn and is getting better all the time.

Dick Hoblitzel, the clever first baseman of the Redlegs, is the most brilliant performer on Hank O'Day's roster. Cincinnati fans have to thank the old outlaw Union league for Richard. The Union league sprouted for a few months in 1908. After leaving college Dick made his professional debut with the Union. He landed with the Reds the following season and has starred for Garry Herrmann's team ever since.

Eddie Konetchy is the oldest one of these four players in big league experience, though he has been in the National league only since 1907. Konetchy, like Daubert, has been handicapped by playing with a second division team.

AMERICA'S YOUNG GOLF STARS.

There seems to be a striking difference between the ages of America's and England's greatest golfers. The British players are mostly well toward their prime, while the Americans are almost all still in their twenties. Walter J. Travis is the lone exception. H. Chandler Egan was not of age when he was the American title holder. Robert Gardner was still a Yale student when he became the greatest golfer in the country. Charles Evans, Albert Seckel, Oswald Kirkby, Jerome Travers, Fred Berresheoff and John G. Anderson are other Americans of unusual importance who are young in years, but not in campaign experience.

PORTLAND WINS IN NINTH INNING RALLY

PORTLAND, July 24.—Portland won in a ninth inning rally today. The score was 6 to 5. Sacramento made 4 in the first and it looked like the game was "sewed up."

The results Wednesday follow:
National League
Brooklyn 1, Chicago 5.
Philadelphia 4, St. Louis 5.
New York 8, Cincinnati 7.

American League
Cleveland 11, Boston 6.
Chicago 3, New York 4.
Pacific Coast League Standings

Team	W.	L.	P. C.
Vernon	65	41	613
Los Angeles	59	46	562
Oakland	59	47	557
Portland	43	52	453
San Francisco	43	62	409
Sacramento	40	62	392
At Portland—Portland 6, Sacramento 5.			
At Los Angeles—Los Angeles 5, San Francisco 4.			
At San Francisco—Vernon 7, Oakland 6.			

An Ordinary Mortal.
"Engaged? Why, he seemed quite broken hearted when the other girl refused him."
"Well, he's like the average man. It wasn't long before he was looking for a consolation prize."

BITULITHIC AWARD AT HILLSBORO
Citizens and Taxpayers generally Seem to Appreciate What Good Streets Do for a City

Hillsboro continues in the progressive column. At the recent meeting of the city council in that city, another contract was awarded for street pavement. Bitulithic will be used.

Ever since the first Bitulithic pavement was laid in Hillsboro, the citizens and taxpayers have gradually been lining up in favor of paved streets everywhere, and now it is almost a universal sentiment. A good share of the credit is due to the character of the pavement used—Bitulithic—and to the council which originally named this kind of pavement for the streets of Hillsboro.

This contract was awarded to Bitulithic in the face of the fact, that all Bitulithic awards necessarily are, that many other "just as good" pavements were offered at from 50 to 100 per cent less.

The people of Hillsboro very wisely prefer "yet the other fellow" for the experimenting.

Stories from Out of Town

TWILIGHT

Mrs. Frank Black entertained a number of friends at her home Sunday evening at dinner. The occasion being her husband's forty-ninth birthday anniversary. Mrs. Black proved herself to be a genial hostess. The friends of Mr. Black wish him many happy birthdays.

Fred J. Meindl and family of Sellwood and Mr. James Taylor, of Portland were Sunday guests of Mr. and Mrs. George Lazelle.

Mrs. Earl and children of Albany, daughter of L. J. Hyton are here to spend the summer.

George Lazelle has let the contract for clearing five acres of land.

Miss McNaughton, of Seattle, is making a week's visit with her friend, Miss Marie Harvey.

Russel of California is visiting his daughter, Mrs. Olds.

Mr. and Mrs. William Estes went to Kelso, Washington, Sunday to attend the funeral of the son of John Estes of that place.

Mr. Chandler has his new house nearly ready of this week.

D. W. Gillett is building a fireplace in Mr. Chandler's new house.

J. L. Matlocks is suffering from a broken arm.

Mr. and Mrs. Ed Cleveland who are journeying by auto from Bellingham, Washington, in California, are camping this week in Dix Bros.' grove.

Mrs. Fred Bullard stayed all night in town with her sister, Grandma Schuebel who is quite poorly of rheumatism.

Mrs. E. A. Seeley, of Meldrum, spent Wednesday of this week visiting friends in this vicinity.

Misses Hazel Francis and Emma Vanhoy are camping at Seaside.

Mr. Garner of Eleventh and Taylor street is building a new wood shed.

Mr. and Mrs. Willie Juud of Centerville are visiting friends here last week.

L. J. Francis of Tualatin was visiting relatives here last week and attended the chautauqua at Gladstone.

Will May re-shingled his house on Grant Street last week.

Mrs. S. L. Smith and children have gone to Montville to visit her mother, Mrs. Noble, before going to Tillamook to join her husband.

Mr. and Mrs. Lewellen are at home again after spending ten days at the chautauqua. Mr. Lewellen being the gatekeeper.

J. B. Patrolough has gone to the mines again for the summer.

Mr. and Mrs. R. M. C. Brown have their new house finished and nearly furnished ready for occupancy.

Mrs. Walter Simpson received word this morning of the serious illness of her father, St. Straight.

Grandma Grant is seriously ill of paralysis at the home of her daughter Mrs. Will Clark on Duane Street.

MOUNTAIN VIEW
We are having a shower again after the hot weather of last week. The thermometer register 96 degrees.

Miss Lennie Ott is able to be up again after her seizure of pneumonia.

W. T. Smith, our rural mail carrier is off on his vacation this week and D. F. Adcock is carrying the mail in his place.

Mrs. J. Barto and relatives from the East spent Saturday and Sunday at Seaside.

Miss Emma Vanhoy of Goldendale visited here with her parents last week.

CANBY
Joseph Stefani and bride returned from Italy Monday night.

A. V. Butterfield has returned from the Coast. He reports such cold weather there that he was glad to get back to Canby.

E. C. Echols, of the Canby Canal Co., made a flying trip to Portland Monday on business.

M. J. Lee went to Portland Tuesday on business.

Dr. A. T. Murdy has just completed a trip to Mount Hood with the Mazamas Club.

Fort Ross, California; J. Zeek, Jr., of Paulina, Oregon; George Zeek, of Hubbard, Oregon; Elmer and Arthur Zeek, of Canby. Interment took place at the Zion Cemetery, July 15, and the funeral sermon was conducted by Rev. A. Scott Bledsoe, of Kansas City, Missouri.

A large number of friends from Canby attended the funeral and the floral offerings were beautiful, the grave being completely covered.

Mr. and Mrs. Yergen autored to Gladstone Saturday.

Mr. and Mrs. Dick and Mr. Dick's sister went to Newport Saturday, returning Monday.

Mr. Hewitt and family were Newport visitors over Sunday.

Work is progressing rapidly on the new electric railway from Canby to Liberal.

LOGAN
Farmers think this is the limit in the weather line, and if it does not improve soon many will lose their hay crop.

Gerber Brothers have started their hay baler, had to go to Portland employment office to get men to help do the work.

We are puzzled to know where the fire was at Clear Creek. Have been informed the whole fire brigade with forty-eight gallons of fire quencher, were out last Friday, but all efforts to locate the blaze are without avail.

At last the bridge piers are completed and we hope the approaches and floor will soon be ready for use. But if it takes as long as the other work, it will be quite a while yet.

Sunday, the little daughter of Mr. and Mrs. Brehm, of Redland, was laid to rest in the cemetery here, having died of spinal meningitis.

Springwater defeated Logan 4 to 2 Sunday.

News is somewhat scarce as farmers are too busy now making hay or trying to.

Clear Creek Creamery is looking for a butter maker. Mr. Smith wants to take a much needed vacation.

The Live Wires are to inspect the bridge site at Barton Thursday.

Quick Decision.
Farmer to one of his inborers, who had come home after his first training in the militia—"Which would you rather be, a soldier or a farm hand, Paddy?"
Pat—"A soldier, of course, Farmer—And why so, Paddy?"
Farmer—"You see, you'd be a long time working for a farmer before he'd tell you to stand at ease.—London Tit-Bits.

OUTINGS IN OREGON

VIA THE



To The Beaches, Springs and Mountains

Round Trip Fares Excellent Train Service and Low

If you are looking for an ideal place to spend a portion of the summer, where you can find rest, health and recreation, the outing resorts reached by the Southern Pacific are par excellence.

Newport—Yaquina Bay, Tillamook County Beaches, Crater Lake, Coolest Springs, Shasta Springs, Cascadia, Brettenbush Hot Springs and many other springs of more or less note.

Low Round Trip Tickets

With long limits on sale daily to the above resorts. Our booklet, "Vacation Days in Oregon" describing these and other outing places can be obtained from any Agent, who will cheerfully furnish information as to fares, train service, etc., or a postal card to the undersigned will receive prompt attention.

JOHN M. SCOTT
General Passenger Agent, Portland, Oregon.

Loose Leaf

Systems and Devices for every kind of business and profession. A phone call will bring us, or, better still, come in and view our modern plant.

OREGON CITY ENTERPRISE