

## COURTS ARE FOR ALL

Judge Williams Would Have Litigants Pay Less.

TAXPAYERS SHOULD BEAR EXPENSES

Courts Are Part of the Government and Should Be Open to Poor as Well as Rich.

Judge Williams says his resolution touching the reduction of the expenses of litigation in the courts, which was adopted by the Bar Association Wednesday, was chiefly for the purpose of relieving the poor. The resolution of the association adopted a year ago in which the repeal of the statute requiring plaintiffs to advance \$12 a day for a jury was specifically urged. There are other court expenses that he thinks should be reduced or abolished, therefore he made his resolution more general, as follows:

Resolved, That it is the sense of this association that the expenses of litigation in the Circuit and Supreme Courts of this state ought to be reduced, so that the courts may be open equally to the poor and the rich.

Judge Williams was asked yesterday what particular reductions should be made in court expenses and he mentioned the \$12 jury charge and the fees for reporters in the Circuit Court, and the filing fee of \$5, and appearance fee of \$10 required in the Supreme Court. He thought there were others, but did not have them in mind at the moment.

"That \$12 a day charge for a jury I regard as an outrage," said the Judge. "Why should not the jurors, as well as the judge, be paid by the state? The courts are a part of the government and if the people cannot support a government they would better abandon it. If the courts are to be made a means of raising revenue, why not make other branches of the government also money makers?"

"The courts of the country ought to be made as free as possible for the poor, for rich and poor, for we must all look to them for protection of our lives, our liberty and our property. People should have the right to appeal to the courts without submitting themselves to ruinous expenses. The courts are really the most important part of the government and they should be supported by general taxation, not by a special tax on the litigant, a taxpayer, a large taxpayer in this community, but I don't believe in shutting the courts against poor people, and that is just what the present law does."

"The fees of reporters in the Circuit Court are excessive. The \$10 per diem in addition to the fee for extending notes is too much. The charge is now left largely in the discretion of the court, the law should reduce the limits of that discretion so as to bring the court reporters' charges within reasonable figures."

"Then when an appellant goes to the Supreme Court he must deposit a fee of \$25 for filing his transcript and the respondent must deposit \$25. Both these fees ought to be abolished. Other expenses of the court ought also to be reduced. The Supreme Court ought not to be made a means of raising revenue to the state, which seems to be contemplated by present laws. The purpose of the courts is to get justice for the citizen, not to yield a source of revenue to the state."

"Two or three years ago I read a paper before the Bar Association embodying my views as to a practicable plan for reduction of the expenses of the courts and getting sure justice. It was to abolish juries altogether and have causes heard by benches of three judges, who should find what the facts were, and then the Supreme Court could be asked to apply the law to the state of facts thus found. This would, I believe, better subserve the ends of justice than the present system. It would be quicker, more definite and free from most of the annoyances that now serve to make litigation expensive and unsatisfactory. Why, for example, should a case that is completed to try a case involving this Chamber of Commerce building worth \$200,000 to \$300,000, not be sufficient to try a case growing out of a dispute over a horse? But when the horse case comes on a jury must be called and the lawyers will haggle and quibble over its selection, the time is wasted, and the expense is piled up and in the end the verdict is more likely than not to be the result of prejudice or personal feeling, or a haphazard compromise of some sort or other. Justice is hardly an element in it. In order to make progress at all the judges decide most questions without reflection. Cases go to the Supreme Court and more than half of them are reversed and frequently most of the expense and worry have to be gone through again."

"Possibly it might be a good thing to reduce court expenses to reasonable figures and then reduce the plaintiff's liability for the costs in case he should lose. This would not be difficult and would hardly keep a just cause out of court, but with the present excessive charges and the uncertainty as to when they would lead it would be a hard matter to get securities for a poor plaintiff, even with a good cause."

"I am sure a bill embodying the spirit of the resolution would be presented before the Legislature next January. This will have the united support of the Bar Association and very many others. I believe something will be done to reduce the present excessive charges to reasonable figures. I know there are those who hold contrary opinions, but this is the view I take of the matter and I think most of our citizens would look into the position with agree with me."

**Clearing More Land.**

The clearing of new land on the Base Line road in the vicinity of the Twelve-Mile House, is progressing this fall at a lively rate, and there will be an increased acreage for spring farming in that neighborhood. Captain Brown has just let a contract for clearing 15 acres of land on his farm, and John H. Hall is having considerable clearing done on his farm. A contract has been let for the cutting of the timber of the Buckman tract, on the Base Line road, which will take about a year in carrying out. In

## SHIPPING ORE TO DENVER.

Need of a Portland Smelter Once More Demonstrated.

The Simmons group of gold mines, in the Cornucopia district, in Union County, have been shipping ore to Denver for some time at a cost of \$21 per ton, and making it pay, according to A. G. Simmons, one of the owners, now at the Perkins. Mr. Simmons said yesterday that the ore had been freighted in wagons all summer from

the mines to Baker City, 80 miles distant, at a cost of \$18 per ton, while \$6 per ton paid the rail freight from Baker City to Denver. As the ore goes as high as \$400 per ton, a goodly margin is realized, even after hauling the rock over rough mountain roads. Four and six-horse teams are used and trail wagons render the uphill hauling easier, as the second wagon can be left at the foot of a hill while the team is hauling the leading wagon up. The freighters, he said, make good wages, having full loads of general merchandise on their return from the railroad to the towns of Cornucopia. Teams were scarce last season and many more men and horses would have been employed had they been available. Ore-hauling has just been suspended for the winter, on account of the roads being rendered impassable for heavy loads, the fall rains having softened them very much, and the snow piling up on the mud formed a muck that effectively closes all progress.

The Simmons mine has been sunk to a depth of 300 feet by an inclined tunnel, which follows a ledge 19 feet in thickness. This ledge pitches at an angle of 40 degrees and the ore is hauled to the mouth of the tunnel with the aid of a capstan.

The mines in the Cornucopia district, Mr. Simmons thinks, will yield an enormous amount of ore, when fully developed, as the ledges are very large, and the rock is often extremely rich. When a railroad penetrates the locality from some point on the O. R. & N., miners will feel encouraged to go on with the work of getting out ore, as it can be shipped much cheaper and in greater amounts than by the present slow method of wagon freighting.

## FOOTBALL TOMORROW.

Multnomah's First Eleven Will Play Chemawa Indians.

The Chemawa team, which gained such a decisive victory over the Multnomah second eleven last Saturday, will play the club's first eleven tomorrow afternoon on Multnomah field.

That the team will have a hard game to wrest a victory from the school team is admitted by every one that witnessed last Saturday's contest. The Indians have new men in their line-up tomorrow. Stansbury, Mathews and Stiles, will all play at end, at least a part of the game.

From the result of this game a good comparison can be made of the relative strength of the Salem and Multnomah teams. Keller may be tried at center, so as to give Harmer a chance at right guard.

It is to be hoped that McKinnon may be able to play in this game so that he may have the benefit of the practice of Thanksgiving day.

That the team mentioned that McKinnon is perhaps one of the best guards that Multnomah ever produced. His playing in the Olympic games last Thanksgiving was very much of that of his heavy opponent.

An effort will be made to get Abendroth out before the season closes.

## NORTHWEST FENCIBLES.

WASHINGTON, Nov. 15.—Fencibles have been granted as follows:

Oregon—Increase, Paul F. Minzenmaler, Salem, 35; Green J. Ross, East Portland, 12; Original, Adam Fisher, Roseburg, 8; Increase, John Prior, Prineville, 16.

Washington—Original, Charles S. Mason, Pullman, 12; George Zinn, Pomeroy, 9; War with Spain, Ralph Winkler, Vancouver, 35; Frank P. Hicks, Spokane, 35; Edward K. Erwin, Spokane, 11; John U. Klein, Spokane, 8; Original, William Young, Moscow, 12. This service is in addition to the seven other personally conducted by R. G. W. Ry, in connection with the D. & N. R. Co. R. J. P. Illinois Central, to all points East.

For tickets, information or literature, contact agent, 23 Washington street, Portland, Or.

## ADDITIONAL TOURIST SERVICE.

The rapidly increasing travel via the Rio Grande Western Railway has necessitated inaugurating another through tourist car line to the East. The new cars leave Salt Lake every Wednesday, via the Colorado Midland and Burlington Route, without change of cars, making connections with trains leaving Portland every Monday. This service is in addition to the seven other personally conducted by R. G. W. Ry, in connection with the D. & N. R. Co. R. J. P. Illinois Central, to all points East.

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## LUNRUP'S GUN DISABLED

POINT MADE BY DEFENSE IN KEUTEMEYER'S TRIAL.

Shot From Defendant's Gun Entered the Old Man's Gun and Prevented His Using It.

Captain W. J. Riley gave important testimony for the defense at the Keutemeyer trial yesterday, which was that shot which entered the cylinder of the pistol which Lunrup held pointed at him, and stopped it from revolving. Accordingly one of the shots fired by Keutemeyer from his shotgun struck the pistol which Lunrup held pointed at him, and this discredited the evidence of William Layfield, the principal witness for the prosecution, that Lunrup held the pistol by his right hand, and that he was the one who fired the shot which entered the cylinder of the pistol, and it shows on the cartridges, and some

## AT THE KUETEMEYER MURDER TRIAL.

DISTRICT ATTORNEY CHAMBERLAIN CROSS EXAMINES A WITNESS.

ED MENDENHALL, ATTY FOR THE DEFENSE.

W A KUETEMEYER, THE DEFENDANT.

QUESTIONS HE STATED THAT HE WAS INTERROGATED IN JAIL BY MR. MANNING AND DETECTIVE FORD, AND TOLD THEM ALL HE KNEW, AND DETECTIVE FORD SAID TO HIM: "YOU KNOW YOU ARE LYING. IF YOU DON'T TELL THE TRUTH YOU WILL GET INTO TROUBLE."

The witness was also subjected to a searching cross-examination by the District Attorney in an effort to show that some of his statements before the Coroner's jury varied somewhat from his present evidence. At times he became confused, but on the whole he did not change his evidence materially.

Jonathan Moore, John Moore, Thomas Ross and others testified that the reputation of Lunrup for being a quarrelsome man was bad, and the District Attorney showed on cross-examination that Lunrup's principal trouble was with the Keutemeyer family, except a row he had with Nick Anderson, who beat him badly with a club. The defense contended that Lunrup shot at Anderson.

Al Salmon testified that he examined Lunrup's pistol and three cartridges showed marks of having been snapped on. The testimony in chief of the defense is nearly all in.

## AWARDED \$500 SALVAGE.

Speckels & Co. Win Suit Against Schooner Berwick.

The libel suit of Speckels & Co. against the schooner Berwick came up for final hearing in the United States Court before Judge Bellinger yesterday. Charles W. Fulton appeared for the libellants, and John M. Gearty for the defendant. Judge Bellinger decided in favor of the libellants, awarding them salvage in the sum of \$500.

The schooner Berwick, laden with lumber, in coming out of the Nehalem River, struck on the bar and sprung a leak. She undertook to run into the Columbia, and was met by a steam tug, which towed her to the river. Some time during the night, libellants assert, the Berwick made signals of distress, which were seen by the watchman on one of Speckels' tugs, lying at Astoria, and he reported the tug and towed the Berwick in.

The captain of the Berwick says he did not make signals of distress, but it was testified that when the tug towed her into the river, a glowing light attracted the attention of the tug. The owners of the schooner offered to pay \$100 for being towed in, and the tug's captain offered to take \$200, although alleging that the schooner was damaged. The award of \$500 as salvage will probably be satisfactory to all concerned.

## Court Notes.

Frederick A. Strong was appointed administrator of the estate of his father, Curtis C. Strong, deceased, valued at \$100. The heirs are the widow and children.

Default orders in the following divorce cases were made by Judge Cline yesterday: Matteo Refraro vs. Magdalena Refraro, Martha Morrison vs. Horatio Morrison, and Dominic Zane vs. Alice J. Zane. Frank J. Super, of Portland, machinist, yesterday filed a petition in bankruptcy in the United States Court. His liabilities amount to \$772.48. He has no property except household goods of the value of \$300, which are exempt.

In the United States Circuit Court yesterday, in the case of Cora E. Walker vs. the Connecticut Mutual Life Insurance Company, a motion to strike out parts of the complaint was argued and taken under advisement by Judge Bellinger.

W. F. Minard, of Roseburg, saloonkeeper, yesterday filed a petition in bankruptcy in the United States Court. His liabilities amount to about \$600. His assets consist of liquors, card tables, stud poker tables, etc., the value of which is not stated.

The suit of H. H. Goss against Oliver F. Hussey, for \$10,000 damages for alienating the affections of plaintiff's wife, Rheda Goss, was dismissed in Judge Bellinger's court yesterday. The motion of William Reid, attorney for the plaintiff, who stated that his fee had been paid. The matter was previously settled by the parties, and the payment of the attorney was the last act in the proceedings.

## SKETCH CLUB EXHIBIT

SUCCESSFUL OPENING YESTERDAY AT THE LIBRARY BUILDING.

Studies in Northwest Scenery, Sand Dunes, Summer Fields and Forest Nooks and Portraits.

Much interest is being shown by art-lovers in the exhibit opened yesterday afternoon by the Portland Sketch Club. The west room upstairs in the Library building is filled with interesting studies in oils, water-colors and black and white, interspersed with heads modeled in clay by the members. All the casts in the room are the work of Portland artists, who have taken up this new branch of work under Standley in the last few months, with great enthusiasm.

## DEATH OF A FORMER RESIDENT.

William H. Abernethy, a young man of 37 years of age, formerly residing on the East Side, died at Tacoma Saturday, November 17, after a lingering illness. He was a grandson of Mrs. Mary Buffington, who died there last year. The cause of death was a heart ailment. He had suffered since he was five years old from a heart ailment, and finally died from the effects of the ailment. He was a native of Oregon, and had lived in East Portland for several years.

Can Place No Fire Hydrants. The Fire Commissioners will be unable to place a fire hydrant at present on the corner of East Twenty-eighth street and the Sandy road, the point where the new six-inch pipe line ends. There is no room for fire hydrants, although there are many old-fashioned fire hydrants in the neighborhood. The commissioners are practicing the closest economy in order to place a hydrant at the corner, but they are unable to do so.

East Side Notes. Mrs. J. J. Ross, Mrs. A. G. Galey and Miss Bertha Stauff left for San Francisco last evening on a visit. They will be absent for several weeks.

James H. Bruck, who has been seriously ill at his home on East Sixteenth street, was reported yesterday as improving slowly. He is now able to sit up.

F. L. Kennard, who has been ill a long time, continues to improve, and his friends look for his complete restoration. He has been out of the hospital over a week.

Work was improved yesterday on East Grant street, which is being improved from East Seventh to East Twelfth. No grading could be done, but the street was cleaned, and the work was improved with a gravel road.

Dr. Wiese, room 64, The Dekum.

## SITE FOR BIG FAIR.

University Tract and Building Is Offered Free.

Portland's proposed American-Oriental World's Fair of 1908 has been given its first big boost by the University of Oregon, which offers the use of its 70 acres of grounds and large four-story brick building free to the fair promoters during the exhibition, and after it is over will donate the building to the city of Portland for a free museum. This building is 60x120 feet on the ground floor, and commands a most magnificent view of the Willamette River, and the City of Portland, on the south, while on the east and north several snow peaks are in plain sight on clear days.

The accessibility of the university building and campus by street-car and boat, F. T. McKenna, manager of the land company, said yesterday, "renders the site the most convenient that could be obtained. The institution was used for several years as a place of instruction in its commanding position and natural beauty of surroundings were popular themes with the faculty, students and visitors. The campus lies along the east bank of the Willamette River, and covers a hundred yards of the motor line of the City & Suburban Railway, where the passenger is placed within a few minutes from Portland."

With a state appropriation of \$250,000, and a National appropriation of \$500,000, the success of the exposition will be well assured, as the 70 acres of campus will enable the city to erect the necessary buildings and give ample room to each. There is now no reason why our citizens cannot take the matter up and carry it to its consummation."

## DOUBLE DAILY SERVICE.

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Call at O. R. & N. ticket office and get rates, etc. Office No. 1032 street, corner Oak.

## THE FEELING PAINTED.

PARIS, Nov. 22.—A dispatch to the Times from Rome says the Pope yesterday visited the Basilica of St. Peter's and experienced such fatigue that he had to take to his bed. It is further claimed that he fainted twice.

## CLAIMANTS HAVE AGREED.

Plan to End Litigation in Abraham Estate Contest.

The claimants to the estate of James Abraham, which has been in the courts for a long time in different forms, have come to an agreement as to the settlement of the estate without further litigation. It has taken many years to bring about this compromise, but those interested say that it has been accomplished, and unless the unexpected happens there will be no further trouble among the claimants. They realized that the property would not be dissipated if the matter could not be compromised and there would be nothing left for anybody. It will take some time to bring about the final settlements under the compromise that has been brought about, but there are no more serious matters to be thought of. W. F. Burke, the administrator, is to sell the property, which is in East Portland in the shape of lots and a house, and also farming lands in Josephine, Jackson and Benton Counties, and quartz mines. At the last meeting of the official board of Censitary which is the board of the estate, against the estate, a resolution was passed endorsing the action of the committee having the matter in charge.

Fred H. Kinsey. The funeral of Fred H. Kinsey, who dropped dead in the Courthouse Tuesday, where he was acting as a jurymen, took place yesterday afternoon from his late home, 461 East Ankeny street. Mr. Kinsey was a member of Hawthorne Lodge, No. 111, A. F. & A. M., and the services were held under the auspices of this lodge, a large number of members turning out in their regalia. The parlors of the house were occupied with neighbors and friends of the family. The casket was borne by a crew of four, and was followed by Rev. Robert McLean, pastor of the Third Presbyterian Church, conducted a brief and appropriate service, speaking very kindly of the deceased, and his father and father-in-law. The pallbearers were: G. H. Gill, G. Hardy, James Humphrey, George Woodward, H. C. Fisher and Philip T. C. Jones. The remains were conveyed to Lone Fir cemetery, and buried with the ceremonies of the Masonic fraternity. The deceased had been a resident of Portland 25 years, and was in the employ of the O. R. & N. Co. at their repair department. About two years ago he built his home on East Ankeny street, and his prospects for many years of life were considered excellent.

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## FAVOR \$4 ROAD POLL TAX

LAST SUGGESTION OF COUNTY JUDGES AND ASSESSORS.

Most Successful Meeting They Ever Held Closed With an Interesting Session.

The fourth annual convention of County Judges and Assessors adjourned yesterday afternoon, after the most successful session of the body since its organization. The following suggestions for the year 1907 were adopted, in addition to those published yesterday:

"That all road taxes should be collected in cash; that the state poll tax be abolished and the amount of said tax be added to the road poll tax."

"That a road poll tax of \$4 be due and collectible from all male inhabitants of the State of Oregon between the ages of 21 and 50 years, at any time between the first day of February and the first day of the following February; that the Road Supervisor or his deputies shall collect said \$4 from every person liable to pay the same, or by proper legal notice on their employer. Active or exempt firemen or state militia to be exempt from the payment of said tax, and that the refusal to pay it be made a misdemeanor, with the penalty affixed."

"That the present law providing for the election of Road Supervisors be repealed. That the collection of the recap-bounty tax for the year 1906 be enforced."

"That legislation should be enacted enabling the district counties to purchase real property when sold for delinquent taxes, and that such counties be authorized to dispose of the same by sale or otherwise."

"That all road or poll tax receipts shall be issued by the state, to the district counties; the receipts to be uniform in size, and a fac-simile of the state seal affixed. Receipts and stubs to be carefully numbered."

The committee appointed to draft a bill on assessment and taxation in conformity with the resolutions of the convention was as follows: Judges M. C. Gage and L. H. Maxwell, of Multnomah; Judges Thomas F. Ryan, of Clackamas; Judge J. H. D. Gray, of Clatsop; Judge A. G. Bartholomew, of Morrow; Commissioner C. C. Blum, of Clatsop; and Assessor J. W. Hobart, of Marion. This committee is to wait upon the Legislature.

Judge Bartholomew was unanimously elected presiding officer for the ensuing year, and J. H. D. Gray was re-elected secretary by acclamation.

The secretary was authorized to have 500 copies of the proceedings printed for distribution among the members of the Legislature and those connected with the convention.

After a vote of thanks to the presiding officer and secretary, the convention adjourned, to meet on call of the chairman.

## DAIRYING ON GRAY'S HARBOR.

Country With a Future as Milk and Butter Producers.

James Karr, a pioneer of Gray's Harbor, registered at the Perkins from Hockam, is engaged on the land, and considers the locality a model one for the milk and butter business, though the spruce timber has to be cleared. He does not consider the clearing of land such a formidable task as it once was, as he has been using a 40-horse power tractor, which has dragged trees down bodily and drag them into a pile. One setting of the donkey, he says, will enable the hands to clear off four acres of land, and he has cleared a considerable distance in all directions. He estimates the cost of clearing bottom lands in this way at \$10 an acre, while the cost of clearing spruce timber is \$200. The land pays well for clearing, as three tons of hay to the acre can be made each season, and the cost can be paid on the hay. He is a goodly portion of every year, as well. He sows timothy and red top, and after the hay is made and put away, Mr. Karr is fond of making the hay and mixing it with alfalfa. The idea of cooking hay will probably be new to many dairymen, but Mr. Karr has found that the operation pays well for the trouble. The hay is used for the purpose, and steam pipes connect this with a boiler. The cooked hay is much relished by the milk cows, and the milk is of a better quality. The hay is used for the purpose, and steam pipes connect this with a boiler. The cooked hay is much relished by the milk cows, and the milk is of a better quality. The hay is used for the purpose, and steam pipes connect this with a boiler. The cooked hay is much relished by the milk cows, and the milk is of a better quality.

Gray's Harbor weather is not the best to be endured for curing hay. He says on account of the constant dampness, but Mr. Karr ships in considerable alfalfa hay from Eastern Oregon every year, at a cost of \$10 a ton. The hay is of a good weight and sweet, is fed without having been cooked.

## PERSONAL MENTION.

W. H. Hobson, a merchant of Dayton, is at the St. Charles.

H. B. Parker, a hotel man of Astoria, is registered at the Perkins.

W. H. Leoda, State Printer, registered at the Imperial yesterday from Salem.

Van B. Delashmuth, ex-Mayor of Portland, registered at the Imperial yesterday from the Delashmuths, a Klama, Wyo. millman, is registered at the St. Charles.

F. D. Kuetner, of the Astoria & Columbia River Railroad, is at the Imperial with his wife.

J. H. Booth, Receiver of the United States Bank at Roseburg, is registered at the Imperial.

A. K. Petrona, keeper of the North Head, Wash., is at the St. Charles, accompanied by his wife.

Hon. W. S. Newbury, of Sumpter, who has been in Portland for the past week, returned home yesterday. Mr. Newbury worked up a good deal of popular interest in the mining properties in the Bumpier district while he was here.

NEW YORK, Nov. 22.—Northwestern people registered at New York hotels today as follows:

From Portland—O. W. Rosendale, J. H. Marshall, at the Astor; L. J. Goldsmith, at the Arlington.

From Seattle—L. D. Sayers, at the Broadway Central; Mrs. F. E. Pull, at the Grand Union.

From Spokane—E. D. Allen, at the Burthold.

Mayor Van Wyck's Callers.

NEW YORK, Nov. 22.—Mayor Van Wyck has had an unusual number of callers of late. The more prominent have been Mark Twain, Senator William F. Mackay and the late Senator of Kansas, Mr. McSadaid, member of the House of Representatives of Japan, and Dr. J. R. Otsuki.

Vice-President of Kansas, Mr. McSadaid, named two are traveling through the United States studying the conditions here in order to follow the best plans to the government of their own country.

At the request of the Japanese Consul the visitors received letters of introduction to the heads of all departments, with a request from Mayor Van Wyck that every courtesy be shown them, and that they be allowed to study the workings of the respective departments.