## TELLS OF BURGLARY

Elizabeth Busch Relates a Strange Tale.

Court Holds Frank J. Schurtz to the Grand Jury on Testimony of Fourteen-Year-Old

Elizabeth Busch, a slip of a girl aged is years, mounted the witnes stand in the Municipal Court yesterday morning and to Judge Cameron related what is per-haps the most welrd and remarkable story ever told in that room, where so many strange tales of human interest are heard. Elizabeth was the star witness against Frank J. Schurtz, next-door neighbor to her family, living at \$22 North Seven-icenth street. He was charged with burclary, but so strange were the features surrounding the case that it is easily the most remarkable made public in police

ries for years in Portland.

At 10:30 o'clock the night of September I was awakened by a frightened outfrom my little sister, Freta," said abeth. "I leaped from my bed to floor. Sister screamed, "Get out of Then I saw a man; he was Some to me. He said, Lizze, where is your father's money? I replied. In the blacksmith shop, I said, "Is that you, Mr. Schurtz?" He answered, 'No; who is Schurtz?" I recognized his voice, then his watures. I am positive the man was afr. Schurtz. I smelled some odor in the room, it was afterward shown me by Detective Hariman; it was chloroform. I started o go to my father's room, and the man jumped out of the window and ran. I called father, and told him what had

Watts drew forth from Elizabeth the fact but she could not identify Schurtz by his ace, and that she had told many of her riends that she desired to become a lawer. She emphatically denied telling any that she was "going to work up a

Freta Busch, aged I, took the stand, but he thought she was half asleep during he strange occurrence, and because of his could not give positive evidence. She selected she did scream, as her sister tes-ind, but was not sure. She was almost cositive that she felt a hand laid upon her face, and thought that was what swakened her, but that might have been a dream, she said.

Ned Munger, a druggist at 335 Seven-beath street North, swore that Schurtz micred his store at 18055 o'clock that aight and purchased 19 cents' worth of chloroform, saying he was going to kill

Detective Hariman, who handled the case for the police, swore that he secured some chloroform, and, without telling Elizabeth Busch what it was, gave her whiff of it, and asked her if that was th whill of it, and asked her it that was the peculiar odor she smelled in the room the night of the burgiary. She said it was. Hartman size said that when he went to serve the warrant on Schurtz, the latter, before being informed for what he was wanted, said he supposed it was for the burgiary in the Busch home.

When Schurtz took the stand he admit-

When Schurtz took the stand, he admit-ed going to the drugstore and making the urchase of chloroform. He said he used be drug to kill a cat and to use on a orse. He had worked for the Oregon cansfer Company for ten years, he said. he worked until 9 o'clock th burglary of which he was chatted with his stepson a while nt to sleep. He said he heard a ance shortly afterward, but paid fore he knew of the burglary, he swore, and then Busch accused him. That was how he suspected, he said, that Detective Hartman wanted him for that crime. He denied emphatically ever entering the

Daniel Schurtz aged 14 years testified that when Schurtz came to bed that night he laid his head, as usual, on his step-father's arm. Awakening quite a length position, he said.

So peculiar were the circumstances, as related by the witnesses, that Judge Cam-eron held Schurtz to the grand jury.

Although City Attorney McNary did not order the release of four young men cap-tured in a raid by Sergeam of Police Baty and Acting Detective Hillyer, at J. W. Reifenrath's saloon, last week, they were discharged by Judge Cameron resterday, with the consent of Deputy City Attorney Fitzgerald. Reifenrath, as proprietor of the establishment in which the alleged poker game was running, was fined \$25-the minimum. In addition he was warned not to permit such a thing to occur again. or his fine would be heavier

Those arrested were B. A. Powers, J. E. Boyne. James Day and J. French. Patrick Powers, the Democratic warhorse, called on Clerk Hennessey and declared his intention of "making it hot" for the city officials, unless they should release his son, as was done in the case of wealthy and prominent citizens of Portland and Oregon recently, when they were captured by Detectives Carpenter and Resing in a poker game in the Imperial

Tom Roland, charged with assault and battery, and who bit a chunk out of J. Verniere's cheek, was found guilty by Judge Cameron and fined \$25, which he promptly paid, \* \* \*

Attorney Watts addressed Judge Cameren concerning the filing of a complaint by Joe Day, assistant to Headquarters Detective Vaughn, against Dr. H. E. Ployd. Mr. Watts objected to this being done, as, he said, the alleged offense was committed in Humboldt County, and he siways thought that complaints against persons charged with crimes had to be filed where the offense alleged occurred. The case will be berd this morning.

Gunder Olson is the first man who ever entered police headquarters in this city and gave himself up because he feared he might get drunk. He did this Sunday might get drunk. He did this Sunday night and Judge Cameron fined him \$2

There being not a particle of evidence against Frank Gonzales, the man returned to this city from Denver at considerable expense to the state, on a charge of lar-ceny and an allegation of murder, he was discharged from custody by Judge Cam-

sterday morning. Wilson signed a complaint charging Gonzales, a former roommate, with stealing a coat and vest, which he said in the complaint was valued at \$35. He admitted, however, when cross-examined by Attorney John F. Watta that he paid only \$35 for the entire suit when he pur-chased it. A man on whom the prosecution practically rested its whole case "fell down" and falled to identify Gonzales as the man who pawned a coat and vest

several weeks ago.
After the case washdismissed, Mr. Watts stated he purposed filling a suit against Deputy Sheriff Cordano, who is said to have been active in securing the return of Gonzales, but who was unable to furnish a scantilla of evidence.

Milwaukie Country Club.

Eastern and Seattle races. Take Seliod and Oregon City cars, First

## SOME PROFIT IS NECESSARY!

Reason dealers cannot sell 6 Tom Keenes for a quarter

handling the finest quality at lower profits instead of pushing inferior brands at larger margins. For the benefit of such dealers we frankly inform the public that the cost of the Tom Keene is so much higher than that of other 5-cent brands commonly sold that the dealer makes only a marginal profit in one sale at 5 cents. The gain is only on the bulk of a large steady sale. Practically all profit would be sacrificed If six Tom Keenes were sold at 25 cents.

So please don't ask it.



We are advised that it is suicidal in us to

publicly acknowledge these facts and still more antagonize those dealers who are fighting the brand on account of its close profits. As they do not like to pay the price, they knock the cigar you want and push inferior brands at larger profits. But the consumer is taking care of us very satisfactorily.

IT'S UP TO YOU. Jom Jeene MR. SMOKER,

to get what you want. If you want a superior cigar—genuine American Vuelta tobacco filler-with a mild, mellow aroma-that rich Java Coffee taste of Cuban Vuelta leaf-but tariff free-try the Tom Keene Cigar, 5 cents straight.

J. R. SMITH CIGAR CO., 225 Pine Street, Portland, Or., Distributers to Dealers

"run on the quiet," is not known.

Warrants were issued for the arrest of Alex E. Lodell and John Carlson, 414

North Ninteenth street; Shea & Kelly,

105-Fourth street, and William Moffat, 171 First street, for violations of the

ordinance governing the early closing and women in saloons. Judge Cameron is still firm in his de-

termination to demand positive evidence from policemen who make arrests for violations of this nature, and it is im-

would count against the accused.

SPECIAL EXCURSION RATES.

Very Low Ninety-Day Tickets East Offered by O. R. & N.

Women, from their sedentary habits, re often subject to headache and consti-

pation. These are quickly removed by Carter's Little Liver Pills.

Quo Warranto Action Against which did not work a hardship on St. Johns Councilman.

TAXPAYER GOES TO COURT

It Is Declared That Defendant Is Incligible, as He Is Not a That City.

in an effort to settle the troubles exist. ing in the government of the town of St. Johns, John Haggerty, a taxpayer of that place, yesterday filed quo warranto pro-ceedings in the State Circuit Court, ask-ing for the removal of C. D. Edwards as cilman, which office the complaint recites is usurped by Edwards.
Without Edwards, the Council consists

of six other members, who stand 3 to 2, thus creating a deadlock, and also business transacted is questionable. The facts in the case, as set forth, are that Edwards, in April, 1995, was elected Councilman for the First Ward for the councilman for the First ward for the period of one year. On July 17 following, he disposed of all his property in St. Johns and ceased to be a freeholder, thus becoming ineligible longer to hold the of-fice. Edwards on this date tendered his on July 20 the resignation was read and publicly proclaimed in the Council, but no action was taken. On July 28, Edwards gave notice in writing of withdrawal of the resignation, and at a meeting of the Council, held on August 15, the matter was considered. Councilmen Peterson, Languist and Thompson voted in favor of accepting the resignation. Councilmen Brice, Legette and Sh declined to vote. Mayor King decided the vote a tie, and things have remained in this state even since. It is alleged that the business of St. Johns is kept in a tumult, and the court is asked to declare that Edwards has no right to the office,

and District Attorney Manning appear as counsel for plaintiff. TESTS CHILD LABOR ACT

and to declare it vacant. Ogelsby Young

City Messenger Manager Claims It Is Unconstitutional.

The constitutionality of the law which provides that no child under the age of 14 years shall be employed in any factory, store, workshop, mine, telegraph, telephone or public messen-ger office, and that no child under the age of 16 years shall be employed at any work before 7 o'clock in the morning, or after 6 o'clock P. M., nor for a longer time than ten hours a day/was attacked before Judge Sears yesterday by W. T. Muir, attorney. John F. Shorey, manager of the City

Messenger & Delivers Company, was on trial on charges of requiring Fred Wagenblast, aged 15, and Edmund Holt, 14 years old, to work after 6

o'clock in the evening.

Mr. Storey contends that the work is not arduous, the boys are willing and earn good wages. The penalty for a violation of the law is a fine of \$10 to \$25 for the first offense and from \$25 to \$50 for the second offense, and imprisonment not less than ten nor more than 30 days for the third and each

succeeding offense.

Mr. Muir contended that the law is inconsistent with the constitution, and imposes a hardship upon both calldren and employers. "Suppose a boy cuts wood before 7 o'clock in the morning, he is violating the law," said Mr. Muir. "Suppose a boy wants to make 45 or 15 watering lawns in the Summer evenings, he cannot do it. The law says he must not work after 6 o'clock. There are thousands of similar illustrations." Mr. Muir covered the ground at length. H. asserted that child labor acts were meant to keep children out of sweatshops and not to prevent chil-

This law, he said, took the controi of children away from their parent and was contrary to both the Federal and state constitutions.

Robert Galloway as gued in support

of the statute, and said laws must be enforced, and that there was no law Pickpocket Is Convicted.

J. Guttman, a pickpocket, who was caught by Mrs. Tillie S. Moore, of Seattie, with his hand in her pocketbook, at the Lewis and Clark Exposition, several weeks ago, was tried and convicted by a jury in Judge George's court yesterday. The affair occurred in the Government building and Detective C. B. Peyton, who was on hand looking for men of Guttman's kind, placed him under arrest. Mrs. C. P. Adams, who accompanied Mrs. Moore was a witness for the prosperation. C. P. Adams, who accompanied Mrs. Moore, was a witness for the prosecution, In his own defense Guttman took the witness stand and entered a general denial. He stated that he was visiting the Exposition, and was walking around bare-headed, carrying his hat in his hand, at the time he was accused of attempted theft. The jury returned a verdict of guilty after brief deliberations. The Ex-position management is determined to keep the Fair free from crime, and to punish offenders, and with that object is view paid the expenses of Mrs. Moore and Mrs. Adams from Seattle to Portland and return, so that they would be here to tes-

Will Decide Cases.

Judge Frazer will decide the following Blair T. Scott vs. Washington Life in-

surance Company; motion to strike out parts of answer and motion to make answer more definite and certain. Sophia B. Keefer va J. C. Havely et al.; demurrer to answer of Minnie L. Foster. Joseph M. Manning vs. R. F. Moore; iemurrer to complaint. Boring Junction Lumber Company vs.

. W. Roots; demurrer to complaint. Charles F. Lord vs. Francis J. Heney; demurrer to amended complaint.

Martha M. Kunz vs. The Oregon Rall-road & Navigation Company; demurrer to

File Incorporation Articles.

Incorporation articles of the Midway

on a retail liquor business.

Improvement Company were filed yester-day in the County Clerk's office by Lewis H. Adams, Oscar G. Downing, Isaac Grat-ton and Charles M. Tabke: capital stock \$1000. The objects are the construction of a town hall for the use of a volunteer fire company at Midway, ste. fire company at Midway, etc. Incorporation articles of the Nob Hill Cafe Company were filed in the office of the County Clerk yesterday by Louis Chapin, John Shields and A. Shields: capital stock \$700. The objects are to carry

Concessionaires Are Sued.

H. B. Ward & Co., contractors, have sued the Alaska & Klondike Exhibit Company at the Exposition to recover \$3349 balance due for constructing to building and for extras and claims paid. The receipt of \$3000 on account is ad-

H. B. Ward & Co. have also sued the Bolossy Kiraify Venice Company for \$1909 balance due for construction work. In this case \$3000 has also been paid. Part of the claim is for alleged extra work.

Sues for Heavy Damages.

The trial of the sult of George W. Stewart against Nicolai Brothers Company, for 15,000 damages for personal injuries, was begun before Judge Cleiand and a jury yesterday, and will be concluded today. Stewart was engaged as a teamster, and alleges that he entered the mill early one morning in the performance of his duties, fell through a bole in the floor and was badly injured. He was brought into the courtroom in a wheel chair, into the courtroom in a wheel chair,

For Violating Ten-Hour Law.

An information against V. Muller charging him with requiring Mrs. E. Gotcher yesterday by District Attorney Manning. This is contrary to an act of the Legisla-ture making it unlawful for a female to be required to work over ten hours in any one day in a laundry. Bertha Gerhke, Helen Peterson. Eunice McLeod, Esther Brooks, Mrs. Reeves. Maud Reeves and Mrs. E. Gotcher are the witnesses in the

Appointed Administrator.

Charles E. Ladd was appointed in the County Court yesterday administrator of the estate of John R. Beattle, who died in the insane asylum at Salem, January 6. He was committed to the asylum in nd just prior to the co Ladd was appointed his guardian The property is appraised at \$439. The heirs are Janet Beaftle, the mother of the deceased, residing at Guelph, Canada; Francis R. Beattle, a brother, in St.

Husband Seeks a Divorce.

Because of desertion and cruel treatmentment August L. Schwabel has sued Clara Schwabel in the State Circuit Court for a divorce. He alleges that she swore at him, and compelled him to sleep in a barn, and left him in the Summer of 1994. They were married at Troutdale in 1892. Schwabel owns 160 acres of land.

Bequeaths Estate to Friend. David King, in his will filed in th County Court yesterday, bequeaths an estate valued at \$8000 to his friend Vernee H. Koontz, as an acknowledgment of his friendship and kindness during the later

Sues to Foreclose Mortgage. F. Carlo has instituted suit in the State

Circuit Court against William Huss and wife to foreclose a mortgage on the east half of lot 1 and all of lot 2, block 10, Woodlawn, on which there is \$2738 due.

Will Render Decision.

Judge Sears will render a decision this morning in the sult of George H. Williams et al. vs. Wells, Fargo & Co., on motion for inspection of books.

RUN LATE ON THE QUIET

ERICKSON'S SON-IN-LAW SAYS HE HAD CHIEF'S PERMISSION.

Resort Found Open at Two O'Clock in the Morning and Complaint Filed.

"Fou can run late 'on the quiet,' ' is what August Erickson's son-in-law told Policemen Anderson and O'Brien Acting Chief Gritzmacher told him, according to a written report made by those two officers and turned in to Captain Balley, commanding the second relief, yesterday mounts.

Whether or not it was "on the quiet,"
Policemen Anderson and O'Brien reported to Captain Balley that they found
Erickson's resort wide open at 2 A. M.,
there being between 40 and 50 men in

Acting upon instructions from Captain Bailey, and which have long been standing Policemen Anderson and O'Brien turned in a written report on the Erick-son case, and when the report was shown Acting Chief Gritzmacher, he caused a request to be made for a warrant for

REPRIMAND.

Acting Chief Gritzmacher for possible that there will be any more con-victions in cases where the evidence simply discloses the fact that the officer Unseemly Conduct in Court. saw persons entering or emerging, or heard the cash register ring after 1 A. M. As published in The Sunday Ore-Lack of discipline in the Police Department was severely rebuked by Municipal

gonian. Judge Cameron demands that officers shall notify saloonkeepers of violations, must knock for admission, Judge Cameron yesterday morning, when Policeman Johnson "kicked over the and, if admitted, view whatever is to be seen in the way of violation of law. Should entrance be denied, this fact traces" in a certain case. The officer was called to terms by the court, who took matter ended. him before Acting Chief Gritzmacher. The

ams and Lizzie Pritchard, charging vagrancy, and when their cases were being September 16, 17, the O R. & N. sells 26-day special excursion tickets to Eastern points; stopovers granted going and re-turning. Particulars of C. W. Stinger, city ticket agent O. R. & N. Co., Third and Washington streets, Portland. considered by Judge Cameron and Deputy City Attorney Fitzgerald, in Clerk Hennessey's room, a proposition was advanced that they pay a fine of \$10 each and leave the city; they agreed to plead guilty.

"I believe that to be the best way to

found guilty, and besides, we get rid of them and they will not bother the officers here any more.'

Judge Cameron was willing to accept this proposition, and told Policeman PATROLMAN JOHNSON SUFFERS
REPRIMAND.

Judge Cameron was willing to accept this proposition, and told Policeman Johnson, as a matter of courtesy, what was proposed.

"I won't stand for it," loudly exclaimed

"I won't stand for any such a Judge Cameron Takes Him Before

this session of court is over," said Judge Cameron, addressing Johnson. "You can't talk that way, my boy, in this

court."

Johnson sat throughout the session, which continued from 9 A. M. to 2:20 P. M., after which he accompanied Judge Cameron to the office of Acting Chief Gritzmacher, where a statement of the case was made. The women, in the meantime, had forfeited ball of \$10 each. Johnson was admonished to behave himself more seemly in future, and there the matter ended.

im before Acting Chief Gritzmacher. The
Atter reprimanded Johnson.
Policeman Johnson arrested Annie AdPoliceman Johnson arrested Annie Adhighly exalted opinions of themselves, and some of them have become very imperti-nent toward officers of the court, making demands that could not well be granted For example, one officer, because he failed to secure a conviction, exclaimed from the witness stand that he would never come into court again, as it was no use; that he could not secure convictions. "I am determined that officers shall de-

dispose of the case," said Deputy Fitz-gerald. "In that manner the city gets probably as much as the fine would be if they should fight the case and be my court," said Judge Cameron.

