



rather earlier than usual, and it was Governor Will Fill Vacancy Caused not until Mrs. Sears stepped into his by Judge Sears' Death. room at 4 o'clock to see if he was

out of Mesa at 2:10 o'clock and had gone about a mile was overtaken by the flood. Engine 1537 was ditched, dropping more han 20 feet, but the tender

obtained upon the exact amount because those of the officers who remained in the city absolutely refused to discuss the matter

Murder Trial in Kentucky.

angineer corps by giving each regiment three-inch guns and for other improvements to increase the effectiveness of the

JOPLIN, Mo., Aug. 25.—Secretary of War William H. Taft arrived here to-night from Oklahoma City. The Secre-tary will speak here tomorrow morning, four automobiles some distance north of four automobiles some distance north of after which a public reception will be the Harriman lodge at Pelican Bay. This id rate regulation. Sec is not yet definitely settled, so far as known and it is understood Mr. O'Brien go to Webb City and er brief speeches. He will drive his cavalcade of automobiles in the aftern south until he meets his chief. vill depart for Spring-Possibly Mr. Harriman will come ora are here tonight. meet Mr. O'Brien as far north as Odell, ig is expected to hear which is on the survey of the Oregon Eastern, the Harriman line across the state from Natron to Vale, but this is un-likely. The magnate will probably await MOVE BIG FLEET the arrival of the automobiles before 's Navy Department coming very far north from the Felican

Army, but at present it seems that all

ber 1.

1110

The bureau chief will undoubtedly be

Provisions and supplies will be arranged for, and all possible attention will be

of This Division of Army.

WASHINGTON, Aug. 25 .- Brigadler

formation it would be possible for the commander who first utilizes it to the

limit for factical purposes to gain as de-cisive victories in the future as any that have ever been gained in the past. Gen-

eral Allen points with regret to his inade

quate forces, saying that there is a short-age both in officers and men throughout

GET FACTS AT FIRST HAND

Congressmen Propose to Visit Canal

Before Making Appropriation.

WASHINGTON, Aug. 25 .- An examina

tion on the ground of the estimates for the appropriations for continuing work on the Panama canal, submitted by Secre-tary Taft, for the fiscal year of 1906, is

to be made by members of Congress who will have in charge the preparation of the sundry civil bill in which the appro-

tall from the line.

sleeping well, that it was known he had passed away. Dr. A. J. Giesy was immediately

called, but the Judge was past all medical aid. He had ceased breathing when found by Mrs. Sears, and the opinior a short time before. No sound was heard from his room, and this leads to the bellef that the end was peaceful and painless.

## Retired Early Saturday.

Of late Judge Sears had been trou bled with insomnia, and it had been his wont to spend much of the night reading, which was his favorite pastime. That he retired earlier than was his custom is the only unusual circumstance noticed by the family.

Saturday afternoon Judge Sears called on Judge Gantenbein and spent nearly two hours in his chambers. He discussed affairs generally, and was are : Oglesby Young, who ran against particularly anxious that the law department of the State University, of hich Judge Gantenbein is dean, allow him more lectures in the course in Judge Thomas O'Day, ex-Senator equity. At his home he seemed all Gearin, Mark O'Nell, Newton Mcright up to the hour of retiring.

News of Judge Sears' death spread rapidly, and many expressions of regret were heard on every side. During his long career in Portland he had earned high standing with the bench and bar of the state. He was a scholarly man, and his reading covered a wide range of subjects. He was always prominent in public affairs, and did not cease his activities in matters of a non-political nature after his election to the bench

11 years ago.

## Active in Many Movements.

Aside from his judicial station, Judge Sears was prominent in Masonic circles had been president of the Oregon State Bar Association; was active in the work of the Prisoners' Aid Society; was president of the Oregon Humane Soclety, and professor of equity in the law department of the University of Oregon.

Judge Alfred Francis Sears, Jr., was born at Concord, North Carolina, September 4, 1852. His parents, Major Alfred F Sears, C. E., and Mrs. Augusta Bassett Sears, are still living in this city. Following his earlier education, he prepared for college at Phillips Excter Academy Leaving this institution in his freshman year, he entered Dartmouth College, all of the judges should not be of the same political party," said the Governor. 1875. He attended Harvard for a year and studied law at the Boston University of Law, from which he graduated with the degree of LL. B. in 1877. He con-tinued the study of his chosen profession ans. I believe it is best that there In the office of Hosea Kingman at Bridgewater, Mass., and was admitted to the bar at Plymouth in 1572. He the the bar at Plymouth in 1878. He then came to Oregon, arriving here in 1879, and began the practice of law.

In his profession Judge Sears formed several partnership associations. His first connection was with George G. Gammons, w the law partner of Dan J. Malarkey. Later he was associated with Henry E. guns

The death of Judge Sears creates a va ancy on the Circuit bench of this district, that will have to be filled by appointment by Governor Chamberlain. The appointment will hold until the next genral election in June, 1908, when a success of the physician is that he had died but sor to fill the unexpired term will be elected. Governor Chamberlain will make no ap-

pointment until after Judge Sears' funeral, and whom he will appoint is as yet not known. That he will select a Democrat is regarded as highly probable. Already there are candidates for the yacant place and the campaign for the honor will be warmly waged until the Oregon Executive acts. It is regarded as certain that the appointment will be made very soon, in view of the fact that court will convene after the Summer vacation.

Among those whose names are being mentioned as aspirants or possibilities Judge Sears on the Democratic ticket at the last biennial state election; Richard W. Montague, Councilman W. T. Vaughn, Coy and Thomas G. Greene, member of Mayor Lane's Executive Board. Owing to the shortness of the appointive term, there are several Democratic lawyers who would be disinclined to break-up their private practice and associations to accept the place, unless they intended to run for re-election. Without these, however, there will be plenty of applicants for the Governor to select from.

WILL APPOINT A DEMOCRAT

**Governor Believes Judges Not Be All** 

of One Political Party. SALEM. Or., Aug. 25 .- (Special.)-The successor of the late Circuit Judge Sears will be a Democrat. This much Governor Chamberlain freely announces in answer to inquiries, but further than that he is not prepared to give any information.

When seen tonight the Governor said that he had given scarcely any thought to the matter of appointing a successor to Judge Sears, and unless something should occur to make immediate action necessary he will not make an appoint-ment until after the funeral. "I have always believed that where a court is composed of more than one judge

"This was my position regarding the Su-preme Court when I appointed Judge Halley to succeed Judge Wolverton, cerning the filling of the vacancy."

#### Troops for Casa Blanca.

ORAN, Algeria, Aug. 25.-The French transport Shamrock salled today for Casa Blanca with a battery of artillery and three sections of infantry with machine

such a position that the cars following STATE'S WITNESSES SHOT pressed upon the obstruction and nine were telescoped. On the third car back of the tender sat Piegner, who had been Sensational Developments in Hargi warned not to get aboard the train, as it was not due to stop at Hatton. His car was loaded with ties and timbers, and SANDY HOOK, Ky., Aug. 25.-(Special.)—A messenger from Perry County reports that John Smith, who turned state's evidence in the Hargin the man was tossed to the ground in an almost inextricable mass of heavy wood. One leg was torn off and the other leg broken and mangled in such a manner murder case, and Anse White, importan witnesses in the murder trial here to morrow of Elbert Hargis, John Abne and William Britton, were shot from ar that the bone protruded. Brakeman's Narrow Escape. The head brakeman, who was near ambush and dangerously wounded yes terday. Judge James Hargis arrived here to Plegner, was hurled for a distance of 50 feet, his body clearing the coulee and a barb wire fence, and alighting in a grain field. He escaped, as if by a

night. The defendants, it is reported, will answer tomorrow to the charge of assassinating Dr. D. B. Cox in Jackson miracle, with hardly a scratch. When i five years ago.



#### THE LATE JUDGE ALFRED F. SEARS, JR. \*

| least nothing along this line will<br>done at the next session of Congress.            | be on the trusts and rate regulation. Sec-<br>retary Taft will go to Webb City and<br>Carthage to deliver brief speeches. He<br>will return here late in the afternoon.   |
|--|---|
| TAFT TO LEAVE GABINE   | and at night he will depart for Spring-   |
| SECRETARY OF WAR WILL RE   | PREPARE TO MOVE BIG FLEET<br>President Orders Navy Department<br>to Complete All Details.   |
| Avowed Candidate for Presidence<br>Not to Be Hampered in His<br>Political Aspirations. | WASHINGTON, Aug. 25(Special.)-<br>President Roosevelt has issued official or-<br>ders to the Navy Department to arrange<br>all details of the forthcoming cruise of<br>Admiral Robley D. Evens' battleship<br>fleet to the Pacific. This order has been |

**Political Aspirations.** 

WASHINGTON, Aug. 25 .- A special to the Herald from Columbus, Ohio, says: Immediately after opening the Philippine parliament in October, Hon. W. H. Taft will resign the Secretaryship of War.

expected to make estimates and report on their line to the Department. It has been estimated roughly that the coal sup-That act will complete his official duties, and his formal resignation will come ply necessary for the billet, in addition to the amounts being sent to the Pacific, will by cable-if it is not already in the President's hands-to take effect at that time. be something over 100,000 tons. Leaving the Philippines, he will make

his trip through Russia and Germany, meeting the Czar and the Kaiser, merely as an American citizen, and in no official capacity. When he lands on United States soil,

after practically completing the circuit of the globe, he will enter actively into

the campaign for the Republican nomination for President. This is the Secretary's programme as

it became definitely known to Ohlo friends today, and is not likely to be subject to any change. Now an avowed candidate, he realizes that he cannot with propriety, or successfully, conduct his canvass as a member of the admin-Until he completes his service in the

Philippines, he will travel at Government expense, using United States transports on part of his journey, but after that he will pay his own way and go as an ordinary traveler.

SEATTLE, Wash., Aug. S.-Special.)-How to be a political club and yet not be a political organization is the problem the new Taft Club must solve before the Secretary of War comes to town. Undenl ably the club is organizing to carry the state for Taft for President and underliably it intends to stir up an overwhelming sentiment for Taft. But for the present the club must have absolutely nothing to do with politics or its enthu-siastic membership will not be allowed to me within hailing distance of the Secretary. Secretary Taft has sent word ahead of

priation for the canal is incorporated. The proposed visit is the outcome of a him that he cannot mix politics with the pleasures to go with his stay in Seattle. suggestion from Representative James A He has announced a perfect willingness to attend a round of entertainments and speechmaking that will begin as soon as he comes on September 8. But the Sec-Tawney, of Minnesota, chairman of the appropriation committee in the last Congress, who was at the isthmus following

Bay lodge. It is probable that a detour will be made by the party up the eastern slope of the Cascades by the wagon road cross-

Department to arrange ing the range south of Diamond Lake, for it is in this vicinity that the Oregon Eastern is projected across the Cascades. lasued with instructions that each bureau

## Will See Rich Country.

Issued with instructions that each bureau head will be directed to take up its par-ticular line of work is order that the 15 battleships may be in prime condition to start from Hampton Roads about Septem-But the country from the headwaters of the Deschutes River to its confluence with the Columbia is believed to be most

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