

GETS NEW TRIAL ON TECHNICALITY

Charles Walton, Robber Who Shot Policeman Nelson, Leaves Prison Today.

HAS SERVED FOUR YEARS

Sentence Was 50 Years, but Now It Is Said He Never Pleaded to Indictments—Some of the Witnesses Have Moved Away.

Through an official oversight on the part of either the District Attorney or of the County Clerk, Charles W. Walton will be taken from a felon's cell in the penitentiary today and brought to Portland for a new trial. Walton has served four years of a 50-year sentence, it was only of late that the official oversight was passed upon by the Supreme Court.

Either Walton did not plead when arraigned in the State Circuit Court, or case pleading was not entered on the court records. In either event he is entitled to another trial, under one of the endless technicalities with which the law is cluttered. The District Attorney's office contends that Walton did plead and that the matter was carelessly left off the records. On the other hand, the court attaches declare that no plea was ever entered. The late Judge Frazer said he did not believe Walton ever entered a formal plea.

Under a recent ruling of the Supreme Court, no prisoner may be tried and convicted without first undergoing the formality of arraignment. Walton's case was set and tried without that formality, at least, according to the records, and hence it would not be possible to hold him. The Supreme Court, instead of releasing the young man in his decision, gave authority for a new trial.

Judge Cleland issued the order yesterday directing Sheriff Stevens to receive custody of the prisoner from the superintendent of the State Prison. The trial will be set at an early date, after Walton has first had an opportunity to plead. No chances of irregularity will be taken this time.

Walton shot Patrolman Nelson more than four years ago. Nelson was killed on the front platform of a Willamette Heights streetcar when Walton got on behind and attempted to rob the passengers at the point of a revolver. Nelson courageously attacked the thief and was severely wounded, but he managed to disarm and capture the murderous robber.

When taken up for arraignment, Walton asked time to enter his plea. Several weeks later he was placed on trial, and there is no record to show he ever gave his plea. On the charge of attempted robbery he was sentenced to 10 years, and on the charge of attempting to murder the policeman the sentence was 50 years.

Whether he will fare any better in the new trial is a matter of considerable speculation at the Courthouse. Patrolman Nelson is still in the city, but the two carmen are no longer here, and the prosecution may have a hard row to hoe.

SUES STANDARD OIL COMPANY.

Coal Oil Barrel Said to Have Contained Distillate.

Attributing the death of his little daughter to the carelessness of the Standard Oil Company in putting oils in barrels, Ernest Peterson, of Troutdale, is suing the company to collect \$500. The case was placed on trial in the State Circuit Court yesterday and will probably go to the jury today.

The child was burned to death in attempting to light a fire with coal oil. The liquid exploded when placed in an ordinary kitchen stove at a time when the heat was less than in the case of kerosene, it is alleged. The law provides that kerosene must meet heat of that intensity without exploding.

While the oil was sent out by the company as ordinary kerosene, it is said that the stuff was in fact a more highly combustible fuel known as distillate. After it had exploded in contact with a comparatively low temperature, Aaron Fox, the grocer who sold it, tested the oil in the barrel, only to find it was distillate.

Two witnesses were examined yesterday. Ernest Peterson, father of the little girl who was killed, and Fox. Fox said he kept three barrels at his store, two for kerosene and one for distillate. He sold them to the local branch of the Standard Oil Company to be refilled and after he had sold about 60 gallons of distillate for coal oil, discovered the mistake.

Sets Bank Officials' Hearing.

Not until February 17 will the indicted officials of the Title Guarantee & Trust Company have to figure on new means of avoiding arraignment on charges of theft and fraud in connection with the management of the insolvent bank. The demurrers to informations filed in behalf of J. Thorburn Ross, T. T. Burkhardt and John E. Atchison, yesterday afternoon by Circuit Judge Cleland. The arguments will be heard on the afternoon of February 17.

Paquet Case Up Today.

The damage suit of Mrs. Hattie E. Pike against Joseph Paquet was placed on trial yesterday before Circuit Judge O'Day. Mrs. Pikefiled into a sewer excavation 18 feet deep at Twenty-third and Clinton streets during last summer and sustained injuries which she rates at \$10,000. Paquet was the motor contractor in charge of the work. Motion for nonsuit was denied and the case will be renewed today.

Asks Dismissal of Suit.

Dismissal is asked by the Northern Pacific Terminal Company of the \$30,000 damage suit filed by Stella Laury, who was run down by a switch engine in the terminal yards last October. Contributory negligence is alleged, and it is set out that the woman ran directly in front of the engine while it was in motion and after she had been warned by the engineer that the engine was being backed up by the circuit court.

Drop Charge Against Johnson.

Dr. Samuel W. Johnson, the East Side physician, arrested last Spring for beating his young wife, will not have to face a second trial. The Circuit Court jury which tried the case last Fall disagreed yesterday and the matter was dropped on motion of the District Attorney. It is understood the Johnsons have patched up their differences.

Body Found After 41 Days.

ALBANY, Or., Feb. 2.—(Special.)—After being on the bottom of the Calapooia River for 41 days, the body of Arch Ferguson was found today. Ferguson was



SNOW IN PORTLAND BRINGS OUT THE YOUNGSTERS AND THEIR SLEDS.

DOORS KEPT OPEN AT NIGHT

Merchants National Adopts Course to Facilitate Reorganization.

For the first time, the Merchants National Bank was open last night to receive deposits for time certificates. The plan of keeping the doors open from 7 till 10 P. M. worked well last night, and it is expected that this will be the means of attracting many people who cannot visit the bank during the daytime. President Watson hopes to secure many subscriptions to time certificates of deposit within the next few days, so that the bank may reopen at once.

E. H. Geary, who was brought up in Portland and has been assistant cashier of the Union National Bank, Oakland, Cal., until recently, is staying in the city for a few days, and tells what was done in the case of that bank, which was forced to close November 6. The deposits in the bank were about the same as in the Merchants National, and the same plan of reorganization was followed.

By notices in the Oakland papers and by personal solicitation of officers and directors of the bank, all deposits were signed off with the exception of about \$20,000. The bank was enabled in this way to reopen January 2, less than two months from the time it closed. Since resuming business, the bank has averaged about as many deposits as withdrawals.

"This shows," says President Watson, "that the plan is feasible, and that, if positions were held by more prompt in taking certificates of deposit, the doors of the institution would swing open within a very short time."

HELP FOR MRS. GITTINGS

Public Asked to Aid Wife of Murdered Officer.

The members of the Portland Police Department are continuing their work of administering to the needs of Mrs. J. W. Gittings, widow of the policeman who was murdered last December. The wives of the police officers have formed an organization for assisting their husbands in the work they have undertaken. The new Gittings home will be ready for occupancy as soon as the lathing and plastering are completed. The wives of the patrolmen are soliciting donations of clothing for the children and the home of Mrs. J. W. Gittings and children may send same to the home of Mrs. E. J. West, 48 1/2 North First street, where they will be properly delivered. The patrolmen's wives will hold their next meeting at Mrs. Craddock's residence, 600 Shaver st., when Craddock, as many of the patrolmen's wives will converge as their assistance is badly needed.

Has the So-Called "Money Stringency" Affected the Traveling Public?

In seeking information on this subject, our attention was naturally attracted to the Portland Trunk Mfg. Co., who make it their sole and exclusive business to cater to those people who travel. This firm has been engaged in the manufacture and sale of trunks in Portland for the past 10 years. They also carry the latest styles of leather goods in the Northwest.

Owing to the specialty of the above business, the company, through its salesmen, has had a large number of communications from their many wholesale customers throughout the Northwest, come in contact with the traveling public to a great extent. Mr. C. A. Parlow, general manager, has this to say:

"We find our business increasing day by day and take an optimistic view of the future. We expect more business in our line this year than the one just past, though it was very prosperous. Our faith in the future is shown by the opening of another retail store on Morrison street, making three stores in all for the city trade and, in the wholesale line, we are broadening our territory, taking in Honolulu and Alaska."

"We can truthfully say that the so-called 'money stringency' does not affect the traveling public as seen from our standpoint. In a few more days our closed banks will reopen again stronger than ever. Then we will forget it and all go to work for the greater Portland which is at hand."

WILL OPEN ON TIME

Colonel Dosch Tells About the Progress of Seattle Fair.

PREDICTS BIG ATTENDANCE

Portland Man Who Is Director of Exhibits and Privileges Says the Paid Admissions Will Reach \$3,000,000.

Colonel H. B. Dosch, director of exhibits and privileges at the Seattle Exposition, is spending a few days in Portland, having returned from Seattle where he has been for some time engaged in his official duties in connection with the fair. He estimates that the attendance at the Exposition will be not less than 2,000,000, basing his figures on the attendance at other expositions with which he is connected, and particularly on the generous attendance at the Lewis and Clark Fair.

Colonel Dosch says everything is going along well at Seattle and everything will be complete by June 1, 1909, when the fair gates will open. He said:

I went to Seattle on the first day of January to enter on my appointment as director of exhibits and privileges, and assist in the organization of the other divisions, which are now not only ready for action but are letting contracts for exhibit space and concessions; these two divisions are almost moved under with applications for exhibit space, make privileges and concessions of all kinds.

The now famous "Seattle spirit," which is really a wonderful thing, has held of every Seattleite and kept hold of everybody who comes within its atmosphere. On the question which I asked, "What is the spirit?" he said: "It is a grip, and never lets go, seems to have spread beyond the corporate limits of the city and has taken hold of all aid and many new exhibitors, many of whom learned to secure front seats on the question which I see rising on your lips. 'Is the fair going to be a success?' need not be asked, for it is going to be just as much a success as the Lewis and Clark Exposition was, and this is beneficial to the entire Pacific Northwest."

Yes, the money stringency has delayed us a little, but only a little just a few weeks, but we are now going ahead full force and speed, with all sails set square to the wind. As to the population of the city, we are now going ahead full force and speed, with all sails set square to the wind. As to the population of the city, we are now going ahead full force and speed, with all sails set square to the wind.

Knowing the possibilities of the Pacific Northwest, we are falling over each other to secure front seats on the question which I see rising on your lips. "Is the fair going to be a success?" need not be asked, for it is going to be just as much a success as the Lewis and Clark Exposition was, and this is beneficial to the entire Pacific Northwest."

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What do I judge the total attendance will be? Well, it is a little early to make predictions, but based on my exposition experience, I should be very much disappointed if the total admissions would fall below 2,000,000. Now, don't look so astonished, this is not guess work, just let me figure it out for you. Seattle and Tacoma, which will be practically as one, will have in 1909 double the population Portland had in 1905. Washington in 1906 will have about double the population Oregon had in 1905. The 220,000 visitors to the Lewis and Clark Exposition from east of the Rocky Mountains are not going to be content with that, they saw of the immense possibilities of our country, the kind treatment they received on every hand, and they are now coming here as missionaries in the good cause of immigration, and it is safe to predict that at least each has made a new friend, and together with the low rates assured by the stretch of imagination that the paid admissions will seek the hospitable shores of the Pacific.

Portland was intensely loyal to its Exposition, hence we reached 1,800,000 paid admissions, and I think hardly anybody will dare dispute at least equal loyalty on the part of Seattle to the Alaska-Yukon-Pacific Exposition; so you see it does not take any stretch of imagination that the paid admissions will reach 3,000,000.

The site of the Exposition was well chosen. It is said that competitors are odious, which, however, does not apply here. The Lewis and Clark Exposition site was unquestionably the handsomest of all expositions and so is the Alaska-Yukon-Pacific Exposition, since located on the university grounds of Union Lake and Lake Washington, with Mount Rainier in the background, and the beautiful Olympic range of mountains just across the Sound and Mt. Adams to the north, all in full view, covered as they are with perpetual snow, makes a most

Carreno Recital at the Marquam

FASCINATING beyond the ordinary as a woman and artist, Madame Teresa Carreno met with an enthusiastic reception at her concert at the Marquam Theatre last night, and gave unmistakable proof that she has arrived at the sublime point of being in the very front rank of the world's great pianists. The concert was under the direction of Misses Lois Steers and Wynn Coman, and both music and society were well represented in the large audience which crowded the theatre.

The last time I heard Carreno was in a Western Massachusetts town made famous by the immortal genius of Hawthorne, and at that time thought her piano-playing as good as that of any of the artists of the tour, and since then have often wondered as the years have come and gone how Carreno's art has mellowed and matured. Last night I got the answer! And such a gratifying surprise it was to listen to such gradations of tonal tints, astonishing pedal effects and technique of the very highest order.

poetry of her tone had better be described as hypnotic, for want of a better word. In her art, there is no straining after effect, no sensational, chord-shaking-upon-chord pyrotechnics. And there is sanity, clarity, and dignified authority.

Nature has been kind to Carreno. With her marvelous health and physique, her cherry cheeks and bright eyes she cannot possibly work up such a tremendous piano climax when occasion calls. Her physical resources are so great that it is difficult to believe that one person is playing the piano when Carreno is at the keys. One unconsciously thinks of a symphony orchestra. As a master hand revivified him of ivory falling on marble before creating the beauty of sky or flower, so Carreno, in painting color effects, in building tone upon tone until the perfect presentation is reached, is always a tone poet. Some one in speaking of a pianist who had achieved a great artistic triumph said that the playing reminded him of ivory falling on marble in the moonlight. On the same analogy, Carreno's piano playing reminds me of rose petals falling in a garden where the air is still and the light is soft and blue.

Carreno's first number last night was a Beethoven Sonata, and the melody in the allegro assai movement was impressively played. The finish was a triumphant one, and the fair artist had to respond to the applause. The Chopin Prelude, opus 28, No. 15 was like a beautiful effect in lace, and the Nocturne, with a recurring strain from which the song "Alce Where Art Thou?" has been taken, was a thoughtful study. The Etude was dashing and played, and had to be repeated. The Bolero was the most beautiful of the group, and was marvelously played. The Bolero was the most beautiful of the group, and was marvelously played.

This is the first time I have played in Portland," said Carreno, afterward. "The people of this city have been so appreciative. It is a pleasure to play for such good friends."

This morning Carreno leaves for her Tacoma concert.

Will Take Over Goldendale Road.

As was given out some time ago, the Spokane, Portland & Seattle Railway will eventually take over the Columbia River & Northern, a line from Lyle to Goldendale, Wash. The line is a natural feeder to the North Bank road and has been owned by the same interests ever since its construction a few years ago. It is understood that the transfer will be made in a short time.

Buy Denny Dulin, It's Good

10c, at 303 Wells-Fargo bldg.

MAINTLE OF SNOW FALLS OVER CITY

Coasting and Kindred Sports Flourish for First Time This Winter.

FUN STOPPED BY THE RAIN

Portland Slips and Slides Over the Blanketed Streets Until Temperature Moderates to the Relief of the Grown-ups.

The snow, the snow, the beautiful snow. You step on a place and away you go. The expressed the average man's opinion of the light downfall of the fleecy stuff yesterday, which was the very first snow of the season. People were slipping about the sidewalks all day, dodging snowballs sent hurtling through the air by small boys, saying unkind things about the weather but for the most part keeping their feet with burlap, which made the Portland citizen hates snow like a lion does water.

Horses had the time of their life trying to keep their feet on the smooth asphalt. The stuff would ball under their hoofs and they slipped around in a most uncertain fashion. Some few drivers were thoughtful enough to wrap their horses' feet with burlap, which made their footing more secure. But most of the animals had to take their chances. Snow is so unusual here anyway that this means of keeping a horse from slipping did not seem to be generally known.

Vigorous Swinging of Brooms. Housewives did not like the snow either, for it covered the walks and the residence districts and many were out with brooms brushing it off. Even the inch of the white mantle that covered the ground was unbecome to almost everyone.

But what fun it brought to the "kids!" As soon as they opened their eyes yesterday and saw the big flakes drifting down, they got out in it with sleds and sleds of fun coasting. Almost every near-by hill had its quota of coasters. It was hard for the children to have to stop when schooltime came, in fact many of them could not forego the unusual sport to attend school and the number of pupils who played hockey yesterday was unusually large. These who did attend school unwillingly cast many longing glances out at the falling snow and at recess they were out snowballing and making snow men.

How they longed for the day to pass so they could be out having fun in the snow and many urgent requests were sent down to the school authorities to almost everyone so the children could use it the moment school was out. But about the time they were freed, the snow turned into slush and the flakes became rain.

Melting Before Nightfall. Probably every boy and girl in the city had their faces washed yesterday morning vigorously for a long time. This was the favorite diversion at recess and then the boys took a snowball back to their desks with them and dropped freezing particles down the back of the fellow in the seat ahead.

It was a glorious day for the children. The snow melted so fast that it would snow every day, for the "beautiful" did not last long. By dark it was disappearing rapidly, melting in the rain. Grownups who were disappointed at almost everyone over 15 years old welcomed the balmy drizzle. Oregon rain is preferred generally.

The snow that fell yesterday was measured by the Weather Bureau as rain and amounted to 16 inches. Forecaster E. A. Beach pronounced it a "drizzle" and more cold weather today and the drizzle will continue for a time. The cold spell is over, having lasted four days, but the weather is still cold and everyone is glad the belated spell of Christmas weather is over.

The groundhog made his appearance as per schedule yesterday, failed to find his shadow, however, and returned to his burrow to hibernate a while longer.

SHOULD END TOMORROW

By noon tomorrow we should dispose of every one of the remaining fine used organs quoted in our last Sunday's Oregonian announcement. Now, therefore have substantial dependable pianos, organs and piano players been sold at very low prices and on such extraordinary easy terms of payment. If you have no music in your home, it will surely pay you to look up the advertisement in our paper. Remember, since the assortment has been considerably thinned out, we are offering an additional discount of 4 per cent from sale price on every one of the remaining upright pianos, square piano organs and the pinolas. Eilers Piano House.

If Baby Is Cutting Teeth Be sure and use that old well-tried remedy, Mrs. Winslow's Soothing Syrup, for children teething. It soothes the child, softens the gums, allays pain, cures and diarrhoea.

Mullane's Cincinnati Staffing—Sig Sichel & Co. sole agents.

Habitual Constipation

May be permanently overcome by proper personal efforts with the assistance of the one truly beneficial laxative remedy, Syrup of Figs and Elixir of Senna, which enables one to form regular habits daily so that assistance to nature may be gradually dispensed with when no longer needed as the best of remedies, when required, are to assist nature and not to supplant the natural functions, which must depend ultimately upon proper nourishment, proper efforts, and right living generally. To get its beneficial effects, always buy the genuine

Syrup of Figs and Elixir of Senna manufactured by the CALIFORNIA FIG SYRUP CO. ONLY SOLD BY ALL LEADING DRUGGISTS one size only, regular price 50¢ per bottle

Perfection in cake and biscuit making is attained by the use of Royal Baking Powder. And the ease and dexterity of their making is marvelous.

The only baking powder made with Royal Grape Cream of Tartar. Hence the superiority of the food it leavens. Hence the anti-dyspeptic qualities which it imparts to the food.

EAST HARD HIT BY PANIC

look here for remarkable development during the coming year.

MONEY OBJECT OF CRIME

Murder of Ex-Portland Described in Ancon Paper.

Additional details of the murder of Philip F. Kramer, a locomotive engineer, who was formerly a resident of Portland, which occurred at Ancon, Canal Zone, on the night of December 16, have arrived here. An account of the crime was printed in the Canal Zone Record, a paper published at Ancon. The item contains a description of articles found near the body of the murdered man and which are presumed to belong to the murderer or murderers. The item is as follows:

Philip F. Kramer, of Portland, Or., a locomotive engineer in the employ of the Isthmian Canal Commission, was found dead in bed in his room at Ancon, on the morning of December 17. His head was crushed, as if from a heavy blow and he had apparently been instantly killed while asleep. Robbery is the only motive assigned, as he was known to carry considerable sums of money about his person and it is thought he had several hundred dollars in a satchel in his room which was found cut open and rifled.

Mr. Kramer was about 41 years old and had been married. His daughter, Lucy C. Kramer, lives at Portland, Or. He was a member of the Brotherhood of Locomotive Engineers and of the Independent Order of Red Men. These organizations also offered a reward of \$200 for the man or men who would identify the person or persons who had killed the victim. The police are working on the case and with the "suspect" characters under surveillance.

Miss Lucy Kramer, daughter of the murdered man, left Portland as soon as she was notified of the death of her father, and has not yet returned.

Candidates for Office. SALEM, Or., Feb. 3.—(Special.)—J. W. McCulloch, of Ontario, today filed notice of candidacy for re-nomination for District Attorney in the Ninth District. A. D. Leedy, of Canyon City, is also a candidate for that office. Both are Republicans. J. W. Knowles, of La Grande, is a candidate for Republican nomination for Circuit Judge in the Tenth District.

Spectacles \$1.00 at Metzger's.

S.S.S. A CERTAIN SAFE TREATMENT

S. S. S. is the only safe and reliable cure for Contagious Blood Poison. It is purely vegetable, made entirely from healing, cleansing roots, herbs and barks, and in addition to curing this vile disorder, S. S. S. builds up every part of the system. Mercury and potash cannot cure the trouble; they can only mask it in the system for awhile, and when they are left off the disease returns, usually, in worse form than before, and the patient finds he has damaged his health with these strong minerals, which disease the delicate lining of the stomach, affect the bowels, produce chronic dyspepsia and often set up Mercurial Rheumatism. It will not do to trifle with a disease so powerful as Contagious Blood Poison, for every day it remains in the blood it is progressing toward a dangerous stage, and will in the end get beyond the control of any treatment. S. S. S. cures blood poison in the right way, it goes down into the circulation and removes every particle of the virus. No bad results are ever experienced from the use of S. S. S. It is gentle and pleasant in its action, and forty years of cures warrant the statement that S. S. S. is not only a safe but a certain treatment. Home treatment book on this disease and any medical advice desired sent free to all who write.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

Take one Cascaret just as soon as you know that you need it.

Then you won't need a purgative. It is an easy and pleasant way to keep well.

This is the day of the gentle in medicine. The cathartic pill is old-fashioned. Salts and castor oil belong to grandmother's time. The modern doctor deals mildly. Cascarets are effective, yet gentle. They don't irritate or gripe. They don't, like cathartics, waste the digestive fluids.

Cascarets do only what some foods will do, what some fruits will do, what exercise does for the bowels. Their action is natural, not artificial. If you live out-of-doors, exercise a great deal, and avoid rich foods, you don't need them. Otherwise you do.

The most helpful laxative ever devised is Cascarets. Then, they are candy tablets, pleasant to take. Then, they are convenient. The ten-cent box fits the vest pocket or the lady's purse. That is a vital point.

The time to take a laxative is the minute you suspect that you need it. Don't wait till you get home; don't wait till night. One Cascaret, taken promptly, wards off trouble.

Cascarets are candy tablets. They are sold by all druggists, but never in bulk. Be sure to get the genuine, with C.C.C. on every tablet. The price is 50 cents, 25 cents and 10 Cents per Box.