

DECISION BASED ON TAFT'S VIEWS

Oregon Supreme Court Holds Employer Responsible for Safety of Employee.

FACTORY LAW SUSTAINED

Employer Culpable Who Neglects to Provide Cover for Dangerous Machinery—Baker City Case Recommended for New Trial.

SALEM, Or., Dec. 22.—(Special.)—Citing one of Judge William H. Taft's labor decisions as authority, the Supreme Court today held that if the owner of dangerous machinery neglects to cover it he cannot escape responsibility to an injured employee on the ground that the employee assumed the risk.

The opinion of the court was written by Chief Justice R. S. Bean in the case of Bert Hill, appellant, vs. G. E. Saugestad, respondent, from Baker County. Hill was an employee in Saugestad's sawmill and in performance of his duty was working over a side-edger saw, pouring water on a hot bearing.

There were two principal contentions, that the accident to plaintiff was due to his own carelessness and negligence, and that the danger from the saw was open and visible and known to and appreciated by the plaintiff and, therefore, he assumed the risk of injury therefrom.

After reviewing the evidence, the court holds that Hill was working within the scope of his employment and hence the question of negligence was one for the jury and not for the court. Briefly summarized, the opinion says, upon the second question:

"There is a great difference of judicial opinion as to whether the defense of assumption of risk is open to a master who fails or neglects to safeguard machinery in accordance with the requirements of a statute, such as are involved in this case, in an action brought by a servant who was injured by such unguarded machinery.

"It is often asserted that a workman is at liberty to remain in or abandon an employment at pleasure, and if he remains, after he acquires knowledge of a particular risk and danger to which he is subject, he must be held to have voluntarily assumed the risk of injury therefrom. In theory the basis of this rule is true, but in practice it is not, under modern industrial conditions. In many instances workmen are compelled by their necessities, or conditions of the labor market, to remain in the service in which they are employed in order to support themselves and families.

After showing that authorities are at variance on the question, Justice Bean continues: "In this condition of the adjudged cases we feel at liberty to adopt that view which seems to us most likely to effectuate the purpose and object of the statute, and to hold that a master who fails and neglects to comply with its provisions by safeguarding his machinery cannot escape liability for an injury to a servant from such unguarded machinery on the ground that the servant assumed the risk of such injury.

Passing upon other questions presented, the court holds that it was the duty of the master of the machinery to protect it whether notified to do so by the commissioner or not.

SUSPECTS KEEP SILENCE

Roy Malone and Mrs. Zeigler Deny Any Knowledge of Goble Crime.

ST. HELENS, Or., Dec. 22.—(Special.)—Since Robert Livingston was found dying in his cabin at Reuben on Friday, December 11, the District Attorney's office and Sheriff White have been doing their best to secure the perpetrators of the crime. Two arrests have been made, one of an 18-year-old young man giving the name of Roy Malone, and the other Mrs. Zeigler, who is over 80 years old.

Mrs. Zeigler, who admits being the keeper of a "blind pig," where the disreputable characters of the neighborhood were in the habit of securing their liquor, was formerly a resident of Baker City. She is evidently familiar with the inside of a jail and appears perfectly happy in her surroundings and not at all intimidated.

Toy Shop. If you want toys go to the Toy Shop, 224 1/2 Washington street, next to Goodard & Kelly. All must be sold at cost price. Happy Hogan, Fox Grandpa, Johnny-on-the-Spot, Teddy Bear, New Century Bicycle, New Century Auto, Foot-Topper, Walking Dog, the Binky Mule, the Naughty Boy. All mechanical. Remember the number, 224 1/2 Washington street.

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A quick and satisfactory way to solve the gift problem is to buy Glove Orders.

McALLEN & McDONNELL

"The Store Noted for Best Goods at Lowest Prices"

DELIVERIES

Extra delivery wagons have been added and prompt service is guaranteed.

SOME ROUSING CHRISTMAS SPECIALS

\$1.75 KID GLOVES

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Very finest selected skin, 2-clasp style, all colors, black and white. Make a splendid gift.

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25c

Long or short, round or square, with or without bib; lace and embroidery trimmed; 50c values.

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Boys' fancy wool Sweaters, also fine Jerseys, in gray and blue; best regular \$1.25 grade; sizes to 34.

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Manufacturers' sample line of white lawn, mull, net and silk Waists and Muslin Underwear on sale at wholesale prices.

SILK PETTICOATS

\$3.98

Stitched and tucked flounce, extra under ruffle, best ruffle taffeta silk, all colors; \$7.50 val.

\$8.50 LINEN SETS

\$5.85

Pure Linen Cloth and 1 dozen Napkins, full bleached and best \$8.50 grade.

CHRISTMAS HOSIERY

Nothing more appropriate or acceptable than fine hosiery. Special reduced prices on fine embroidered silk or lisle hose; also a full line of plain colors in every quality. You cannot make a mistake by coming to this store for your needs. Boxed ready for mailing.

\$2.00 TABLE LINEN

\$1.29

72-inch double satin pure Irish Linen, extra heavy and standard \$2 quality. Several patterns to choose from.

\$5.00 UMBRELLAS

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Women's Silk Umbrellas, with handsome gold, silver and pearl handles. The very same grade other stores sell at \$5 and \$6.

MEN'S FURNISHINGS AT CHALLENGE PRICES

President Suspenders, fancy box. Special.....47c

Men's Pure Linen Hemstitched Handkerchiefs, extra fine quality, 12 1/2c each; dozen.....\$1.25

Men's fine Linen Handkerchiefs, embroidered initial; regular 50c values. Box of 6.....\$1.50

Men's silk lined Mocha Gloves, standard \$1.50 value. Extra special at, a pair.....\$1.00

Men's 75c and \$1.00 4-in-hand Ties in all newest colorings. Choice, each.....50c

Men's Shirts, Suit Cases, Collars, Underwear, Night Shirts, Mufflers, Hose, etc., at special prices. Take advantage of the sales.

CHRISTMAS CARDS AND CALENDARS

Our entire line of Novelty Cards and Calendars at wholesale cost. All Toys, Dolls, Games, Books, Ornaments, etc., at wholesale cost.

\$6 NAPKINS

\$3.75

23x23-inch pure Irish linen Napkins, extra heavy and double satin finish; \$3.75 dozen.

\$2 BED SPREADS

\$1.29

Fine Marseilles Bed Spreads, beautiful new patterns and extra large and heavy. \$2 quality.

\$1.50 KID GLOVES

95c

Crisp, new 1908 French stock; every popular color, black and white, 2-clasp style, at 95c.

50C NECKWEAR

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The strongest line of 50c Neckwear we have ever shown. All latest styles and colors, at 23c.

\$2 FANCY SHAWLS

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45x45-inch silk and linen Shawls, fancy weaves and knotted fringe edge; best regular \$2.00 grade.

A DRESS PATTERN FOR XMAS

Fine black Eolienne, Crepes, Broadcloths, Silk Voiles, Serges, Cheviots, etc., at reduced prices. All black silks reduced.

\$7.50 WOOL BLANKETS

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Standard size white Oregon wool Blankets, fancy border, silk bound. A timely gift.

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Genuine eiderdown Comforters, light or dark colors; sateen covered. Our best \$10 quality.

All Toys, Dolls, Games, Etc., at Cost

DENIED BY CHURCH

Women in Garb of Catholic Sisters Soliciting.

WORK WITHOUT AUTHORITY

Oregon City Pastor Warns Charity-Giving Public Not to Give Funds to People Who Do Not Bear Church's Credentials.

INDIANS ALLOWED LANDS

Redskins Off Quinalt Reservation Come in for Property Share.

ABERDEEN Wash., Dec. 22.—(Special.)—F. R. Archer was notified this morning by the Commissioner of Indian Affairs at Washington, D. C., to take up further the work of investigating the claims of Indians who, while not living on the reservation, have put in applications to the Government for land, on the representation that they are members of the tribe.

These Indians are scattered throughout Oregon, Washington, Idaho and other states, and it will require considerable time to take up their respective claims. Relations and such other matters as to make positive proof of their demands. There are about 100 members of the tribe scattered over the Pacific Northwest who will receive eight acres each.

Railroad to Distribute Literature.

GOLDENDALE Wash., Dec. 22.—(Special.)—The Klickitat Development League today shipped 8000 folders descriptive of the country to St. Paul to the Northern Pacific Railway. Another shipment will be made soon, also 10,000 will be sent to the Great Northern general immigration agent at Chicago.

NOTE FOUND, MAN MISSING

TOM SULLIVAN PROBABLE SUICIDE AT SALEM.

Overcoat Left on Bridge With Information to Notify Family He Is No More.

SALEM, Or., Dec. 22.—(Special.)—A note pinned on an overcoat found lying on the Willamette River bridge this morning indicates that a man giving the name of Tom Sullivan, and claiming 1110 North M street, Tacoma, as his home, committed suicide by jumping from the bridge last night. He called at the Salem Y. M. C. A. several days ago

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Xmas perfumes, Eysell's Pharmacy, 209 Morrison, between 4th and 5th streets.

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FREE PIANOS CHRISTMAS

Why not have music in your home this Christmas? We received two carloads of fine Pianos yesterday that we did not expect until January 1.

MAKE HOME HAPPY

We therefore have 24 Pianos more than we need for this week and will place them with 24 families who otherwise will not have music in their homes for the Christmas holiday season. Call early and tell who you are and where you live and we will send the Piano to your home.

We urge those who have not expected to have a Piano for Christmas to take advantage of this offer. The piano is free—absolutely no charge—you pay for the dray expenses only. Wishing you a Merry Christmas

Sherman, Clay & Co.

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No gift you can make will give so much pleasure, to so many people, for so long a time, at so little cost as a

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