

APPEAL DENIED WEBSTER CASE

Attorney King Says He Will Submit Suit to Supreme Court.

LAWYER CITES STATUTES

Litigant Threatens, if He Wins Before Higher Tribunal, to File Another Charge Against County Judge—Obstruction Alleged.

Attorney H. C. King Will Appeal His Case Against County Judge Webster to the State Supreme Court.

He said much last night, and threatened also to follow the decision of the higher court.

As ground for his proposed charge against the magistrate King narrates that William Gessler, of 127 Stanton street, Albina, bought his present residence from Mary Bulley, paying her part cash, and giving a mortgage for \$500. Mrs. Bulley died several weeks ago and M. E. Thompson, a real estate dealer, with offices at Fourth and Oak streets, was appointed administrator of the estate. It was Thompson's desire to sell the mortgage as soon as possible that he might close up the estate, the mortgage not falling due until next May. He wrote to Frank A. Rowe, of Nehalem, formerly a teller of the Merchants National Bank of Portland, and secured his agreement to purchase the mortgage at a discount.

Attorney Cites Code.

In this connection King calls attention to section 182 of the Oregon code, which reads:

"If any officer of this state, or of any county, or therein, shall willfully neglect or refuse to perform any duty or service to the injury of anyone, or the manifest hindrance or obstruction of public justice or business, such neglect or obstruction shall be deemed to be a misdemeanor, and the offender therefor shall be liable to imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail for not less than one month nor more than six months, or by a fine not less than \$50 nor more than \$100, or by both such punishment, at the discretion of the court."

"Judge Bronaugh gets me 20 days in which to prepare an appeal to the Supreme Court," said King yesterday, "but I shall not take that long. I am positive that the Supreme Court will hold my position in this case to be correct. According to Judge Bronaugh's decision, all Judge Webster has to do is to appear on the first of the month, draw his salary, and take his departure. Judge Webster complied with Section 92 of the code. Mr. Thompson would not be holding that mortgage awaiting a purchaser."

Court's Duties Many.

Section 92, referring to the County Court, reads: "The court is always open for the transaction of the business of the county, and the court shall be held on the first day of the month, whenever the particular proceeding or transaction is authorized to be done without the presence of a jury or of a grand jury."

Subdivision 2 of Section 92 mentions probate business "as specified in Section 61," as follows:

- 1. To take proof of wills. 2. To grant and revoke letters testamentary or administration or of guardianship. 3. To direct the payment of debts and legacies, and the distribution of the estates of intestates. 4. To order the sale and disposal of the real and personal property of deceased persons. 5. To order the renting, sale or other disposal of the real and personal property of minors. 6. To take the care and custody of the person and estate of a lunatic or habitual drunkard, and to appoint and remove guardians thereof; to direct and control the conduct of such guardians and to settle their accounts. 7. To direct the administration of dower. 8. To direct the appointment of executors.

Statements Are Required.

"It is my contention," said Attorney King, "that Section 244 applies to Judge Webster as much as to any other county officer."

That section reads: "Each county officer shall, at the close of each month, render a verified statement to the County Auditor, showing the name of the officer and each of his deputies, and the amount due each for services rendered during the month. Such statement shall also show the time such officer or his deputies were absent from their office during said month, and the reasons therefor in the performance of their official duties."

"It is Judge Bronaugh's ruling," continuing Mr. King, "that this inspection applies only to county officers who charge fees. For instance, in counties outside Multnomah the Justices of the Peace charge a fee for each case, and are paid by him a percentage, according to the amount of the fees. Why should the statute apply to them especially, compelling them to turn in a verified statement, when, if they are away from their offices, they receive no compensation?"

"Further than this, I contend that under section 207 Judge Webster has no right to sign up estate orders while he is in Southern Oregon, or to leave a blank order with his signature attached, yet he has done so in some cases, and has signed orders while out of the county. Any of those estates where the orders were signed outside Multnomah County may be reopened by proper court procedure."

Presence Is Required.

Although the Oregon law provides that the County Judge or a Justice of the Peace must be personally present at all insanity examinations, it is stated to have been the practice of Judge Webster, at times, to turn the examination of the insane over to the physicians, accepting their statements in the case, and signing the papers committing persons to the asylum without attending the examination. The law provides, in section 2619, as amended by the 1867 legislature:

"The County Judge of any county in this state, upon application of any citizen in writing, setting forth that any person... by reason of insanity or idiocy, or that he is suffering from neglect, exposure or otherwise, or is unable to be at large, or is suffering from mental derangement, shall cause such person... to be brought before him at such place as he may direct, and the said County Judge shall proceed to examine the person... alleged to be insane or idiotic... Provide in the case of insanity or idiocy or absence of the County Judge or inability to act from any cause, the Sheriff shall notify any Justice of the Peace in his

ELKS PLAN FOR JAMBOREE

Big Time Will Celebrate 20th Anniversary of Local Lodge.

An old-fashioned jamboree will be the feature of the twentieth anniversary of the founding of the local Lodge No. 142, B. P. O. Elks, which will be celebrated Wednesday evening, November 2.

A special committee appointed to arrange the mirth, melody and feast met last night and outlined a program of musical and vaudeville numbers. It also compiled a statute of limitations to govern H. D. Griffith, who will preside as the magistrate over the Court of Justice, which will be in session during the festivities.

The committee arranging the details of the birthday party consist of D. Griffin, John A. Kirby, E. W. Quimby, L. Dammasch, Dr. C. W. Cornelius and J. A. Burger. It is expected that at least 1500 of the antiered tribe in this section will participate in the jollification.

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QUASH IS FOUGHT

Mendenhall Would Dismiss His Wife's Suit for Divorce.

MOTION WILL BE ARGUED

Woman's Attorney Asserts Maintenance, Not Decree, Is Sought—She Is Allowed Suit Fees and Alimony—Affinity Alleged.

When court convened yesterday afternoon Attorney Joel M. Long made strenuous objections to the dismissal of the divorce suit of Edward C. Mendenhall against Ella Mendenhall. Presiding Judge Bronaugh, of the Circuit Court, to whom Attorney John Manning, representing Mendenhall, had made motion for dismissal, refused to dismiss the suit, and he would allow the motion to be set down for argument.

Judge Bronaugh signed the order yesterday afternoon allowing Mrs. Mendenhall's motion for \$500 suit money and \$100 a month alimony while the divorce suit is pending. It was last Saturday that Judge Bronaugh had given the motion to allow this motion, hearing which, Mendenhall came into court the first thing yesterday morning with a motion to dismiss the suit.

Dismissal Is Opposed.

Attorney Long does not object to having the complaint dismissed, but has filed an answer in which he asks, not for a divorce, but for permanent maintenance. He contends that this cannot be dismissed at Mendenhall's request. The Mendenhalls were married in Lewis County, Washington, in 1882. He accused his wife of deserting him 10 years ago, and said she falsely accused him of incest with Maude Cobb. In her answer Mrs. Mendenhall charges her husband with having had an affinity, and with treating Maude Cobb better than his wife.

Poor Providing Alleged.

Compelled, she alleges, to keep house and cook for a boarder and at the same time attend to a small store, while her husband for months failed to provide for his family, Mrs. Francis M. Twist has brought suit in the Circuit Court for a divorce from William Twist. The Twists were married in Phoenix, B. C., November 12, 1890. Mrs. Twist's maiden name being Frances Shurt. She alleges that her husband placed in her hands, for his family's needs, only \$20 being Francis Shurt. She alleges that her husband placed in her hands, for his family's needs, only \$20 being Francis Shurt. She alleges that her husband placed in her hands, for his family's needs, only \$20 being Francis Shurt.

CHAUFEUR IS ARRAIGNED

John Robertson, Accused of Manslaughter, Given Time to Plead.

John Robertson, the chauffeur accused of manslaughter on account of the accidental killing of Mrs. Dolly Ferrara near the Twelve-Mile House September 19, was arraigned before Judge Bronaugh in the Circuit Court yesterday afternoon, and was allowed until Friday to plead. His attorney, George J. Perkins, with whom John P. Logan will appear as associate counsel, asked that \$2500 bail be made to cover both the manslaughter charge and the charge of grand larceny, on which Robertson will be tried November 11. This would have the effect of reducing the bail on the grand larceny charge from \$500 to \$250.

GOODYEAR RAINCOAT COMPANY

225 MORRISON STREET, BET. FIRST AND SECOND

Home today to the French bark Pierre Antonie, which arrived last evening from Newcastle, to discharge her full cargo of 305 tons of coal at this port. She will moor alongside the wharf tomorrow morning.

The steamer Yosemite sailed Sunday for San Pedro, with 2200 feet of lumber, loaded at Kelama, Stella, Goble and Prescott. The schooner E. K. Wood also cleared for San Pedro. She has a cargo of 500,000 feet of lumber loaded at Linton.

ALLEGED BETRAYER HELD

MAN ACCUSED OF DECEIVING GIRL IS BOUND OVER.

George Templer, alias George Preston, a wood-sawyer employed in the Rose City Shingle-mill at Milwaukie, was held to await the action of the grand jury yesterday morning in the Municipal Court on a charge preferred by Miss Alta Gilliland, 19 years old, whose home is in Kelso, Wash. The testimony at the hearing before Judge Bennett alleged that Templer, who has a wife and two children living in Portland, met the Gilliland girl in Kelso where he worked at a mill for a time, boarding at the house of the girl's parents.

He induced her to come to Portland to live with him on the pretense that he was securing a divorce and that he would marry her as soon as the decree was granted. She came here and occupied rooms at 533 1/2 Morrison street, she discovered that Templer was living with his wife. Templer then endeavored to card the girl's name. The girl appealed to the authorities and Templer's arrest followed.

NO SUICIDE PACT SHOWN

Investigation Shows Mrs. J. L. Osborne's Death Accidental.

At an autopsy held late yesterday afternoon by Dr. Sprate on the body of Mrs. J. L. Osborne, who was found dying in the bathroom of the Swartz Hotel last Sunday night, it was determined that the woman met her death through asphyxiation. An explanation given later to Detective Mallett by James Smith, the painter who was found in the bathroom with the woman, in a semi-conscious condition, goes to further corroborate this theory. The report states that the woman and man had attempted to commit suicide and was discovered. Coroner Norden thought circumstances were suspicious, as it was shown that when the two people were found in the room the gas was burning. Smith, who is recovering from the effects of the gas at the hospital, said he was sitting on the edge of the tub, when he suddenly became unconscious. He noticed that the gas came with unusual force and that the fumes from it were very strong. An inquest will be held.

Wagner Sued for Safe.

John Ruderman brought suit in the Circuit Court yesterday against Constable Lou Wagner, alleging that the Constable departed with Ruderman's iron safe. He demands its return or \$125 damages.

Astoria Shipping Notes.

ASTORIA, OR., Oct. 25.—(Special).—Collector of Customs McDougall has received money from the Treasury Department to pay of the crew of the revenue-cutter Manning, which is returning from her Alaskan cruise. The vessel will probably reach here during the present week. Permission was granted at the Custom-

THE ALK OF HE OWN

GOODYEAR RAINCOAT CO.

225 MORRISON, Bet. 1st & 2d

RAINCOATS

AND HOW WE SELL THEM

From Our Factory

2-U

At First Cost

NO MIDDLEMAN'S PROFIT, SAVING YOU 30 TO 40 PER CENT

To induce early buying this week, we will offer 950 waterproof and all-weather.

RAINCOATS

For men and women, that will make quick selling for