

ORDER GIVES WEBB CHANCE FOR LIFE

Court Will Grant Stay of Execution While Attorney Makes Appeal.

KERSH JURY SECURED

Opening Arguments in Trial of Woman Held Accomplish in Johnson Murder Are Made by Lawyers for Both Sides.

Circuit Judge Morrow issued an order yesterday morning staying the removal of Jesse P. Webb from the County Jail to the State Penitentiary until tomorrow. Attorney Fouts has drawn a notice of appeal to the Supreme Court and Judge Morrow said he will today sign the certificate of probable cause and stay of execution. Thirty days is the time usually allowed for the preparation of the bill of exceptions.

Jury Is Secured.

The jury in her case was secured about 11 o'clock yesterday morning, the defense having used five peremptory challenges, the state two, and 37 men having been excused by the Court for cause. Deputy District Attorney Fitzgerald made the opening statement to the jury and finished before time for the noon adjournment. He told of the gruesome find at the Union Depot on June 29 of Johnson's body in a trunk, and of the crime which preceded it. The jurors were told of a plot, alleged to have been formed by Mrs. Webb, to have her husband killed by a man named Kersh, who was then a servant girl. Her father, parents died soon after she came to America from Sweden. She was betrayed by Kersh in Salt Lake City, said Fouts, and secured from him a promise of marriage, which in later years he fulfilled on the condition that she should marry him. Kersh, he said, was a man of low character, and she was a woman of high character. She was betrayed by Kersh in Salt Lake City, said Fouts, and secured from him a promise of marriage, which in later years he fulfilled on the condition that she should marry him. Kersh, he said, was a man of low character, and she was a woman of high character.

New Witnesses Secured.

A few additional witnesses will be placed on the stand by the state at this trial. One witness is said to have been found in the hallway of the rooming house adjoining the saloon. She promised to be Johnson's wife, but did not tell him of her relations with Webb. The trip to Portland and the events of June 29 were covered in detail.

Cost Brings Protest

PROPERTY OWNERS COMPLAIN TO CITY COUNCIL.

Increase in Charges for Improving Upper End of Hall Street Discussed at Session.

Remonstrating against the cost in improving the upper end of Hall street, a delegation of 40 property owners met the judiciary committee of the City Council yesterday afternoon and asked that their grievances be given consideration. Objections were made to the city going ahead and completing the improvements at a cost to exceed two and one-half times the original estimate.

15 Cents, Wife's Only Coin.

Mrs. Ethel Scott filed an affidavit in the Circuit Court yesterday alleging that her husband, Vernon C. Scott, left her November 13 with only 15 cents. Since the wife says she has been supported by her mother, the Scotts conducted a store at Latta, and Mrs. Scott complains that while she was in California her husband sold the store for \$2500. He has brought a divorce suit which, she says, will cost her \$200 to defend. Besides the \$2500, Mrs. Scott says her husband has several pieces of real estate, and is able to pay her \$50 a month, which she asks for support.

Wrong Check Paid, Bank Sued.

Alleging that the United States National Bank paid a check for \$2000 and deducted it from its account, the plaintiff has put in an order to stop payment. J. Goldblatt brought suit in the Circuit Court yesterday to recover the amount of the payment. The plaintiff, however, made a mistake in ordering the bank to refuse payment on check No. 905 instead of check No. 906. He told bank officials, he alleges, that the check was payable to J. M. Glimes, agent, made August 8, and that the only other outstanding check he had was for \$2.

\$7500 Sought for Arm.

If L. Jackson brought suit against the East Side Mill & Lumber Company yesterday for the recovery of \$7500 damages, alleging that he lost an arm in an accident at the mill December 10. He was using the friction gear of a planer, which started suddenly. The complainant declares there was no way to stop the machinery except to put the arm through the spokes of one of the wheels. When the wheel started, his arm was so crushed that amputation above the elbow was required.

Husband, Shot by Wife, Sues.

Bernard Metzger, manager for Ishore Holman, who was shot by his wife November 26, brought a divorce suit in the Circuit Court yesterday. He married Frances Metzger November 13, 1908. He complains that she fired five shots from a revolver at him, one of the bullets penetrating his right jaw, knocking out several teeth and passing through his mouth to the left.

HOLLADAY FOLK GET BUSY

Residents Want Direct Access to Upper Deck of New Bridge.

Residents and property owners on Holladay avenue, at the foot of which the present railroad bridge is located, want

direct access to the new railroad bridge on Oregon street, and will insist that the city provide a viaduct to the upper deck of the new bridge on Larrabee street. To the removal of the steel bridge to Oregon from Holladay avenue, where it had been for so many years and where nearly \$500,000 had been invested in buildings and improvements had been made, they fought and, failing, now will demand that they be afforded direct access to the bridge as reasonable and fair to them.

Francis Clarno, president of the Steel Bridge Push Club, has just returned from Alaska, and will start the movement for the extension of Larrabee street to the new railroad bridge and the erection of this viaduct to the upper deck, which is the only way for a direct street to the bridge.

FAIR WARNING GIVEN

CHRISTMAS PACKAGES SHOULD BE EXPRESSED EARLY.

To Avoid Disappointment, Gifts Should Be Sent Not Later Than December 15, if Possible.

Advice on sending Christmas packages by express, calculated to prevent the loss of articles en route and to guard against damage, have been given by the various express companies to their patrons this year.

BLACK BOX KILLS

4 IN ONE FAMILY

Scourge Gives Tragic Ending to Reunion of Parents and Children.

3 OTHERS HAVE DISEASE

Father, Daughter, Son and Son's Wife Die at Silverton Farm Within Five Days—Child and Her Nurse Now Very Ill.

Less than two months ago, Chris Herr, a retired farmer of Bluffton, O., his aged wife and a daughter, started on a trip to visit two sons, one in Mexico City, Mexico, and the other near Silverton, Or. It was intended as a pleasure trip of declining years, perhaps a last visit with sons who had sought their fortunes far from home. The mantle of death thrown over the father, daughter, son and son's wife within the short space of five days, near Silverton, is the tragic end of the journey.

Black smallpox, imported from Mexico, wiped out the family, with the exception of the elder Mrs. Herr and the 4-year-old baby of Simeon Herr, the son, and the recovery of the little fellow is problematical.

Three heroic nurses are now quarantined at the Herr farm, four miles from Silverton, and one of them has the disease that has been fatal to the family. The nurse who has the black smallpox is Miss Edna Amundson, of Silverton, a graduate of St. Vincent's Hospital, of this city. The other two nurses are Miss Nell and Miss Smith, of Salem.

Victims Never Vaccinated.

All those who have died were never vaccinated, while aged Mrs. Herr, the only one afflicted who has recovered, was vaccinated 25 years ago. Miss Amundson was not vaccinated until the disease was diagnosed by Dr. Wrightman and Lewis, of Silverton, and her affliction is now a case of black smallpox rather than the effects of vaccine. The other two nurses have been vaccinated and are heroically standing by their sister in the profession and the baby.

Dr. Calvin S. White, Secretary of the State Board of Health, was called to the Herr farm Sunday by the attending physicians. He saw that a rigid quarantine was established over the Herr home and also over the household of four families that had been exposed, all under police surveillance.

Chris Herr, his wife and daughter Fannie, left their home in Ohio, October 13, for Mexico City, to visit a son in that city. A case of black smallpox was discovered aboard the train which they were leaving Mexico City for Silverton. The victim was taken off at the first station but the passengers were not quarantined or vaccinated nor was the train stopped.

Chris Herr and his family came on to visit the son, Simeon Herr, near Silverton. On Thanksgiving day, the elder Mrs. Herr became ill. She took various home remedies and gradually recovered. On December 2, Chris Herr, Simeon Herr, Mrs. Simeon Herr, Miss Fannie Herr, and the 4-year-old son of Mr. and Mrs. Simeon Herr, all became ill.

Physicians from Silverton, accompanied by Miss Amundson, the nurse, visited the Herr home, and the disease was diagnosed December 5 as smallpox, when it broke out. On December 6, Chris Herr died; December 7, Simeon Herr died; December 9, Fannie Herr died; December 11, Mrs. Simeon Herr died.

Boy's Fate in Balance.

Mrs. Chris Herr is thought to be out of danger; the fate of the boy is in the balance and the result of the attack on Miss Amundson will not be known for several days. The other two nurses who had been vaccinated are doing all they can for the two remaining sufferers.

POSITION TOO "DELICATE"

Police Official Sidesteps Offer by License Committee to Present Objections Concerning Un-savory Resorts.

If there are any saloons, hotels or restaurants in Portland having license to sell liquor to which Chief Cox has any objection, he has the opportunity to make his complaints known where they will have the desired effect. Yesterday afternoon the liquor license committee of the City Council, upon motion of Councilman Menefee, voted unanimously to ask the Chief to lay before the committee at a special meeting next Tuesday any statements he may wish to against any law-breaking establishments.

"Our purpose in so doing," explained Chairman Wallace, "is to secure from the Chief of Police first hand information as to any places having liquor licenses and which should not be in judgment, have such license. We directed that a letter be written to the Chief, inviting him to lay before us at a special meeting, to be held December 20, any complaints he may wish to make against any saloon, hotel or restaurant, in this manner he will be enabled to furnish us information against any place which should not have a license, if he knows of any such."

MI HOGAR.

The MI Hogar cigar is a Havana, mild, aromatic, of perfect workmanship and quality always. The name means "my home," and it is in truth a home cigar, fit to smoke in the evenings, when the mind is relaxed and every sense is keen for full enjoyment. A fine Christmas gift is a box of MI Hogar cigars. St. Schel & Co., 52 Third or Third and Washington.

Want To Help Some One.

For thirty years J. F. Boyer, of Fertile, Mo., needed help and couldn't find it. That's why he wants to help some one now. Suffering so long himself, he feels for all distress from backache, nervousness, loss of appetite, lassitude and kidney disorders. He shows that "Electric Balm" work wonders on such troubles. "Five bottles," he writes, "wholly cured me and now I am well and hearty." It's also positively guaranteed for liver trouble, dyspepsia, blood disorders, female complaints and Erysipelas. Only 25c at all druggists.

Welsh Anthracite heats best and lasts longest. E. 303, C. 2302.

Mothers Appreciate "The Handiness" of Post Toasties

Ready to serve from the package, with cream.

When hungry children call for something, this delicious food is satisfying and nutritious.

Post Toasties are dainty and sweet and ready to eat.

"The Memory Lingers"

Postum Cereal Co., Ltd., Battle Creek, Mich.

MEN FINED FOR RIOTING

Clash Between Union and Non-union Foundry Men Up in Court.

For their alleged share in a small riot which occurred in fact of the foundry of Smith & Watson, in South Portland, last Wednesday, John Sharp and Sam Braun, union pickets, were convicted by a jury in Municipal Court yesterday, and were fined \$25 each by Judge Taxwell. Notice of appeal was given. Arland Moore, a strikebreaker, whose resentment of an alleged insult precipitated the conflict, was fined \$10.

NURSE'S SCREAM IS SAVIOR

Bold, Bad Burglar Makes Rapid Flight When Woman Yells.

There was great fluttering in the dove-coat inhabited by the Graduate Nurses' Club, 27 Third street, early yesterday, when a bold, bad burglar disturbed the repose of the residents by climbing in at the window of Nurse Mary Brown's room. Miss Brown was awakened by hearing a noise at the window, and saw a man half-way in her room. She screamed and the intruder paused on the sill.

Then he heard the footsteps of other persons, rushing to the room, and in a hasty fashion retreated the way he had come. Patrolman Royce was sent to the house in answer to a telephone message to police headquarters. He found two boxes and some sticks of wood piled outside the window to give easier access to the room, but could discover no trace of the burglar.

Have a Piano for Christmas Pay for It After New Year's

Any responsible party can have a piano delivered to their home without paying a cent now—then pay for it after New Year's

Many people are taking advantage of this opportunity to have a piano in their home over the Holidays, and still have the use of their money.

We know how much added cheer a piano in the home means during the Holidays. We know, too, how much better values our pianos are than any that have ever been sold before in Portland. We want you to find this out in your own home—that is why we say let us send a piano to your home—we won't ask you to pay a cent down until after New Year's.

You Can Have Any of These Pianos

Weber Steinway Pianola Piano

Steck Weber Pianola Piano

Fischer Steck Pianola Piano

Wheelock Wheelock Pianola Piano

Kohler & Chase Stuyvesant Pianola Piano

Hoffman Fischer Player Piano, or

Kohler & Chase Campbell, etc.

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