MURDER TRIAL

Jury Empaneled to Hear Case Against Charles W. Hammond.

AX IS USED FOR KILLING

Case Against Prisoner Largely Circumstantial - Many Witnesses Called - No Person Saw Death Actually Dealt.

VANCOUVER, Wash, Oct. 16.—(Special.)—The trial of Charles W. Hammond, charged with murder in the first degree, who confessed to killing Edward C. Barhydi, on Bells Mountain, on the night of May 21, began in the Superior Court before Judge McMaster here teday and Mrs. Chat Knight, the first woman in the Sinte of Washinston to try a murder case, was the lone jurywoman, men comprising the balance of the panel. Mrs. Annie Bowes was appointed by Judge McMaster as special woman balliff, to take charge of Mrs. Knight, when the trial is not in progress. Both woman are ardent workers for woman's suffrage.

Hammond, dean-shaven for the first time in many months, and wearing a

Hammond, clean-shaven for the first time in many months, and wearing a black suit, was led into the courtroom, which was packed to its canadity, at 16 c'clock. Hammond has gained 20 pounds since being placed in just the latter part of June, and does not seem to mind in the least that he is on trial for his life. He is being defended by M. Swan, who was appointed by

Judge McMaster.

A special venire of 15 jurors was ordered subpensed by the court this afternoon, making 14 jurors called in the case. The panel was complete at 1

The jury selected co-sists of: Mrs. Ellen Knight, F. V. Arneld, G. E. Scheule, J. C. Dow, O. T. Braistad, A. McGoldrick, J. G. Mitchell, Fred Mattson, J. Mcautt, J. B. Atkins, L. Stover and E. H. Wright.

Bouble-Biffed Ax Used.

In Hammond's confession, he said that he and Barhydt had had a quarrel about some fence posts during the afternoon, when he was working for Barhydt, and in the ovening after supper the quarrel was renewed. So Hammond says, Barhydt struck at him with a gun and he grabbed the double-bitted av in the room and felled him with it, and then, to make suhe he was dead, cut his throat with a dull butcherknife. "It was pretty dult, but I finally cut it," he said at the time.

The body was loaded on a handsled and dranged to a point 200 yards from the house and hurled in the hole made by the upturning of a tree, about one foot of earth being over the body and short logs and brush piled on top of this. One hand was left protruding and it was this that finally led to the discovery of the body.

The next morning Hammond started to Vancouver, leaving a couple of grips and a banjo at the home of Mr. and Mrs. Charles Mears, next neighbors. There, he said, Barbydt was got g to walk to Sifton, on the carline, and would meet him (Hammond) in Vancouver, He said Barbydt had gotten up at 2 o'clock and started to walk to Sifton.

Insanity to Be Pies.

questions he asked the witnesses, in-tends to establish a pies of insanity, and self-defense.

Mrs. Ellen Knight, the jurywoman, after court was adjourned, was given in charge of Mrs. Anie Bowes, spe-cial bailiff, the first woman bailiff to serve in Clark County.

Woman Is Prisoner.

Judge McMaster was asked for advice and instructions and he said that Mrs. Knight must sleep in the courthouse and Mrs. Howes must remain with her. no matter where she went. Cots for the two women were provided in the of-fice of the Clerk of the Court, where they are comfortable.

Mrs. Knight is wife of Chat Knight.

who had charge of the Clark County exhibit at the Alaska-Yukon-Pacific Ex-position at Seattle. While in the jury box she wears a little white bow of ribbon. When the jurors went to supper at a downtown restaurant she followed along behind with Mrs. Bowes. This is the first time in my life that

I have been a prisoner," smiled Mrs.

MAN FOUND DEAD ON ROAD

Heart Disease Believed to Have Caused Death Near Klamath.

NLAMATH FALLS, Or., Oct. 16.— (Special.)—Torn Ferris, of Walker Lake postorfice, Lake County, was found dead on the road between his ranch in Warner Valley and Fort Bidranch in Warner Valley and Fort Bid-well, where he had gone for supplies. Coroner William Wallace, of Lake County, and the Coroner of Modoc Coun-ty, California, were notified. It was found that Mr. Ferris had died in Cali-fornia and the Modoc County Coroner took charge of the body which will be sent to relatives in San Joss, Cal. Mr. Ferris is believed to have died of beart disease. He was about 45 of heart disease. He was about 45 years old and well known in the Werner district.

WILL OF FRIAR IS UPHELD

Circuit Court Declares Mount Angel Abbey Rightful Legatec.

SALEM, Or., Oct. 10. — (Special.)— Finding in inver of the legates, Judge Bushey today upheld as valid the will of Father Emmeron D. Wendt. The will was made in favor of the Benedic-

will was made in rayor of the Benedictine fathers of Mount Angel.

John Wendi, as contestant, brought proceedings against the abbey, asserting that the signature of Father Wendich the will was a forgery, and a mass of expert testimony was introduced in an effort to prove this point. Attorney Holmes, for the contestant, stated that the case would be appealed to the Circuit Court

VANCOUVER WOMAN FIRST JUROB OF SEX TO SIT ON MURDER TRIAL IN CLARK COUNTY.



Two Claim Tract Formed by Shrinkage of Malheur Lake.

MEANDER LINE IS CRUX

Supreme Court to Decide Ownership of Large Area Claimed by Proprietor of Frontage Along Old High-Water Mark.

BURNS, Or., Oct. 10 .- (Special.) -A awauit was terminated in the Circuit Court here recently that may go to the United States Supreme Court to obtain a final test of the questions in-volved. They are of great importance and may affect the occupation of, and title to several thousand acres of land in Harney County.

couver. He said Barhydt had gotten up at 3 o'clock and started to walk to Sifton.

Insanity to He Pies.

Porty-three witnesses have been called for the State and 23 for the defendant. Frank Johnson was the first one called today, and he was followed by Mrs. Charles Mears. Charles Mears. Charles Mears. Charles Johnson. W. M. Farrell. Robert Tubaugh. Frank Johnson and W. J. Khapp, coroner.

As there were no eye witnesses to the killing. the state of eye witnesses to the killing. The state of the meander line and up to it. Mr. Cawlfield, under the deciring his own from the meander line to the center of Malheur Lake as it now exists, which of recent years is a long distance, except in the highest Frank Cawlfield brought suit against

Knapp, had seen Hammond after the death of Barhydt, when he was driving the team and rig of Barhydt's. The rig was well known, Barhydt having lived in that section for years. The attorney for the defense, from the questions he asked the witnesses, intends to establish a pieu of the section of the section of the winder of the winder of the winder of the widence that the widence will be with the widence that the widence will be with the will be will be with the will be will be with the will be wi Mr. Smith and against air. Cawingular contention. It was decided upon questions of fact. Judge Smith Instructing the jury that should they find from the evidence that the meander line was a correct boundary line—or approximately so—of the lake as it exists in ordinary conditions and that the water of the lake receded only a normal distance in dry periods, then they must find for the paintiff Cawiffold, but if they found that the meander line was not the correct lake boundary, but that the land for a great distance inside the line was really a marsh subject to everflow at times and dry in ordinary seasons, then they must find for the defendant Smyth.

It is claimed by the attorneys for Mr. Smyth that if Mr. Cawifield's contentions should be allowed he would be enabled to add over 2000 acres of rich hay land to the 48 acres which he new owns and that there are similar

rich hay land to the 48 acres which he new owns and that there are similar instances all around the lake wherein men owning small tracts could add 5000 acres to their holdings.

The gross income for the year for the lease of the road is \$27,672. The Oregon Short Line has advanced \$5,647,606 for construction, equipment and betterments. The case will very likely be fought to the bitter end.

WOODEN STEAMER BURNS

Crew of 21 and Two Passengers Are Forced to Cling to Wreckage.

SEATTLE, Oct. 10.—The 186-ton wooden steamer Perdits was burned to the water's edge today, two miles from Port Ludiew. The 11 members of the crew and the two passengers were obliged to leap overhoard and clung to pieces of wreckage nearly an hour before launches picked them up. The Perdita was owned by the Inland Navigation Company, was valued at \$40,000 and plied between Seattle and Port Townsend, carrying freight and passengers for the small way ports.

When off Port Ludiow this morning and while many of the crew were still in bed, the woodwork of the boiler-room took fire from secaping oil, and in a short time the oil tank exploded. The people on board tried to lower the boats, but the smoke was so dense that they could not reach the falls. The men pulled off the wooden doors of staterooms, threw them overboard and then followed. Clinging to the wreckage they saw the steamer entirely destroyed by fire. They were picked up uninjured except from the water's chill. The Perdita was built in Seattle in 1905.

COMMISSIONERS GO EAST

Workmen's Compensation Act to Be Discussed by State Delegates.

OLYMPIA, Wash, Oct. 16,—(Special.)— C. A. Pratt, of the Industrial Insurance Commission, and W. V. Tanner, Attor-ney-General, left Monday for Chicago to attend the conference of representa-tives from 15 states to discuss state and Federal workmen's compensation.

The conference will be held October 13 and 14.

Among the questions to be taken up will be proposed amendments to the interstate commerce law, uniform accident reports and how to deal with patients who prolong their illness in order to continue to derive the benefits of the law. The conclusions will

order to continue to derive the centritis of the law. The conclusions will be presented before the Congressional commission on employes' compensation, which is to hold a session following the conference of the state delegates. It has been but recently that any definite steps were taken in the direction of solving the problem, and Washington is regarded as having advanced farther in the work than any other state in the Union.

The meeting was called at the suggestion of George A Lee, chairman of the Washington Industrial Insurance Commission, and invitations were issued by C. H. Crownhart, chairman of the Wisconsin Industrial Commission. Wisconsin has a compensation law very similar to Washington's except that it is not compulsory, merely removing the employer's technical defences.

DESCRITES RAILROAD COM-PANY FILES FIRST REPORT.

Cost of Line Placed at \$63,310 Per Mile-Oregon Short Line Has Control Vested.

Railroad Commission today. The consolely in the Oregon Short Line through advances for contruction only. The mileage is shown to be 90,6 miles rith 65.49 miles of track constructed

iring the year.
The report shows that stock has
sen issued for the road but that no subscriptions have been made there-for. The total par value of the 1000 shares outstanding is placed at \$100.-000. This capitalization reported ap-plies not only to the line completed, out the mileage also under construc-

tion June 30 this year.

The cost of the road is placed at \$65,310.06 per mile. The total cost of the road so far is given as \$5,728,274, the cost for this year up to the time of the completion of the report being \$1.640,361. The engineering in itself cost \$2,760,520 while the right of way and station grounds required \$83,079. Grading was the chief item of expense at \$1,178,149 while tunnels cost \$348. Bridges, treatles and culverts, ed a material item amounting to

The report of the Corvallis & Eastern shows operating revenues of \$335.959 with operating expenses of \$251.157 or a net operating income of \$74.801. Taxes accrued amount to \$20,501 leaving an operating income of \$54,200. The Sumpter Valley Raliroad shows operating revenues of \$250,310 with operating expenses amounting to \$164.501, making an operating revenue of \$55,808. The total operating income is \$19,357, taxes accrued amounting to \$8451.

HARNEY WOOL MEN MEET Permanent Organization Planned at Meeting in Burns.

BURNS, Or., Oct. 10. — (Special.)—A number of the sheep owners of Harney County who are in attendance at the fair here, held a meeting this week with County Judge Grant Thompson presiding and Ira J. Mahon acting secretary. The prevailing conditions affecting their line of industry were discussed and it was determined to bring ussed and it was determined to bring cussed and it was determined to bring about a streng organization of the woolgrowers of the county for the purpose of mutual protection and assistance. To this end it was decided to hold a meeting in Burns December 26 to form a permanent organization.

James F. Mahon was elected president for the time being to make all

a permanent organization.

Tames F. Mahon was elected president for the time being to make all arrangements for the gathering to fix up a programme.

Cowlitz County Pioneer Dies.

CENTRALIA. Wash. Oct 10.—(Special.)—Mrs. Alice Maxson, a pioneer of Cowlitz County and the mother of J. S. Maxson, a well-known farmer living near Kelso, died at the home of her son Sunday. Mrs. Maxson was 88 years of age and has lived in Washington for more than 40 years moving to Kelso from Ridgefield several years ago.

Have you dined at the Carlton? **

Have you dined at the Carlton? ** CENTRALIA. Wash, Oct 10.—(Special.)—Mrs. Alice Maxson. a pioneer of Cowlitz County and the mother of J. S. Maxson, a well-known farmer living near Kelso, died at the home of her son Sunday. Mrs. Maxson was 38 years of age and has lived in Washington for more than 40 years, moving to Kelso from Ridgefield several years age.

HOTEL CARLTON

RESTAURANT

Although open but a few weeks, the Hotel Carlton Restaurant has already the reputation of being Portland's most desirable dining place.

SPECIAL ANNOUNCEMENT

The Hotel Carlton Restaurant now serves a TABLE D'HOTE DINNER WITH WINE **DAILY FROM 5:30 TO 8:30**

Ritz-Carlton Hotel Company ONE DOLLAR

G.C. Larm

Fourteenth and Washington Streets

Governor Finds Fairchild's Place Difficult to Fill.

LOSS ONE GREAT TO STATE

When Deceased Officer Expected Federal Appointment, Chief Executive Passed Whole Month Canvassing Eligibles.

SEATTLE, Wash, Oct. 10.—(Special.)—Governor M. E. Hay once tried to find a successor to Chairman H. A. Pairchild, of the Public Service Commission, and falled to discover anyone in the state fully equipped. New that death has removed Chairman Fairchild and made the appointment of a successor imperative, the state executive admits he is in despair.

Fairchild expected an appointment as a member of the Federal Government's newly created Commerce Court, and Governor Hay spent a month canvassing the list of eligibles.

Governor Hay is traveling with President's Taft's party, but will remain at the Capital when the party leaves the city.

"There was no other man in the state service whom the people of Washington could so ill afford to lose as Mr. Fair-child," said Governor Hay at the Hotel

Washington today.

"There are a number of strong state commissions, but none of them is of important as the Public Service Commission, and no man was so essential to the success of its work as was Mr. Fairchil?

"Frankly, I don't know where to turn

SALEM. Or. Oct. 18.—(Special.)—The
first report of the Deschutes Railroad company was received by the State
Railroad Commission today. The con-

SPOKANE MAN IS SUGGESTED

H. M. Stephens, of Rate Case Fame, Thought Possible Commissioner.

SPOKANE, Wash., Oct. 18.—(Special.)

The name of H. M. Stephens, the attorney who won the victory in the Spokane rate case, is suggested as appointee to fill the vacancy on the State Public Service Commission, caused by the death of Chairman Fairchild.

the death of Chairman Fairchild.

Two objections only have been brought out against Mr. Stephenson. One is that he might not feel justified in giving up his extensive law practice for the salary of \$5000, and the other that the East Side already has one representative on the Commission in J. C. Lawrence. The possibility of Lawrence resigning and making the race for Governor would leave a vacancy for an East Side man.

"I believe Mr. Stephens to be fitted in every way for the position if he de-

in every way for the position if he de-sires it. He certainly can have the support of Spokane shippers," said Percy Howell, acting chairman of the rate committee, today.

KUYKENDALL UNDER QUIZ

DISTRICT ATTORNEY ABSENT, GRAND JURY ADJOURNS.

Taxpayers Suggesting Recall Charge Dereliction of Duty-Not Told, Is Officer's Defense.

KLAMATH FALLS, Or., Oct. 10.—
(Special.)—Deli V. Kuykendali, District Attorney, has returned to Klamath Falls after a two months' absence, during which the Circuit Court convened and the grand jury was called. District Attorney Kuykendali was not on hand, and his deputy, Charles Ferguson, formerly of Pendleton, Or., resigned accordingly. Because of this situation criminal cases were not considered.

Ferguson filed a reappointment October 3 which was dated September 11 by Kuykendall; he was appointed last June, and there has been criticism heard that Ferguson was afraid to tackle the docket in the absence of his chief.

Remington

Creates or Acquires Everything Worth While in

Typewriters

The No. 10 and No. 11 Visible Remington Models represent the sum total of all typewriter achievement—past and present. They not only supply, but they anticipate every need of every user of the writing machine.

They supply Visible Writing under new conditions-without sacrifice of strength, durability or efficiency. These Visible Remingtons have the drop-forged type bars, the

wide pivot bearings, and every other distinctive feature on which Remington supremacy is based.

They have other features, new to the Remington and new to the writing machine. The Column Selector, the Built-in Tabulator, the Tabulator Set Key and the Adding and Subtracting Typewriter are the very latest contributions to typewriter progress.

Remington Typewriter Company

245 STARK STREET

Main 3-A 3113.

December. Taxpayers say the grand fury is called only for criminal casess and query why, therefore, it was sum-

In open court Attorney O'Neill charged that several members of the court Attorney O'Nelll charged that several members they wrand jury stayed away because they were instructed not to appear.

There has been some talk of a recall for Kuykendail, who has one year of a four-year term yet to serve. Kuykendail is paid \$2000 a year.

Powder Plant to Be Built,

ASTORIA. Or., Oct. 10,-(Special.)-A. M. Smith, of this city, has sold the water frontage and buildings at Bay View, Wash, that comprises the old Seaborg Cannery, to the American Seaborg Cannery, to the American Safety Powder Company and the new

Savings Securities

Every dollar loaned from Savings Department must be specifically secured.

Ours are for the most part on first-class mortgages, the best known securities.

\$1.00 or more opens an account with us at 4 per cent interest.

MERCHANTS SAVINGS & TRUST COMPANY

Capital \$150,000.00

W. H. Fear, President. Willard Case, Vice-President. O. C. Bortzmeyer, Cashier. Walter H. Brown, Asst. Cashier.

Open Saturday Evenings 6 to 8.

The site is an excellent one for a plant of that kind, as it is considerable distance from any town and there are few people residing in the vicinity. Mr. Smith still retains the ownership of cannery machinery.

The Wretchedness of Constipation

Can quickly be overcome by CARTER'S LITTLE LIVER PILLS. Purely vegetable CARTERS gently on the liver. Cure don. They do their duty.

LIFE INSURANCE COMPANIES

They Are Closely Observing Public Health Conditions

An examining physician for one of the prominent Life Insurance Com-panies, in an interview on the subject, panies, in an interview on the subject, made the astonishing statement that the reason why so many applicants for insurance are rejected is because idency trouble is so common to the American people, and the large majority of applicants do not even suspect that they have the disease.

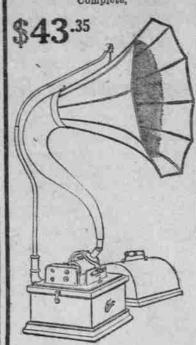
He states that judging from his own ware treason and reports from druggists

He states that judging from his own experience and reports from druggists who are constantly in direct touch with the public, there is one preparation that has probably been more successful in relieving and curing these diseases than any remedy known. The mild and heating influence of Dr. Klimer's Swamp-Root is soon realized. It stands the highest for its remarkable record of cures.

We find that Swamp-Root is strictly We find that Swamp-Root is strictly an herbal compound and we would advise our readers who feel in need of such a remedy to give it a trial. It is on sale at all drug stores in bottles of two sizes—fifty-cents and one-dollar. However, if you wish first to test its wonderful matrixs, send to Dr. Kilmer & Co. Binghamton, N. Y., for a sample bottle, absolutely free. When writing he sure and mention The Portland Daily Oregonian.

A Genuine Edison

With Handsome Oak Cabinet and One Dozen (12) Records, Complete,



A Dollar a Week

places this splendid Edison outfit n any home. This is really the ost complete outfit we have ever

offered on these terms. In addition to the latest 1911 Jenuine Edison Machine, exactly ike picture shown above, we indude a handsome record cabinet either oak or mahogany, as you prefer, as well as 1 dozen Edison records (6 standard and 6 amberol), your own selecting, com-plete for only

\$43.35

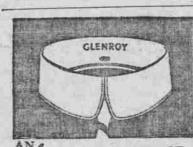
This Edison machine, with nick el-plated and polished mandrel, will play all Edison records. The newly designed motor has improved start and stop regulating levice, runs noiselessly and can be

wound while running.

It is equipped also with new style model "K" reproducer, which plays both two and fourminute records. Get yours today.

It pays to deal at headquarters. Graves Music Co.

111 Fourth St.



easy to tie the cravat in-easy to

notch on-and has oval buttonholes, which makes buttoning and unbuttoning easy. 15c. -2 for 25c. Cluett, Peabody & Co., Makers, Troy, N. Y.

FOLEY'S HONEY AND TAR COMPOUND

For over three decades a favorite household medicine for COUGHS COLDS, CROUP, WHOOPING . COUGH, BRONCHITIS, HARD and STUFFY BREATHING. Take at first sign of a cold. Quick, safe and reliable. The Bee Hive on the carton is the mark of the genuine. Refuse sustitutes.

Mrs. Anna Pelzer, 2525 Jefferson St., So. Omaha, says: "I can recommend Foley's Honey and Tar Compound as a sure cure for coughs and colds. It cured my daughter of a bad cold and my neighbor, Miss Benson, cured herself and her whole family with Foley's Honey and Tar Compound. Everyone in our neighborhood speaks most highly of it as a good cure for coughs and colds."

For Sale by All Druggists.

For Sale by All Druggists.

HOTEL

Geary Street, above Union Square European Plan \$1.50 a day up American Plan \$3.00 a day up New steel and brick structure. Every modern convenience. Moderate rates. Center of theatre and retail district. Or car lines transferring all over city. Elec-tric complete meets trains and steemers



