

"The instructions requested were properly refused," writes Justice Mc-Bride. "They present the 'Irreststible impulse' doctrine at its very worst and antirely ignore the difference between an impulse to kill, arising from mental disease or from 'sudden and sufficient provocation' and one which springs from anger or a wicked and furious desire for revenge. Whatever may be the rule in other jurisdictions, we are of the opinion that the test of insan-ity in this jurisdiction is the capacity to distinguish between right and wrong Section 2408, L. O. L. is as follows: 'A morbid propensity to commit prohibited morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incasable of knowing the wrongfulness of ich acts, forms no defense to a pres-tion therefor." "The intent of this statute is to es-

right to amend city charters, and re-serving to cities the right under the initiative and referendum to legislate locally, independent of the Legisla-ture, is involved. As the questions in the bridge case are so closely allied with the ques-tions in the Pacific States Telephone & Telepranh case, which involves the aminer, who was recently reappointed to that position by Governor Hay. Mr. Mohundro was in Vancouver for a few hours today and visited the Commer-cial Bank of Vancouver. When he took charge of the bank's affairs, December 19, 1910, Mr. Mo-hundro said he believed that with proper handling the bank would pay dollar for dolfar and the depositors lose nothing from the failure. Re-minded of this today, he said: "At that time I spoke from what in-

tions in the Facino States Telephone & Telegraph case, which involves the constitutionality of the initiative and referendum, City Attorney Grant asked to have the Broadway bridge case set ahead so it could be heard at the same time as the telephone suit. Both cases will therefore come up for hearing next week "At that time I spoke from what in-formation I had. Of course, it is a well-known fact that the securities held by the bank would bring less now that a year or two ago.

-Wealth, social position and her abil-ity to make money, were the three at-tributes which attracted Bertram A.

tributes which attracted Bertram A. Johnson to Ida F. Johnson, niece of R. A. Ballinger, ex-Secretary of the In-terior, Mrs. Johnson testified today in her divorce hearing before Judge J. Stanley Webster. She received her de-cree and a court order authorizing a property settlement. "He told me that he had never loved me and that I could get out Immedi-

me and that I could get out immedi-ately," said Mirs. Johnson, speaking of her husband, who is proprietor of the Johnson Drug Company. "For eight

Women to Serve on Boards. CENTRALIA, Wash., Oct. 23 .- (Special.)—At a special meeting of the City Council of Kelso yesterday afternoon the election boards for the primary election of November 7 were appointed.

be permitted to furnish ball, the

Judge MoInnes today decided that

mount of which has not been set.

ball might be furnished.

Nine women were chosen to serve on the boards. They are Mrs. Hattle Cut, Mrs. Agnes Cooper, Mrs. H. E. McKin-ney, Mrs. R. W. Welch, Mrs. F. H. Al-lington, Mrs. G. T. Hogg, Mrs. Laura Olson, Miss Laura Peters and Mrs. Minnle Snooner. Minnie Spooner.

Warning! Some gas mantles are being sold which are not genuine Welsbach.

The direct loss to our business through such sales is small-but the loss of confidence on the part of the

BALLINGER'S NIECE FREE ceedings have been commenced, will

Husband Liked Her Financial Tact, Says Divorced Woman.

aminer, who was recently reappointed SPOKANE, Wash., Oct. 23 .- (Special.)

tablish a conclusive presumption that a person having sufficient mentality to know that an act is wrongful and un-lawful is capable of governing his con-duct by that knowledge and of resisting any impulse to violate the law.

### Single Case Cited.

"The only case in which our law The only case in which our law recognizes any irresistible impulse to kill is in section 1897, L. O. L., which provides: 'If any person shall, without malice, express or implied, and with-ent deliberation, upon a sudden heat of passion, caused by a provocation appar-ently sufficient to make the passion fr-resistible, voluntarily kill another ently sufficient to make the passion tr-resistible, voluntarily kill another, such person shall be deemed guilty of manslaughter. This phase of the case was fully presented to the jury in the general charge and in so presenting it the court was quite as favorable to the defendant as the evidence waranted, since in this case there was no sudden

heat of passion and no provocation." After briefly reciting the facts of the case at bar the opinion continues: "Independent of the statute the weight of authority is sgainst the doctrine that a defense of an irresistible impulse to there exists sufficient mentality to know the wrongfulness and wilfulness of the act. . The power to dis-eriminate between right and wrong as a test of criminal responsibility has been adopted by a large majority of the courts of the United States, including oregon." Here citing a large number of cases from various courts of the land, the opinion continues: "The fore-going list does not by any means ex-haust the authorities holding to the theory that a knowledge of right and wrong as to the narticular act charged erong as to the particular act charged is the proper test of legal responsibil-ity. On the other hand, a few courts have admitted, with some reservation. the theory that an uncontrollable im-pulse, superinduced by mental disease, even though accompanied by capacity to distinguish between right and wrong, probably next Spring. With the rapid growth of the coun-try, stockholders are assured that the is a defense to crime. Dr. Maudsloy, the eloquent champion of the theory, remarks: There is a destiny made for a man by his ancestors and no one can elude, were he able to attempt it, the tyranny of his organization."

Moral Phase Only Considered.

"It is submitted that these writers and judges, in adopting their opinions, have dealt with man's moral responsibility as between his Creator and him-self, rather than his legal responsibility as a member of organized society. It ought to be plain that if every case tried should involve an investigation of the defendant's sncestry and environ-ment with a view to what extent these ment with a view to what extent these influenced the free and unirammeled action of his will, and how far, in view of these, he was morally responsible for his acts, the investigation would be interminable.

While one of the incidental objects of the law is to reform offenders, where they are reformable, its principal object is to protect society, and the only practicable working theory upon which it can proceed is to assume that every. man, who knows right from wrong, can observe the right and avoid the wrong."

OREGON SYSTEM CASE SET January 8 Date for Pacific Tele

### phone Company's Arguments.

OREGONIAN NEWS BUREAU, Wash-ington, Oct. 32.-The United States Su-preme Court advanced and set for ar-gument January 5 the case of the Fa-cific States Telephone & Telegraph Company vs. the State of Oregon, and the case of Frank Kiernan vs. the City

HARBOR PROMISED ROAD

FEDERAL LIGHT & POWER COM-PANY WILL BUILD.

Line From Aberdeen to Raymond

and Office Building Assured by New York Concern.

Pipes to Be Retained. It is expected that Lloyd Du Bois, receiver of the Swank & Co. stock, will ABERDEEN, Wash., Oct. 23 .- (Spe cial.)-That the Federal Light & Powe declars a 20 per cent dividend within a few days. Mr. Kies believes that this firm will pay about 50 cents on Company, owners of the Grays Harbot Railway & Light Company, also identhe dollar to the bank, for its \$40,000 tified with a large number of Western companies, will build an interurban line from Grays Harbor to Raymond, on Willape Harbor, and will also construct a line from the harbor to Puget Sound, was made known by C. K. Durbin, gen-eral superintendent of the New York company, today. obligation.

obligation. At the meeting of the depositors Wednesday, the question of raising a fund of \$250 to retain the services of Martin L Pipes, of Portland, to as-sist Fred W. Tempes, County Attorney, in the prosecution of Hugh C. Phillips, former president, and Gilbert W. Daniels, formerly cashier of the defunct hand will be submitted company, today. Mr. Durbin also said that in addition to the present construction work now under way, the company plans an ex-tension to the Sixth-strest line. The

Daniels, formerly chanier of the octunat bank, will be submitted. L. T. Gillett, president, and Mr. Camplan, cashier, of the Goldendale Bank, were here today on matters per-taining to the operations of Frank Aldrich, who owes the bank about \$50,000. The Goldendale bank holds Willapa Harbor interurban line will call for a free bridge across the Che-halis River and will be the first of the hais fiver and will be the first of the larger undertakings in which the company will engage. It is proposed, said Mr. Durbin, to street a central of-fice building on Heron street, in this city. The line between Grays Harbor and Willapa Harbor is a necessity, he declared, and the company intends to begin on the work as soon as possible-probable next Englos \$40,000 worth of stock in the Columbia Valley Realty Company.

MARSHFIELD MINE SOLD

Millicoma Development Company Will Sell Coal.

ine will soon return a profit. The proposed line between Grays Harbor and Puget Sound will be taken up as soon as possible also, but the project will not be undertaken until after the Raymond line is completed. MARSHFIELD, Or., Oct. 23. - (Spe tial.)-The Millicoma mine, on the east cial.)--The Millicoma mine, on the east side of the bay opposite Marshfield, which for the past two years has been developed by J. A. Ward, has been sold to the Millicoma Development Com-pany, a new corporation organized by local men. The development work of the mine is practically finished, and it is the intention of the company to put coal on the Coast market. The concern has 430 acres of land.

directors.

to Be Renewed at Salem.

AUTO RUNS DOWN BUGGY Two Are Injured-Machine Disregards Road Signs.

coal on the Coast market. \* The concern has 480 acres of land, under which is estimated that there are 10,000,000 tons of coal which is claimed to be of as fine quality as any OREGON CITY, Or. Oct. 21.-(Spe-cial.)-Despite the presence of large signs on Seventh street, clearly indi-cating to automobile drivers the direc-tion they should take. Harry Brandt and Albert Mautz, in a rig, were run down Sunday evening by a large ma-chine filled with passengers bound for Molalla. The machine was on the wrong side of the road. The burgy was demolished, both men being thrown into the road, and are injured. The horse was badly bruised. Although they stopped briefly to inquire how seriously those in the buggy were injured, those driving the machine did not stop to assist them, but drove on. OREGON CITY, Or., Oct. 23 .procured in this country. The build-ings and tramways have all been built and a shaft 275 feet deep has been sunk thus far. It is possible to load the coal from bunkers along a deep channel so that ocean - going vessels can take on a cargo at the mine bunk-ers. It is also the intention of the company to lay cut a part of the land

Locks Inspection Postponed.

SALEM, Or., Oct. 23 .- (Special.)-Because of the continued absence of State Treasurer Kay, who has been partici-pating in a dear hunt, the State Board will give up its intended trip to Oregon City tomorrow to investigate the question of the right of way for the free public locks. The trip will be made, however, being postponed to a date

years we have not lived happily to-gether, but after that conversation I Depositors to Meet. "The case of Moore & Hardin, bank-

consulted a physician to see if my hus-band was insane." The case of Moore & Hardin, bank-rupts took away a good deal. Some of the money paid into the bank for their assets had to be turned back again for the benefit of the creditors, when the firm became bankrupt. This was between \$15,000 and \$20,000." The depositors have been notified of a meeting to be held in Sohn's Hall, Wedneday morning at \$ clock to band was insane." The only property mentioned is the house and furniture possessed by the family, which goes to Mrk. Johnson, and 150 shares of the Johnson Drug Com-pany stock, valued at \$15,000, of which she receives 70 shares, with the pro-viso that she is to give her husband an option on it. Mrs. Johnson is given custody of their one child a boy of 10 a meeting to be held in Sohn's Hall, Wednesday morning at 8 o'clock, to discuss the matter of trading the bank's equity in the Seattle warehouse, held at \$80,000, and on which there is now a mortgage of \$45,000, for a 133-acre farm, near Bremerton, and 23 miles from Seattle. custody of their one child, a boy of 10

years. The suit was not contested though Attorney W. C. Jones appeared to ratify the property agreement on the part of Johnson

F. T. Post represented Mrs. Johnson. Before the marriage Mrs. Johnson was Ida Ballinger. Her father is Judge Ballinger's brother and her brother, John Ballinger, is a law partner of the ex-Secretary of the Interior.

WOOD EXHIBIT IS MADE

JOHN DAT, Or., Oct. 23.-(Special.)-The headquarters of the Malheur Na-tional Forest at this place is preserving the exhibit made at the Grant Coun

to constantly until the showing of Eastern Oregon woods is full and com-plete. When fully gathered and classi-fied the exhibit will be of considerable value to scientists, stockmen and lum-

the study of geology, as the formations are more varied and perfect than in any region yet discovered. It is prob-able that a complete showing of the various geologic formations will be added to the Forest Service exhibit at a inter date. The local forest office has erected a full finguois in front of the office and

tall flagpole in front of the office and Old Glory now floats far above the tallest telephone poles.

## LAW WANTED FOR PRIMARY

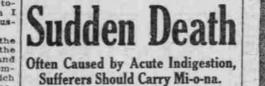
Spokane "Progressives" Ask for

cial session of the Washington Legis

Senator Miles Poindexter is expected to support the movement and is to speak at a public meeting Monday at which delegates will be named to a convention proposed for Tacoma, which will demand that Governor Hay will call the special session. Petitions for the special session are in circulation here.

### Christmas Lake Incorrect.

VARSITY CASE ON TODAY LAKEVIEW, Or., Oct. 23.-(Special.) -Captain O. C. Applegate, of Klamath Falls, who was for seven years super-intendent of the Klamath Indian reser-Hearing of Referendum Controversy SALEM. Oct. 23.-(Special.)-Further investigation into the University of this part of Central Oregon, hopes that



If after eating you feel bloated, have such heaviness and your stomach sems chuck full of misery it's because our food is not digesting but is fernenting in the stomach causing pol-onous gases to form. Many times these gases bloat the

stomach so much that it presses on the heart and causes death. People who suffer from acute indigestion should keep a box of MI-O-NA stomach after a hearty meal and distress will never appear. MI-O-NA is guaranteed to end indigestion and all discases caused by upset stomach, or money back. 50 cents at druggists everywhere

MI-O-NA stomach tablets are best for sourness, belching of food, heartburn, bloating and heaviness. They relieve in five minutes, But best of all they entirely banish indigestion if taken regularly for a few days. Test sample tree from Rooth's Minas Buffelo N V free from Booth's Miona, Buffalo, N. Y.



disappointed buyer is not a small matter either to him or us.

You cannot get Welsbach quality or Welsbach satisfaction or Welsbach service except from the genuine Melsbach. And the genuine is sold only in boxes bearing this "Shield of quality."



## You Needn't Share, Cuba's Great Loss

## Van Dyck Quality Unaffected By Big Tobacco Crop Failure

Soon you'll begin to notice the scarcity of good Hayana tobacco. This is because Cuba's crops failed last year-and, consequently, there must be a shortage, in cigars of quality.

Not so, however, with Van Dyck "Quality" cigars. And here's why:

Besides having a vast store of the choicest Havana tobacco in our Cuban warehouses, our experts got first clinice of the Island's scant crops.

# VAN DYCK "Quality" Cigars

In Tamps, Fla., we make these All our mire workmanship, all our cigars-so that you may be saved the duty that attaches to the "Im-ported." But finer Havana lobacco careful leaf selection, all our costly inspections - all are added cigarported." But finer Havana lobacro than goes into Van Dyck "Quality" Cigars is not grown

value. Yet not one penny have we added to the Van Dyck price. If you don't know Van Dyck "Quality" Cigars, better get ac-quainted none. If you wait until you flore to, you'll regret each hour of lost enjoyment meantime

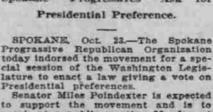
This tobacco we put into the deft bands of our Cuban experts-men with whom cigar-making is a fine wrt. And mark this well: In 27 Different Shapes-One for Every Taste-3-for-25c. to 25c. each

AT YOUR DEALER'S M. A. GUNST & CO .- "The House of Staples"-Distributors

### John Day Headquarters of National Forest Gathers Collection

ty Fair and will make it permanent. Already an excellent collection of trees, woods and plants of the Malheur forest has been made and it will be added

# bermen This part of Eastern Oregon is one of the finest regions in the world for the study of geology, as the formations



into residence tracts which will over-look the bay. J. A. Ward is president and general manager of the new com-pany. H. G. Kern is vice-president and J. G. Mullen is secretary. These, to-gether with C. I. Reigard and P. L. Swearingen, make up the board of directors.