

## 6 CASES REVERSED IN SUPREME COURT

Jesse Parker, Charged With Killing W. N. Porter Gets Another Trial.

### INSTRUCTIONS HELD WRONG

Opinion by Justice McBride Declares That Court's Ruling Is Highly Prejudicial to Man Accused of Crime.

SALEM, Or., Nov. 20.—(Special.)—Holding that the evidence is very conflicting and that the jury, under the circumstances, is better qualified to retry the case than the higher court, the Supreme Court, in an opinion by Judge McBride, today reversed and ordered back for a new trial the case of the State of Oregon vs. Jesse Parker. The appeal was from Union County. Parker was indicted on a charge of murder in the first degree for killing W. N. Porter and the jury rendered a verdict of manslaughter.

The reversal hinged on the question of introduction of evidence tending to show that the deceased was unarmed at the time of the shooting and that he was not in the habit of carrying firearms and never owned a pistol, and as to instructions relative to that point.

**Instruction in Error.**  
The instruction as given by the court, the higher tribunal holds, is erroneous and highly prejudicial to the defendant, the question of whether there was a doubt raised in regard to whether or not the defendant having acted in self-defense being the prime one considered.

"It requires that there shall be a doubt in the minds of the jury," says the court in relation to the instructions of the lower court, "as to who was the aggressor, before they can consider evidence of previous threats of the deceased, wherein the law is, that evidence of such threats may itself be sufficient to raise a reasonable doubt where none might otherwise exist."

There were no eye witnesses to the shooting and the defendant bases his case on a plea of self-defense and that he acted after being attacked. An interesting point was brought out in the case when the defense set up that the defendant had been used to carrying a gun, but on rebuttal there was evidence that the defendant had never carried a gun and no gun could be found about him or near the scene of the killing. Although the killing was in the middle of a public road, several weeks afterward a rusty gun was dug up at that point, being found by one of the attorneys for the defense.

**Options Cases Reversed.**  
Two Union County local option cases were reversed in opinions by Justice Moore today, these being the cases of Victor Townsend and Dell Kennedy and L. Remillard. In the Townsend case, the court in construing the local option law says that it was patterned after the Texas law, and that it is a well-known rule of construction in Oregon that when a law of this state is borrowed from the law of another state that its construction here will be similar to that applied by the court of the last resort in the state from which it was borrowed.

The appeal was grounded on failure to sustain a demurrer that the agreement did not give facts sufficient to constitute a crime. "The failure to aver that an election had been held in Union County at which a majority of all the votes cast on that subject favored prohibition rendered the indictment inadequate in that it did not state facts sufficient to constitute a crime, and an error was committed in overruling the demurrer interposed on that ground," says the court. The same ruling was given in the Kennedy and Remillard case.

Other cases decided today, all reversals, were as follows:

**County Not Sustained.**  
George Palmer Lumber Company, appellant, vs. Wallowa County, respondent; appealed from Wallowa County. J. W. Knowles, judge; reversed in an opinion by Chief Justice Eakin. This was a proceeding to review the action of the County Court of Wallowa County in laying out and establishing a road.

Whitten and Bryant, respondents, vs. M. C. Griswold, appellant; appealed from Multnomah County. R. G. Morrow, judge; reversed and remanded in an opinion by Justice Bean. This was an action for \$10,507 commission for the purchase of timber lands.

In the case of Kurath vs. Jackson, appealed from Washington County. J. E. Campbell, judge; a petition for rehearing is denied by Chief Justice Eakin.

### STREET SPEAKER DEFIANT

Salem Police Clash With Representative of I. W. W.

SALEM, Or., Nov. 20.—(Special.)—Openly defying the police to arrest him, W. E. Clark, agitator for the I. W. W., harangued at length undisturbed to-night at State and Commercial streets after he had been arrested today for disturbing the Salvation Army meetings at that corner.

Clark was released on \$125 bonds and immediately returned to his denunciations on the corner. He declares there are 100 I. W. W. workers here to back him up. An attempt was made to have Salvation Army people arrested after Clark's arrest, but the warrant was refused. Clark will be arraigned tomorrow morning and promises that there will be some startling developments if he is sent back to jail.

### HENDRICKS PROVES ALIBI

Woodland Hotel 1 Holds Prisoner When Sheriff Is Shot.

VANCOUVER, Wash., Nov. 20.—(Special.)—That John Hendricks, in jail here on the charge that he knows something of the murder of W. H. Shores at Butler, last Tuesday, was in Woodland, Wash., Wednesday night, when Sheriff Ira Cresap, of this county, was shot in the local railroad yards, was learned today when the Sheriff went to Woodland and compared the writing of Hendricks with that on the hotel register.

Hendricks said he was in Vancouver Tuesday night, and this is substantiated by his father and mother, Mr. and Mrs. John Hendricks, who live here, and that he was in the hotel in Woodland Wednesday night. Hendricks told Sheriff Cresap he registered there under the name of J. Murray, and was in room 6, which was learned to be true. Mr. Swartz, owner of the hotel, identified Hendricks, alias Murray, to-

day, and said that the man arrived there Wednesday afternoon between 6 and 6 o'clock, and left at 7 o'clock the following morning. He had ample

time to walk from Woodland to where he was captured by the authorities of Cowitz County.

Hendricks' parents and a married

slater, who lives in Portland, have visited him at the county courthouse. The prisoner alleges he was never on the North Bank Road, but his mother

said he came down that way from Idaho.

Hendricks was born in Polk County, Or., and before he was 21 years old

was sent to prison for stealing horses, being released when he was 21 years old. The second time he was in he was convicted of cracking a safe in the Owl saloon, and was given a five-year term. He was released August 23, last. Hendricks asserts his innocence, but will not say more.

# INVITATION

ON WEDNESDAY, November 22, the Royal Bakery & Confectionery will receive as their guests, the public of Portland, from 2 P. M. till 10 P. M., at their new and greater bakery, lunch and store in the Royal Building (old Tull & Gibbs Building), 344 and 346 Morrison Street. During these hours light refreshments will be served on the Mezzanine Floor. Ladies and their escorts are especially invited.

## ANNOUNCEMENT

To All Portland:—  
This new branch of our bakery is so thoroughly correct in every detail, "from the smallest sink in the stock rooms to the golden signs on the portals," that it will be in the nature of a revelation to the people of Portland, and especially appreciated by the ladies.

There will be attendants on every hand, who will personally conduct each visitor through kitchens, dining-rooms, store departments, Mezzanine floor, rest rooms, et cetera, purely for educational purposes. A thorough inspection of our complete sanitary arrangements, adequate equipment, and the beauty and convenience of our new Bakery Lunch is desired by us.

Yours for Perfect Sanitation,  
ROYAL BAKERY & CONFECTIONERY, Inc.  
Manufacturers of Bread and Cakes of Superior Quality.

THE PUBLIC will readily recognize in the above sincere, straightforward statement, the evidences of a high and noble purpose which characterizes and underlies the entire course of the Royal Bakery & Confectionery since its existence in Portland. It is not merely to make money, but to build up an institution which shall always be a source of pride to its chosen city and state, and to surpass not only its competitors, but its own past efforts, no matter how splendid they may have been. The announcement gives but a faint conception of the beautiful Bakery Lunch the Royal has prepared for the public—an establishment destined to become recognized as a standard of perfection hitherto unattained. It deserves further description and an itemized statement will not come amiss.

## ITEMIZED STATEMENT

- Store Front** There are forty feet of French-plate glass windows, backed by glass shelves and dust-proof cases to accommodate and display the superior goods the Royal is so proud of.
- Bakery Store** Directly adjoining the display in front, is the Store Department, covering an area of 800 square feet, whence the Royal Bakery products will be retailed. This department is worthy of particular attention, in that it will be lighter, airier, roomier and prettier than any other bakery on the Pacific Coast.
- Ground Floor Dining-Room** The Ground Floor Dining-Room comes next, with comfortable seating accommodations for one hundred persons, and an area of 2400 square feet. It is complete to the minutest detail in its appointments, which include a rest room, with facilities for writing and telephoning.
- Grand Staircase to the Mezzanine Floor** This stairway is a revelation to critics of art. The approach from the ground floor is by a double stair, which is a marvel of exquisite beauty, mounting by easy steps to a commodious landing, and thence to right and left. This grand stairway is done in white enamel, with deep, soft, velvet carpets, solid mahogany rails and posts, decorated with specially designed light fixtures, the whole reminding one of the celebrated Louis XIV palace stairs in Paris. Twenty steps up this charming passageway, and you are on the Mezzanine Floor.
- Mezzanine Floor or Gallery** The Mezzanine Floor requires 4000 square feet and has seating capacity for one hundred and fifty persons. This floor has so much to commend it for its elegance, distinctiveness and commodious appointments that it is best described by saying that when you enter it and look about, you almost imagine yourself in the grand salon of a modern transatlantic liner. Its massive, mirrored pillars and beamed ceilings, merging with the panels of ivory white
- Mezzanine Floor or Gallery** and the solid mahogany trimmings of the beautifully tinted walls, set off here and there with touches of gold, combine to make a color scheme indescribably rich and satisfying to a cultivated sense of fitness.
- Culinary Departments** These departments, of course, embody the real essentials of a sanitary bakery, and are the real pride of the Royal. They are located in an adjoining building, entirely separate in every way from the Dining and Store Departments, heretofore described. They are two in number (two complete and separate kitchens), one being for the exclusive service of the guests on the ground floor; the other for the exclusive service of the guests on the mezzanine floor. They cover an area of 2000 square feet. A ventilating shaft, fifteen feet in breadth and five feet in width, has been erected, connecting with these kitchens and running to the top of the eight-story building, which will carry off not only every particle of odor from cooking, but likewise every bit of heat and steam, so that the temperature of these kitchens will be as even, and the air as pure as that in the dining-rooms.
- Store Rooms** There are store rooms a plenty; the ice cream tubs have their own separate home; likewise the linens, the groceries, et cetera; all of them, like the two mammoth kitchens, are in a building apart from the store and dining-rooms, thus enabling all goods and raw materials to be received through an entirely separate entrance way and from an entirely different street (fully one block away from the main entrance).
- Furniture** The tables, chairs, hatracks, et cetera, were all specially designed for the Royal, and made to its exclusive order out of the best quarter-sawn oak, finished in rich, dark green, so as to perfectly match the verdant antique marble basings.

The foregoing conveys but a vague idea of the Royal's crowning achievement in sanitation, utility and beauty. A visit on Wednesday will be worth your while.

REMEMBER THE HOURS—From 2 P. M. Till 10 P. M.

# Royal Bakery & Confectionery, Inc.

Royal Building (Old Tull & Gibbs Bldg.) 344-346 Morrison Street  
Sole Makers of Royal Table Queen Bread—Sold by Best Grocers

No Goods Will be Sold on Our Opening Day—Inspection Only Is Our Aim