State Supreme Court Holds That George T. Myers Was of Sound Mind.

SON WINS OVER DAUGHTER

Justice Burnett Decides Lack of Care Given Wife Caused Belief That She Was Murdered Fortune Is Involved.

SALEM. Or., Feb. 17 .- (Special.)-Reversing both the County Court and Circuit Court of Multnomah County, the Surnett today, held that George T. dyers in making his last will and testmyers, in making his last will and test-ament, had testamentary capacity, that he was not suffering under a delusion that his wife had been foully mur-dered, and that his daughter, Georgia Frances Stevens, had given aid and comfort to those whom he imagined had participated in the murder. In the light of these findings Justice Burnett af-firmed the testator's disposition of his property.

The case has ben one of great interest in Multnomah County, due to the amounts of money involved and owing

amounts of money involved and owing to the peculiar features arising between the brother and sister, son and daughter of Mr. Myers.

Upon the petition of George Tohias Myers, Jr., July 22, 1307, the County Court of Multnomah County admitted to probate in common form a paper purpoting to be the last will and testament of George T. Myers. There was also a codicil annexed. It was directed that letters testamentary be issued to the son upon his taking and filing the the son upon his taking and fliing the taking each required by the statute.

820,000 Daughter's Share The will was dated May 21, 1902, and in substance directed that \$20,000 be paid to the daughter, Georgia Frances Stevens, when she arrived at the age of 45 years, and the remainder of the estate was devised to the son, who was also nominated executor of the will.

By the codicil it was further provided that in case the son should die before

the death of the testator the portion of the estate bequeathed to him should be distributed in a manner therein speci-

In December, 1907, the daughter, as plaintiff, filed a petition and complaint in the County Court. Among other things the complaint alleged that "said will is not now under and never was the last will and testament of the said decrage T. Myers." It further went on to allege in substance that George T. Myers was not of sound and disposing mind or memory and that he labored under the insune delusion that his wife. who died a natural death in 1902, had been foully murdered and that the daughter had in some manner aided and comforted those whom he imagined to be the persons who murdered his wife. These assumptions were further femied in the complaint.

Will In Coast Aside.
Consequently in October, 1908, the
County Court of Multinomah County entered an order and a decree to the effest that the order admitting the writing to probate as the last will and testament of the decedent be set aside and held for naught and in June, 1910, the Circuit Court of Multnomah County upheld the County Court. In his opinion, which is an extensive

Justice Burnett holds that an erof judgment upon proven or adted facts is not a delusion, however
ted facts is not a delusion, however
ted facts is not a delusion, however sarsh the judgment may be. He fur ther holds that if extraneous evidence axists upon which anyone could reason then the determination of the testator on such evidence ta not a delusion and that the court cannot substitute its own spinion about the mere property of the will for the decision of the testator.

After long examination of the testimony, which is made comprehensively by Justice Burnett, the deduction is arrived at the test of the mention of the

by Justice Burnett, the deduction is arrived at that out of the months of the contestant's witnesses enough is rewealed about the method of treatment given to the wife of Mr. Myers to form a plausible basis for the belief of Myers that his wife's death was attributed to unskillful medical treatment and that the contestant, Georgia Frances Stevens, sided against her father in the resultant controversy, so that there resultant controversy, so that the

Lack of Care Blamed. The opinion holds that the proof failed to show that Myers believed, even insanely, that his wife had been murdered in the usual acceptance of the term. Rather, the opinion holds, the term Rather, the opinion holds, it is shown that he attributed her death to want of proper treatment by the attending physician. It is further held that the proof is sufficient to show that when an estrangement ensued between the physician and her father as to the treatment of the contestant's mother, that the daughter espoused the cause of the medical man to the displacature of the parent.

pleasure of the parent,
in the opinion Justice Burnett further holds that no question having been
haised about the sanity of the testator
at the time the codicil was made, the
execution of that instrument amounted
to a ratification and re-publication of

the original will and cured any objec-tion of the kind urged against it which might have existed when the former document was signed. Earl C. Bronaugh acted as judge in the lower court of Multnomah County,

the lower court of Multhoman County, sitting on this case.

George T. Myers and his son, George Tobias Myers, Jr., engaged together as saimon packers at Scattle and in the Alaska trade for several years, where they ammassed a fortune which was largely the subject of the dinspute in the present lass.

ROAD FOREMAN KILLS SELF

Worry Over Work Causes Despondency and Suicide of Perry Sharp.

OREGON CITT, Or., Feb. 27.—(Special.)—Mentally unhalanced from worky over his work, Perry Sharp, 50 years of age, road supervisor in District No. 21. ended his life Monday by shooting himself in the head. The body was found today by a brother, Walter Sharp, in a pasture near their home at Stafford. Coroner Wilson held an inquest, the jury returning a verdict of self-destruction.

Sharp, who was a member of a plo-eer family, was appointed road super-toor several weeks ago, and immedwork. He told several friends that it cuit Court today to serve an indeterminate of impossible for him to make not a good showing because sufficient years in the Penitentiary. George D. funds were not available. His condition gradually became worse, and his ciation with Mrs. Helon Nelson, of brothers, fearing that he might do him-portland, and was sentenced to six mostly harm watched him closely. Share self harm, watched him closely. Sharp, months. Both prisoners were released however, sluded them Monday morning, later on parele, during good behavior.

and nothing was seen of him until the body was found.
Sharp carefully planned to take his life and this was shown by a letter he laft. He wrote that he could not make a success of the road work, and feared he would be criticised.

he would be criticised.

Sharp, with his aged mother, and brothers Alfred, Frank, Edward and Walter, lived on a farm which was a part of a claim taken up by his father many years ago. He is survived by three sisters, Mrs. Minerva Mays, of Willamette, and two who live in Seattle. The funeral will be held at the home at 1 o'clock tomorrow afternoon.

VIGILANTES PLEAD GUILTY

Idaho Conspirators Surrender Prosecution and Get Light Penalty.

BOISE, Idaho, Feb. 27 .- (Special.)day in the famous conspiracy case of Long Valley when five of the six defendants stood before Judge Dietrich, in the Federal Court, and pleaded guilty. They were fined \$100 each and

DEATH TAKES WELL-KNOWN RESIDENT OF VANCOUVER.



Mrs. Ellisabeth J. Williams.

VANCOUVER, Wash., Feb. 27.— (Special.)—Mrs. Elizabeth J. Williams, nearly 76 years old, wife of Robert Williams, of 808 West Twelfth street, died this morning. She had lived in this city since December, 1877. Mr. and Mrs. Williams celebrated their golden wedding anniversary June

Mrs. Williams was the youngest daughter of Mr. and Mrs. Agnes Scott Turnbuil, of Kelso, Scot-land, where she was born May 23, 1856. Captain Williams, when traveling in Scotland, became acquainted with her, and they were married in Edinburgh June 7, 1860. The following day they left for Glasgow and sailed from there June 10 on the steamship United Kingdom for Quebec. Canada. Later they located near Hazleton, Buchanan County, Iowa. The following children were born to the union: Mrs. Mary J. Anderson, 197 Twelfth and Har-rison streets, Portland: Arthur Williams. E. Williams, same address; Charles R. Williams, 755 Second and Wood streets, Portland; Mrs. Agnes E. Tooley, 712 West Twelfth street, Vancouver, and William H. Williams, who died in inforcer.

Kopenhauer, to make a clean breast of | Woolfolk

Early in 1910 a hand of settlers in Long Valley formed a vigilance committee and waited upon Carl Beyer and his attorney, H. F. Irwin, demanding that they abandon contest proceedings against Alvin M. Close, and leave the valley within 24 hours. They were valley within 24 hours. They were warned that if they did not make their departure by that time, they would be tarred and feathered. Indictment followed of the six men named.

GOVERNMENT GIVES RIGHT

Washington-Oregon Company May Build Road Through Reservation.

VANCOUVER, Wash,, Feb. 27,-(Spectal.)-A license for the Washington Oregon Corporation to build a single Oregon Corporation to build a single-track electric line through Vancouver Barracks, a military reservation within the city limits, was received by that company today from the War Department through Captain J. Kinnison, post quartermaster. The license carries a common-user clause, but in case other electric companies desiring to use the track built by the Washington-Oregon Corporation cannot agree upon a satisfactory rental for use, the amount is to be settled by the War Department.

The proposed line will be built at once and its cost, exclusive of rolling each, will be about \$50,000. It will give car service to 2000 persons living east of the garrison, besides the State School for the Blind and the State School for the Deaf. The permission to cross the reservation has held up this extension for many months.

PRIZE LOTS LEAD TO JAIL

Men Who Awarded Land to 'Lucky' People Are Arrested as Swindlers.

MEDFORD, Or., Feb. 27,—(Special.)

-G. W. Leighton and W. W. Howard, who recently "gave lots away" at a local theater, were arrested Monday at Vanoouvar, Wash, upon a warrant issued by Justice of the Peace Glenn O. Taylor, of this city. The complaint was sworn to by Henry Learch, a second-hand dealer. The men are charged hand dealer. The men are charged with having obtained \$250 under false

Lawbreakers Set Free.

ASTORIA, Or., Feb. 27,—(Special.)— Frank Palmer, convicted of larceny in a dwelling, was sentenced by the Cir-

Co-operation With Roque Valley Growers Rejected, but Not Yakima or Wenatchee.

FRUIT EXCHANGE ASSAILED

North American Organization Sald, in Report, to Be Controlled by One Commission-House in Pittsburg-Many Attend.

HOOD RIVER, Or. Feb. 27 .- (Spedal.)-When the report of the committee composed of Truman Butler, P. S. Davidson and W. B. Dickerson, appointed at a mass meeting of Hood River growers on January 27, was read at a second meeting of growers here today, it was adopted without a word of dissent, except from A. I. Mason. While the report recommended some system of co-operation between the larger Northwestern districts, stating that such a feeling prevailed in Yakima and Wenachee districts, its adoption will defeat any future consideration of the so-called "Rogue River plan" in the Rood River Valley, as well, perhaps, as in the two larger Washington districts. River growers on January 27, was read ton districts.

When the meeting was called to or-der Mr. Mason addressed the growers, saying that his name had appeared twice in the circular letter issued to local growers by W. F. Gwin, manager of the Northwest Exchange, which re-ferred to the action of the Hood River committee as contrary to the principles committee as contrary to the principles of American citisenship and which, arousing a great deal of feeling, had an effect to swell the crowd here today, but without his knowledge.

"However," he said, "I know there are always two sides to a question and we should sit as a jury today and lis-

we should sit as a jury today and lis-ten to facts to be adduced by the rep-resentatives of the Northwestern Fruit Exchange as well as to the report of the committee."

Mr. Mason said that he had been in the offices the day before the circular letters were written to confer with an official of that organization on meth-

ods of fighting the Sulper box bill. One Firm Said to Control. The members of the committee stated that after their appointment their at-tention had been repeatedly called to the rumor that the North American Fruit Exchange, with which the North-western Exchange declares it has an exclusive service for its boxed apples, was controlled by Cruschfield & Wool-folk, a commission house of Pittsburg. "Our attention," they say, "was nat-urally directed to three points. urally directed to three points: The efficiency of the machine, the prices it obtained as compared with other returns and the fact as to whether or not it was controlled by Crutschfield & Wantella "

For general information, according to the report, 50 out of the 106 agencies of the North American Exchange throughout the United States were selected and letters addressed to banks in the cities in which the respective agencies were situated, requesting information in sentenced to 10 days in the Ada County
Jall. The light sentence was a result of the willingness of the defendant,
C. W. Blackwell, Otto Close, J. W.
Harding William Wookle and Thomas agency is controlled by Crutschileid &

Direct Sales Proposed Benjamin Eulin, the sixth alleged conspirator, and classed by the Government as the ringleader in the conspirator, is determined to fight the charge.

Early in 1910 a band of settlers in Long Valley formed a vigilance committee and waited upon Carl Bayer and many of them were in the market for business through other sources. Before

many of them were in the market for business through other sources. Before replies were received the North American Fruit Exchange learned of our investigation and telegraphed, we presume, substantially all the agencies an follows. Do not answer Hood River inquiries; refer all letters to us. This of course, made it difficult to get all the information we wanted, and only 43 replies were received. Out of these, seven advised that they were agents for the North American Fruit Exchange and could not accept business through other channels, 11 gave evasive or conditional replies, and 25 evasive or conditional replies, and 25 out of the 43 unconditionally stated that they would be glad to handle Hood River applee direct.

Conditions to Be Met. "The officials of the Northwestern Exchange may tell you that their ma-chine has only been in operation for two years and that it is not as good as two years and that it is not as good as you could reasonably expect it to be under other circumstances, and that wherever you find an agent who is not doing his duty they will find a man in his place. Granted, but we are dealing with a condition, not a theory."

The report of the committee showed that on net average prices received on the past year's crop, those of the local union were materially greater than the

Everybody Likes to

Open

'Till

One

Evenings

Cheerful

Music

Good Things

to Eat at

Popular

Prices

Private Booths

Dine Out Occasionally

For Business Reasons Our Merchant's Lunch 35c-11:30 to 2.

prices received by the exchange, except

prices received by the exchange, except on two varieties, which were sold by the exchange at a few cents more per box. The net average prices as taken from the exchange's bulletins led to a different impression, it was stated. However, from these prices must be deducted the charge of 10 cents per box by the exchange and the charge of 10 cents per box by the local union.

K. S. Miller, who proposed the Rogue River plan, and W. E. Gwin, manager of the Northwestern Fruit Exchange, were present. Mr. Miller said: "I do not care to reopen the Rogue River plan, nor to offer any suggestion. The only thing that I will ask is that you pursue the matter to the end and lay all the facts on the table."

Pittsburg Control Denied.

all the facts on the table."

Pittsburg Centrol Denied.

Mr. Gwin said: "I made certain statements to you on January 27, and I am here this afternon to verify them by ample truth. I have the original contract between our exchange and the North American Exchange. It calls for an exclusive agency for the handing of Northwestern boxed apples. It is not the least surprising to find disloyalty among employes. I am glad that you applied the acid test to our agents. We don't want those who have broken their contracts, and we care not who gets them. The telegram referred to by Mr. Butler is authentic. The agent who telegraphed the information has been discharged. Crutschfield & Woolfolk own, neither directly nor indirectly, any stock in the North American Fruit Exchange."

The permanent committee appointed for the further consideration and adoption, if possible, of some co-operative method among the larger districts, is composed of W. E. King, Joseph C. Porter and Albert Hutton.

RECEIVER OF INSTITUTION AT SEASIDE ASKS \$59,275.

Complaint Filed in Court Alleges That ex-President Bartch Mismanaged Financial Affairs.

ASTORIA, Or., Feb. 27 .- (Special.)-An action has been commenced in the An action has been commenced in the Circuit Court by F. S. Godfrey, receiver of the Bank of Seaside, against B. F. Bartch, formerly a director and at one time president of the defunct institution, to recover \$59,275.55. The complaint declares that the bank was organized with a capital stock of \$25,000, divided into 250 shares of \$100 each, and marge that on Seattember 2, 1907. and asserts that on September 2, 1907, at which time the defendant was president, the directors of the bank adopte a resolution declaring a d'vidend of 10 per cent. At that time 196 shares of stock had been subscribed and \$1900 was paid in dividends, although the bank was then insolvent, according to the complaint, its entire earnings since only \$1921.20, whereas its expenses were \$3109.16.

\$3193.16.

The complaint alleges that on August 10, 1909, the directors, at a meeting attended by the defendant, declared another dividend of 10 per cent. A total of 250 shares of stock had been subscribed by that time, and \$2500 was paid in dividends, "notwithstanding that the institution was insolvent," the complaint alleges.

complaint alleges.

When the first dividend was declared, says the complaint, the bank owed \$62,325,90, and when the second dividend was declared the bank's indebtedness was \$50,571.59.

The complaint sets forth that when

The complaint sets forth that whe the bank failed, on November 5, 1910, and the plantiff was appointed as receiver, "the institution's assets were only \$7590, while its indebtedness amounted to \$66,775.85, and by reason of the wrongful acts of the defendant gations in Godfrey's complaint.

FOLLOWING JUDGE'S ACTION MOVE MADE FOR PARDON.

Former Employers of Murderer Would Save Man From Prison. Jury Might Have Acquitted.

TACOMA, Wash., Feb. 27,-Willis Brown, who confessed yesterday killing his wife and Jack Wilson, while on their way from the car to their home, and who entered a plea of der in the second degree before Judge Chapman, last night, was brought into court for sentence shortly after 10 o'clock this morning. He was greatly broken down and when asked if he knew of any reason why sentence should not be pronounced answered in a feeble voice that he did not know of a feeble voice that he did not know of

Club Dinner Tonight

at 75c

Let one of our waiters seat you in a comfortable chair at a table faultlessly

set. Let him tell our Chef you want one

of his club dinners which will be

promptly and attentively served you. The pleasures of this dinner are further

increased by the Songs and Music of

"Those Entertainers,"

King, Quinn and Sweeney.

-- 5 to 8:30.

HOTEL CARLTON

Restaurant and Grill Washington at 14th Where Popular Prices Prevail



If \$14 is as high as you care to go for a suit you will land all right on any which we are selling at that figure.

If they are a little better than you'd expect at the price, it's owing to our care in selecting the cloth.

Some high-grade shirts today at low prices.

LIONCLOTHING @ 166-170 THIRD ST.-

ALWAYS RELIABLE

of the Keystone Lumber Company, in whose employ Brown was engaged. Fatland said he would take the matter up with Governor Hay and endeavor to get Brown pardoned or paroled. The two little boys will be placed in the Children's Industrial Home temporarily. They have expressed a desire to go to their maternal grandmother in Indiana. From the time of the murder, Sun-day night at 11:55, until sentence was passed, was 30 hours and five minutes. the shortest on record in this county for the disposition of any criminal case. Sympathy is strongly with Brown, and the opinion finds expression that if he had not confessed under the intense emotion under which he was laboring, a jury would have acquitted him on the ground of the unwritten law. He said he had been for months trying to break up the relations between Wilson and Mrs. Brown.

Alaska Miner Slain in Seattle.

SEATTLE, Wash., Feb. 27.-The body of Oscar J. Olson, who recently arrived here from Iditarod, Alaska, was found lying across the Northern Pacific Railroad track a short distance south of Spokane avenue last night. A revolver and an empty whisky bottle found near the body led the police at first to believe Olson had committed suicide, but investigation showed that he had been shot twice, once in the back of the head and again through the heart. The Cor-oner said today that he is satisfied Olgon was murdered and believes robbery was the motive. A letter signed Lena, found in Olson's pocket, was apparently from a sister, residing at 2017 North Albany avenue, Chicago.

PILES CURED IN 8 TO 14 DAYS. Four druggist will refund money if Page Oins-ment falls to cure any case of Itching, Bling, Sleeding Protruding Piles in a to 14 days, Dou-

How to Make a Quick, Sure **Cough Remedy**

Stops Even Whooping Cough Quickly. A Family Supply Easily Mixed at Home for 50c.

If someone in your family has an obstinate, deep-seated cough—even whooping-cough—which has yielded slowly to ing-cough—which has yielded slowly to treatment, invest 50 cents in this Pinex plan of home-mixed cough syrup, and watch that cough vanish. If it fails, money back promptly, and no argument. Get a 50-cent bottle of Pinex and mix it in a pint bottle with home-made sugar syrup. This makes a full pint—a family supply—of the most effective cough remedy that money can buy, at a saying of supply—of the most effective cough rem-edy that money can buy, at a saving of \$2. Gives instant relief and will usually wipe out a bad cough in 24 hours or less. The sugar syrup is easily made by mixing a pint of granulated sugar with 1/2 pint of warm water, and stirring for 2 minutes—no trouble at all.

2 minutes—no trouble at all.

Pinex cough syrup has a pleasant taste—children take it willingly. It stimulates the appetite and is slightly laxative—both good features. Splendid for croup, hoarseness, throat tickle, incipient lung troubles, and a prompt, successful remedy for whooping-cough.

remedy for whooping-cough.

Pinex is a special and highly concentrated compound of Norway White Pine extract, and is rich in guaiacol and other elements which are so healing to the

Pinex has often been imitated, but never successfully, for nothing else will produce the same results. The genuine is guaranteed to give absolute satisfaction, or money refunded. Your druggist has Pinex or will get it for you. If not, send to The Pinex Co., Ft. Wayne, Ind. Pinex is fully guaranteed by Laue-Davis Drug Co., distributers, Portland.

This Kidney Remedy Gives Immediate Relief

In 1907 and 1908 I was taken very sick with kidney trouble and being afraid of Bright's Disease, went to a prominent physician at Libertyville, lowa. After dectoring for some time without cure or benefit, I began the use of Swamp-Root and found immediate relief, which urged me to continue the use of the medicine.

After taking saveral bottles which I

after taking several bottles, which I bought at Jericho's Drug Store, in Fair-field. I became a well man and can honestly say that I have never had any signs of Bright's Disease or a return of any kidney trouble. I am so grateful toward Dr. Klimer's Swamp-Root that I never hesitate to recommend it to any one I know who is suffering with kidney trouble.

Yours very truly, MACE CLINKINBEARD,

State of Iowa

Jefferson County

Subscribed and sworn to before me
by the said Mace Clinkinbeard, and the
signature acknowledged by him to be
genuine, this 12th day of July, 1909.

CHARLES S. CRAIL,

Notary Public,

Letter to Dr. Kilmer & Co., Binghamton, N. Y.

Prove What Swamp-Root Will Do for You Send to Dr. Kilmer & Co., Binghamlook old or unattractive? If your hair
ton, N. Y., for a sample bottle. It will
convince anyone. You will also receive
a booklet of valuable information, telling all about the kidneys and bladder.
When writing, be sure and mention The
Portland Daily Oregonian. Regular
fifty-cent and one-dollar size bottles

To sale at all drug stores.

Icok old or unattractive? If your hair
is gray or faded, you can change it
beauty of your hair and forever end
the nasty dendruff, het, itchy scalp and
fulling hair. All druggists sell it under
guarantee that the money will be
refunded if you are not satisfied after
fifty-cent and one-dollar size bottles

To sale at all drug stores. for sale at all drug stores.



New

You'll find your kind of music-the kind you like best-in the new March list, which includes these three

Caruso and Journet sing Faure's noble "Crucifix"

All the beauties of this famous sacred composition with its thrilling climax are splendidly brought out by these two great

Emma Eames renders a delightful Tosti song

The famous soprano's exquisite rendition of this number is altogether beautiful and exhibits to perfection the lovely quality of her voice.

Pasquale Amato gives a great Rigoletto scene

This highly dramatic air from Act II is one of the most affecting scenes in the opera, and it is splendidly rendered by the great baritone.

Hear these records at any Victor dealer's, and ask him for a March supplement which contains a complete list of new single- and double-faced records, with a detailed description of each.

Always use Victor Records played with Victor Needlesthere is no other way to get the unequaled Victor tone.

Victor Steel Needles, 6 cents per 100
Victor Fibre Needles, 50 cents per 100 (can be repointed and used eight times) Victor Taining Machine Co., Camdan, N. J.

Out today



WHOLESALE AND RETAIL VICTOR MACHINES

RECORDS AND SUPPLIES

SIXTH AND MORRISON, OPPOSITE POSTOFFICE

Graves Music Co.

111 Fourth St. Direct Factory Agents.

Talking Machines

AND RECORDS

Why Not Come to Headquarters? Most Complete Stock on the

VICTROLAS \$15.00 UPWARD

VICTORS \$17.50 UPWARD

SOLD ON EASY TERMS

FOUNDED 187

VICTOR DEALERS

NEW LOCATION, COR. SEVENTH AND MORRISON STREETS

ALL THE NEW VICTOR RECORDS ALL THE NEW COLUMBIA RECORDS ALL THE NEW EDISON RECORDS are to be found in the beautiful new salesrooms of the new

Chickering



The Autopiano.

Talking Machine Headquarters. The Nation's Largest Dealers, Now at Seventh and Alder

FIRST APPLICATION OF A SIMPLE REMEDY DARKENS FADED, GRAY HAIR

Gives Strength and Beauty | less conspicuous, and after a few more to the Hair-Leaves the Scalp Clean and Healty.

You don't have to have gray hair or faded hair if you don't want to. Why faded hair if you don't want to. Why Get a fifty-cent bottle from your look old or unattractive? If your hair druggist today, and see how quickly it

applications will be restored to natural Wyeth's Sage and Sulphur also quick-

ly removes dandruff, leaves the scalp clean and healthy, and promotes the growth of the hair. It is a clean, wholesome dressing which may be used at any time with perfect safety.

application. The gray hairs will be | Special agent, Owl Drug Co.