

PROBATE COURT DECISIONS

Supreme Justice Holds Legislature Overstepped Right in Forming Tribunal.

DECISIONS MAY STAND

Re-establishment of Former Procedure Only Cure, Say Lawyers—Circuit Judgeship of Cleeton May Be Attacked.

SALEM, Or., Sept. 15.—(Special.)—That Multnomah County is without a Probate Court as the result of the last Legislature passing a law supporting to transfer the probate duties of the County Court to the Circuit Court and elevating County Judge Cleeton to a Circuit Judgeship, is the gist of an opinion of the Supreme Court today in the case of W. T. Branch against the estate of H. W. McCormick.

It is believed that all business of a probate nature transacted by the Circuit Court since the new law became effective 18 months ago, except that which was legal at the time of its transact, is legal, for the Circuit Court may be held to be, under the circumstances, a de facto tribunal, but it cannot transact any further probate duties until a curative law is passed by the Legislature.

Consecutive Measure Needed. Constitutional lawyers here say the only avenue of escape from the dilemma is the re-establishment of the County Court under the old law and the appointment of a judge by the Governor.

The opinion, which was written by Justice Eakin, does not touch upon the constitutionality of the law so far as it affects the creation of the Circuit Judgeship held by Judge Cleeton.

To determine whether the Circuit Court in its probate department has been a de facto court, further litigation, it is believed, will be necessary.

It also is believed that suit will be brought at once by one of the parties to the action decided today to determine whether the provision of the law creating the new Circuit Judgeship is constitutional.

The case over which the Probate Court of Multnomah County was voided is that of W. T. Branch against the estate of H. W. McCormick. McCormick sold timber on two sections of land in Washington to J. R. Cain for \$25,000, making a note for the purchase price to be paid monthly as the timber was removed during the next seven years. McCormick later assigned his contract with Cain and the note to John Carmody, guaranteeing to Carmody that there was a certain quantity of timber on the land and that it could be sold for \$21,000. Carmody assigned the contract and guaranty to Branch. After removing the timber and paying \$9040 on the contract, Branch became insolvent and abandoned the project. Branch sold the remaining timber to F. W. Zurek, receiving \$8539.61 for it, which was less than the amount he had brought suit to recover the balance of \$21,000. He was awarded judgment in the lower court for \$4623.77 and both parties to the case have appealed.

Legislature Held Wrong.

The opinion says: Plaintiff first questions the authority of the Circuit Court to try the claim of Branch against the estate of H. W. McCormick. He claims the act of the Legislature which transfers the probate duties of the County Court to the Circuit Court is in violation of subdivision 3 of section 23, article 4, of the constitution, in that it is in violation of the special provisions of the practice of the courts of justice in Multnomah County, without any change in the practice in the County Court as it relates to probate work, leaving such work to the Oregon Laws, to control in the trial claims against the estate disallowed by the administrator. Said section was amended to follow in this proceeding in the Circuit Court. The Circuit Court is authorized to transfer the practice in the County Court in Multnomah County to the Circuit Court without any attempt to change or modify the procedure in probate matters to fit the Circuit Court practice. Without which the practice in the Circuit Court in probate matters, which, we see, cannot be done.

ALL AT SEA OVER DECISION

Judge Cleeton Drops Probate Work and Lawyers Are Fuzzled.

No end of speculation was aroused among Courthouse officials yesterday upon receipt of the news of the decision of the Supreme Court declaring there is no Probate Court in Multnomah County, and has been none since the act of the Legislature promoting Judge Cleeton from the County to the Circuit bench.

MINER, LONG DEAD, FOUND

Body of James Hewey, Missing Two Years, Lay Near Cabin.

ROSEBURG, Or., Sept. 15.—(Special.)—After being missing for nearly two years the body of James Hewey, a mining prospector, was found on the bank of Starveout Creek, in Southern Douglas County, yesterday. Coroner Jewett was summoned and will have the body interred near the spot where Hewey died.

Socialist Ticket Chosen.

ASTORIA, Or., Sept. 15.—(Special.)—The Socialists of Clatsop County have nominated the following candidates to comprise the party ticket at the coming November election: Ester Laukka and Grace Sloper, Representatives; Waino Waldemar Wainio, County Commissioner; Erno Niemi, John Mattia and Hinnala, Port of Astoria Commissioners; P. C. Johnson, Coroner; Karl Santilo, County Clerk; Oscar Lahti, Sheriff; Tob Gunnari, Treasurer; W. B. Hutton, Justice of the Peace, and Ben Ekko, Constable.

Logging Near Ariel Resumed.

VANCOUVER, Wash., Sept. 15.—(Special.)—The logging camp of the Du Bois Lumber Company, near Ariel, resumed operations today after having been closed since July 1. About 60,000 feet of logs a day will be handled until Christmas. The company's mill is now in operation.

St. Helens Instructor Quits.

ST. HELENS, Or., Sept. 15.—(Special.)—The St. Helens School Board again is confronted with a vacancy in the teaching staff of the school. W. White found it necessary to give up her work with the school and the Board is looking for a man for the St. Helens High School.

Rock Heater Burns Engineer.

INDEPENDENCE, Or., Sept. 15.—(Special.)—William Ball, of this city, engineer on the Glen E. Kibble Construction Company plant, was painfully but not seriously burned on the face Monday while lighting the blast of the rock heater.

Matlock Divorce Reversed.

SALEM, Or., Sept. 15.—(Special.)—Holding that both are equally to blame

MOTHER TURNS GUN ON HER TWO AND SELF

Husband Finds Babes Dead and Wife Dying, Says She Fired Fatal Shots.

IMAGINATION CAUSES DEED

Mrs. Florence Sohn Tells Neighbors That She Intended to Protect Her Children From Suffering and Sin Before Too Late.

OREGON CITY, Or., Sept. 15.—(Special.)—With apparently no other reason than an insane desire to protect her two children, Richard, aged 2 years, and Dorothy Virginia, aged 6 months, from imaginary sufferings in the world, Mrs. Florence Sohn, aged 18 years, shot and instantly killed her babies at 10 o'clock this morning and inflicted injuries on herself which may cause her death.

Coroner W. J. Wilson and Sheriff E. T. Mass left at 8 o'clock this afternoon for the Sohn home, 13 miles south of Oregon City, in the Boone's Ferry district.

Husband Finds Babes Dead.

Mrs. Sohn was alone with her two children at the time of the tragedy and when her husband, William Sohn, returned from his work in a neighboring hospital and at noon he found the two children and his wife lying on a bed. The children were dead, but the wife was conscious, although two bullets had taken effect.

Dr. B. F. Giesy, of Aurora, was summoned and arrived at the Sohn home a few minutes after 1 o'clock. An examination by the physician showed that the two children probably had died within a few minutes after the shots were fired. Mrs. Sohn was found in an extremely serious condition and is not expected to live.

The neighbors were called to the Sohn home and Miss Noma Yergen, who was there during the afternoon, thus describes the house and surroundings: "The house is small but comfortable. My visit this afternoon was the first time I had been in the place and I noticed that everything was orderly and neat. Mrs. Sohn was not too freely, although she was conscious.

Mother Fears for Tot.

The mother told several that she had not her children to protect them from the sufferings and sins of the world. She told them that she loved her children and shot them and herself because she loved them so much and dreaded to see them grow up.

When the husband left his home Tuesday morning he noticed nothing unusual in the behavior of his wife. He says he returned home at noon and found both front and back doors locked and went in through a window to find his wife and children either dead or severely wounded. The gun used is a .25-caliber revolver belonging to Mr. Sohn. As far as could be learned Tuesday night she had no fits of depression or insanity.

Mr. and Mrs. Sohn were married in Portland in July, 1912, and moved to their farm in the Boone's Ferry district in the following September. She has a sister, Miss Margaret Pierce, in Astoria, Wash., and an elder brother, Regent Lyon, of the Portland Police Department. Sohn's mother, Mrs. Minnie Sohn, lives at Wallace Station on the Oregon Electric.

LENTS PASTOR PRAISED

REV. W. BOYD MOORE IS VICTIM OF ATTACKS BY FEW.

Prominent Members of Methodist Episcopal Church Rally to His Support—Couple Defended.

Friends of the Rev. W. Boyd Moore, pastor of Lents Methodist Episcopal Church, are rallying loyally to his support against the attacks upon him by some members of his congregation. They declare that he has the complete confidence and earnest co-operation of the great majority of the church members. They declare that the opposition to the pastor comes from a very few persons.

"With the exception of two or three persons, Rev. Mr. Moore has the support of the entire congregation," said a prominent member of the church yesterday. "He is also popular among the people of Lents, outside the church, and it would be difficult to find a minister who is accomplishing so much good in a community the size of Lents."

"Very few members of the church have seen the petition that has been prepared asking that another pastor be assigned to our church. I have good reason to believe that the signatures number less than a half dozen. I doubt if this petition is ever presented to the bishop."

"The accusation of 'spooning' made against the Sunday school superintendent and organist is not being made seriously by the great majority of our congregation. They are estimable people and the young lady is held in the highest regard."

"The official board lays the present trouble to a few members, several of them boys of high school age."

CYCLIST KILLED IN CRASH

Man Riding on Tandem Seat Dies in Collision With Truck.

A. J. Linden, 25 years old, of 919 East Finders street, was struck and fatally injured in a collision of his motorcycle as he was riding and an ice truck of the Mount Hood Ice Cream Company at East Seventh and Belmont streets late yesterday.

Linden was riding on the tandem seat of the motorcycle and J. V. Watson was driving the machine. Witnesses say the cyclist was going about 20 miles an hour when it collided with the truck. J. Blotter, of the Clay Apartments, who was driving the truck, said he was going at a rate of 10 miles an hour.

Watson was only slightly injured, as he leaped to safety. The motorcycle was wrecked.

H. M. Carlock, manager of the Mount Hood Ice Cream Company, hurried to the scene and cared for Mr. Watson, taking him to a physician and later to his home.

League to Hear Lecture Tonight.

"The Sad Story of A. Goodman and His Wife, Priscilla Saint" is the title of Frank E. Coulter's lecture to be given under the auspices of the Bonneville Industrial League, in room A of

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the Central Library, at 8 o'clock tonight, Fred W. Jobelmann, director of the league's lecture bureau, will also speak.

CALLAHAN LEADS MOOSE

PROGRESSIVES NAME HEAD TO SUCCEED SWEENEY.

Candidates for Various Offices Admit They May Be Elected to Offices This Fall.

Emmett Callahan was chosen chairman of the Progressive County Central Committee by a unanimous vote at a meeting of that body held at the Public Library last night, to succeed Tom A. Sweeney, who resigned so as to have more time to give to his campaign for the office of County Coroner.

"If the County Commissioners' office needs investigation, it needs cleaning," said Mr. Sweeney in announcing his resignation, "and I have decided to make an active campaign for the office."

State Chairman Neuhaus announced the appointment of the following to-be members of the Progressive State Executive Committee: J. P. Holbrook and H. F. Higby, of Portland; Mrs. Eva Emery Dye, of Oregon City, and Jerry P. Rusk, of La Grande.

Dr. F. H. Dammasch, by letter, accepted the Progressive nomination for the office of County Coroner. He is also the Republican nominee.

Mr. Callahan, in accepting the election as chairman, declared that the Progressive party should go on record as against a big army and navy; for, he said, citing Europe as an example, the man or nation that goes prepared for war declines to be a victor and will become involved in the shedding of blood.

E. J. Gill, Progressive nominee for Governor, declared he saw encouragement in the Maine results, because the Progressive vote, though lessened, was sufficient to show that the party was standing firm.

Sanford McDonald, nominee for State Labor Commissioner, urged the Progressives to work for the entire ticket, and frankly admitted that he expected to be elected.

Samuel Henderson, Mrs. L. Gee, Mrs. Lora C. Little, Mrs. M. L. T. Hidden and J. A. Clemenson were candidates for the Legislature who made brief talks, that from last night on, the matter will be taken the street-corner stump without delay.

Letter, campaign manager for William Hanft, Progressive Senatorial nominee, suggested an intensive organized campaign. George Garrett, nominee for County Surveyor, and Harold W. Newlin, nominee for District Judge, spoke briefly. Arthur I. Moulton, Congressional nominee, said that from last night on, the matter will be taken the street-corner stump without delay.

BISHOP NAMED TONIGHT

CONVOCATION CONVENES AT TRINITY PARISH HOUSE.

Entire Matter of Selection of Episcopal Church Leader in Hands of Clergy.

The convocation that is to select a successor to Charles M. Scadding as Episcopal bishop of Western Oregon will meet tonight at Trinity parish house, 68 Trinity Place, and up to last night there seemed no intimation as to what choice would be made from the names of several eminent churchmen who have been suggested for the honor.

"The entire thing is really in the hands of the clergy," said a prominent Portland layman last night, "and there is no question but that the laity will approve of their selection. While the process of choosing a bishop technically is complicated and long-drawn-out, the chances are that the clergy's choice will be ratified by the congregations and by the bishops of the country, to whom the matter is submitted finally."

Each church in the diocese will be represented by its rector in the convocation, and the mission churches will have a one-half vote against a full vote for the churches that have resident rectors. This will mean that more than 30 votes. Each church is entitled to be represented by three laymen, who have the power of approval on the selection of the clergy, or of disapproval.

Those whose names have been suggested for the honor are: Bishop Sheldon M. Griswold, of Salina, Kan.; Rev. W. B. Graham, of San Francisco; William C. Robertson, of Chattanooga, Tenn.; Rev. E. L. Parsons, of Berkeley, Cal.; and Rev. John H. Hopkins, of Chicago.

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Mrs. Elizabeth P. Kelnath, widow of the late H. A. Kelnath, who had lived for a number of years in Portland, will be buried this afternoon from the Finley establishment, Montgomery and Fifth. Mrs. Kelnath died recently at Artesia, N. M. She was the mother of Mrs. A. L. Clarke, of Hood River, and for a number of years had been an active member of the Taylor-street Methodist Church. The interment will be in Riverview.

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