WRONG MAN HELD FOR FIRE, IS PLEA

Defense Admits Blaze in Home of Max Albert Was Set, but Exonerates Owner.

EXPOSURE IS PROMISED

Attorneys Spring Surprise by Declaring Arson Is Sustained and Providing Alibi for Client. Jury Is Drawn.

Counsel for Max Albert, who is on trial in Judge McGinn's court on a charge of setting his Alberta home afire to defraud insurance companies, sprang a surprise yesterday when it admitted the fire which led to Albert's indictment was incendiary.

In his opening statement Attorney E. B. Scabrook, who, with W. A. Carter and A. H. Dibble, is defending Albert, said the defense would admit the fire was set and would expose the guilty one before the trial is concluded.

guilty one before the trial is concluded. An alibi for Albert, the defense believes, will show that he could not have lighted the fire himself.

Deputy District Attorneys Collier and Hammersly who are prosecuting Albert, evidently expected a denial that the fire was of incendiary origin, and produced a number of witnesses to show the blaze did not result from accident. The case made rapid progress vesterday, a jury being drawn in ress yesterday, a jury being drawn in two hours and a half, and several witnesses were put on the stand by the state during the afternoon.

Incendiary Clews Reported.

Attorney Collier, in his opening statement to the jury, said it would be shown beyond doubt that the fire was of incendiary origin. He said witnesses would testify that a couch was found soaked with oil, that a burning candle, set in a rubber overshoe containing oil, was found in the house

berts fire station, testified that he arrived soon after the fire was discovered and found in the house candles that appeared to have been extinguished shortly before, matches being piled around them. There was but that appeared to have been extinguished shortly before, matches being piled around them. There was but little furniture or other property in the place, he said, and the circumstances aroused his suspicions. He said it looked like the house had been set on fire.

Bay was held up here for several days last week owing to stormy conditions outside.

The lumber barge Laurence, owned by the Tidewater Mill Company, of Florence, with approximately 550,000 feet of lumber for San Francisco markets, also was barbound.

Walter Geren, special agent for Dis-trict Attorney Evans, drew a diagram of the Albert premises, which was sub-mitted to the jury for their informa-

D. R. Atkinson, Oregon agent for the Northern Insurance Company, testified that when he visited the Albert premises a day or two after the fire he found a small sack of salt was the only article in the larder. A few old rags were found, but no clothing and but little furniture was in evidence. He testified that there was a much smaller quantity of furnishings than that set forth in Albert's claim of loss.

He testified a policy of \$1250 was written on the Albert furnishings when the family lived at 1112 East Twenty-fifth street North, and the policy was transferred when they moved to the D. R. Atkinson, Oregon agent for the

oil for Portland.

The steamers Alvarado and Paralso from San Francisco, via Coos Bay, with general cargo for Astoria and Portland, arrived this morning.

The steam schooners Northland and Yosemite, with general cargo for Astoria and Portland, arrived this morning from San Francisco.

ing from San Francisco.

The British bark Invercee left this morning for Portland, where she is under charter to load grain for Europe.

N. J. Judah resigned his position to-day as editor of the Asterian to assume his duties as inspector of the customs service.

The American-Hawalian steamer Montanan arrived from Portland tonight and sailed for the Sound.

The steamer Quinault arrived tonight from Portland and St. Helens with cargo for Southeastern Alaska and sailed later.

The British ship Kirkcudbrightshire, grain laden for the United Kingdom, was shifted to the lower harbor today and will go to sea tomorrow.

COOS BAY, Or., Oct. 20 .- (Special.)-

Rough and uncertain weather along the Oregon coast is costing shippers and

"Repairs can be made to the steamer

Vessel-owners many thousands of dollars, and conditions have been worse at Coos Bay than for several years."

"Repairs can be made to the steamer

Santa Catalina beyond any question, and I would say that at the outside she at Coos Bay than for several years."

Settled weather conditions for at least 10 days.

The highest tide of the season thus far occurred at 1:04 this afternoon, when it registered 10.1 feet. Fortu-

Steamer Santa Catalina May Be Rebuilt, Says Expert.

LOSS ABOUT 40 PER CENT Vessels at Astoria Go to Sea When

Fire on Freighter Now Smoldering and Cargo Investigation to Be Feasible Soon After Water Is

early yesterday and was in port last evening. She salls for New York and Boston Sunday. The wessel is bringing 543 tons of general cargo. The liner Kentuckian is scheduled to arrive Sunday and salls Tuesday and the Honolulan comes November 5, departing November 9 and is followed November 14 by the Iowan, which salls November 18, the same day the Dakotan arrives, and the latter gets away kotan arrives, and the latter gets away November 22.

GALE DIES BUT TIDE HIGH

Storm Blows Itself Out.

ASTORIA, Or., Oct. 26.—(Special.)— The southerly gale that has been raging along the Coast for several days ap-pears to have blown itself out. The pears to have blown itself out. The seas outside are smooth comparatively, and all waiting crafts were able to proceed to sea. The barometer, which dropped to a low notch on Sunday, is still going up, indicating good weather, aithough the electrical storm during last night is said by some to mean un-settled weather conditions for at least

REPUBLICAN CANDIDATE FOR GOVERNOR UNDERSTANDS PROBLEMS OF OREGON FARMER



Dr. James Withycombe Discussing Livestock With Sherman County Citizens. The accompanying picture reveals the reason for Dr. Withycombe's popularity with the farmers of Oregon. He meets them on their own ground, discusses their problems with them, knows their needs, and as Governor would be suited well to deal with them intelligently. Moreover, Dr. Withycombe's geniality and his interest in the welfare of the farmer is not with him a political acquirement or an exigency of his candidacy for Governor. Those who have previously met him remark that he is the same, running for office or otherwise. The photograph was taken at a time when Dr. Withycombe was not a candidate for office and shows him discussing the fine points of livestock with Sherman County farmers.

hosses would earlie that a coherence of the farmer is not with him a political sequirement or an extremely of his candle, set in a rubber overshoe connicating oil, was found in the house candle, set in a rubber overshoe connication of the connection of the candle of t

FLORENCE, Or., Oct. 20 .- The gasoline schooner Roamer bound for Coos Bay was held up here for several days

Marconi Wireless Reports.

(All positions reported at 8 P. M., October 20, unless otherwise designated.) Herrin, Gaviota for Linaton, anchored off Autoria.

Leelanaw, San Francisco for Union Bay, 75 miles from Port Angeles Queen, Scattle for San Francisco, four Richmond, Richmond for Scattle, 588 miles om Seattle.

fined to the refrigerator compartment, the shelter deck and No. 3 'tween deck, in addition to that in the engineroom

and fireroom. Captain Rose, master of the vessel. sald yesterday that he did not think the engines and other parts had been damaged beyond use and as everything was flooded it was not possible to get

an idea of how much that department had suffered.

With the exception of steel products, of which there is said to be close to 1200 tons, the cargo has been damaged by fire and water. The load totaled 2000 tons and about 800 tons is classed

as badly damaged.
United States Inspectors Edwards and Fuller began an investigation yesterday and will centinue today. It is thought that Captain "ose and the chief engineer of the ship will file re-ports at once. Meanwhile the testi-mony of important members of the crew will be obtained.

work on the jetty may go forward with-out delay.

This issue of bonds was ordered some

months ago by the port commission, but was delayed in the hope that the rivers and harbors bill would be passed

CHAMBERLAIN AT SALEM

SENATOR ADDRESSES 1200 PERSONS AT OPERA-HOUSE.

Wilson's Administration Is Defended, Tariff Step Is Praised and West

mention of the larder. A few old range were found, but so clothing and but leave the large and the large were found, but so clothing and but leave the large and the large were found, but so clothing and but leave the large and the large were found, but so clothing and but leave the large were found, but so clothing and but leave the large will be supported by the large were found, but so clothing and but leave the large will be supported by the large will be supported to make a few supported by the large will be supported

News From Oregon Ports.

ASTORIA, Or., Oct. 20.—(Special.)—
The steamer Celifo shifted last night from Linton to St. Helens to complete her cargo.

The steam schooner Multinomah fin-land loading lumber at the Hammond will today and shifted to St. Helens.

The tank steamer Maverick and the steam schooners Dalay Gadsby and St. High a couple of days, went to sea today.

The tank steamer Milliam F, Herrin and Frank H, Buck arrived today

The tank steamers William F, Herrin and Frank H, Buck arrived today

The tank steamers William F, Herrin and Frank H, Buck arrived today

Motorcycles are becoming pepular in the philippines.

Salta Rita, Port Harrord C Geobar 19, Cause of a slide at Culebra Cut, the American-Hawaiian line arranged for her steamer Texan, westbound from New York to pass to the Pacific today. A telegram to C. D. Kennedy, Dorland agent, notified him yester-day that ships waiting on this side would continue their eastward course between today and Friday.

The tank steamer Maverick and the steam schooners Dalay Gadsby and St. Helens.

Tides at Asioria Wednesday.

High Low Silverton.

Tides at Asioria Wednesday.

Tides at Asioria Wednesday.

High Low Silverton Dorland agent, notified him yester-day that ships waiting on this side would continue their eastward course between today and Friday.

The tank steamer Maverick and the High Low Silverton Dorland agent, notified him yester-day for miles west of San Pancisco. 20 miles west of San Prancisco. 20 miles west of San Pr

SUPREME COURT THROWS OUT SUIT TO RECOVER 106,000 ACRES.

Justice Burnett Holds Charles Altchu Should Start Action Where Land Is Located.

SALEM, Or. Oct. 20.—(Special.)—
The Supreme Court today, Justice Burnett writing the opinion, reversed the decree favorable to the plaintiff and ordered the suit dismissed in the case of Charles Altchul against the state to quiet title to 106,000 acres of land in Linn and Crook counties.

It was held that the act passed by the last Legislature authorizing Altchul, who alleged that he was successor in interest of the Corvaillis & Yaquina Road Company, is a special law and not constitutional.

Congress in 1866 passed an act granting to the state certain lands to aid in building a military road from Albany to the eastern border of the state. The Oregon Legislature in the same year

to the eastern border of the state. The Oregon Legislature in the same year granted to the Corvailis & Yaquina Road Company the lands in consideration of it building the road.

Altchul averred in his complaint that the United States issued 22 patents conveying the reality comprised in the patents to the grantee of the state, but that through a clerical error the first patent was issued to the state "for the use and benefit of the Williamette Valley & Cascade Mountain Military Road Company and its assigns."

Justice Burnett holds that inasmuch as the property is situated in Linn and Crook counties, the Legislature had no right to fix the venue for litigation in Multnomah County.

Other opinions today were us follows:

ainst John H. Vick, appellant: appealed om Clackamas, County, to recover money beerliked for stocks, reversed.

J. C. Robertson against L. B. Frey, appealed from Marion County, to tover damages for fraud and deceit, af-

Edward L. Maithews against Travelers' Insurance Company, appellant, appealed from Multnomah County, to receiver on accident policy, reversed.

Martha Houston against Orpha Greiner, appellant; appealed from Linn County, to annul deed, modified.

*Calestro Martini, appellant, against Oregon-Washington Railroad & Navigation Company; appealed from Multnomah County, damages for personal injuries, affirmed.

Milton W. Seaman against Merchants' National Bank, appellant; appealed from Multnomah County, suit for money, reversed.

In matter of determination of relative rights of various claimants to waters of Willow Creek and tributaries, decrees of Maibeur Circuit Court modified.

Marine Notes.

as the property is situated in Linn and Crook counties, the Legislature had no right to fix the venue for litigation in Multinomah County.

Other opinions today were as follows:

George H. Cook et al., appellants, against City of Portiand et al.; appeal from Multinomah County, invalidating assessment of Karl street, reversed.

Joseph L. Lapp, appellant, against City of Marshfield: appealed from Cook County, to enjoin street assessments, modified.

Claskamas Southern Railroad Company

STATE DEPARTMENT DELAYS AC TION IN TANKER'S CASE

essel Formerly Owned by German Subsidiary of Standard Oil Now

in Virtually Same Hands.

WASHINGTON, Oct. 20 .- Information was submitted to the State Department the Treasury Department today showing that there was no actual change of ownership involved in the transfer from German to American registry of the tank steamship Brindilia, which has been captured by a British cruiser and towed into Halfax. The Brindilla, formerly the City of Washington, belonged to the Reitermann line, of Hamburg, a subsidiary of the Standard Oli Company, which corporation after the European war be-Cableg to the Merchants' Exchange yesterday included one of the arrival at Ipswich of the German bark Ossa, which was taken as a prize by the British naval forces and escorted into Dunkirk, from where she moved to Falmouth and finally to Ipswich, where she ended her voyage Saturday.

Found sulles of "excelerances" and These facts were called to the attentions of the American flag.

These facts were called to the atten-tion of Sir Cecil Spring-Rice, the Brit-ish Ambassador, when he called at the State Department in connection with the case. Later it was said at the embassy that no action could be taken pending a decision by the prize court at Halifax. It was recalled, however, that several Standard Oil steamers had changed their registry from German to American with the knowledge and sympathy of the British Consuls in whose districts the change occurred. From the facts so far presented State Department officials see no warrant for the condemnation of the ship by a prize court, though they are not disposed to question the propriety of the seizure State Department in connection with the case. Later it was said at the



What Happened to the Cats?

Not long ago the U.S. Gov't made some experiments to determine the poisoning qualities of caffeine (the drug in coffee).

Twenty-seven healthy cats were given an average dose of 5 4-5 grains of caffeine-about as much of the drug as is contained in 2 cups of coffee.

What do you suppose happened?

The Cats All Died!

See Gov't Bulletin No. 148, Bureau of Chemistry.

Of course, they were only cats.

But there are plenty of people who dose themselves with enough caffeine every day to kill a cat and Cripple a Man, not at one blow, but by little blows repeated daily.

Of course some systems are strong enough to stand all kinds of abuse, but most systems are not. And when a man or woman observes a growing nervousness or sleeplessness, heart trouble, stomach, bowel or eye disturbance, it is time to quit coffee and turn to a real food-drink, free from the coffee drug, "caffeine."

It is easy to shift from coffee to

POSTUM

for in POSTUM one gets a delicious drink with the true nourishment whole wheat, from which it is made. Postum is roasted (like coffee) with a bit of wholesome molasses, looks like coffee and has a delightful flavour resembling Old Dutch Java, but is entirely free from the coffee drug, caffeine, or any other drug or harmful substance.

Postum comes in two forms: Regular Postum, which must be boiled. Instant Postum—soluble form—made in the cup instantly with hot water. Grocers sell both kinds and the cost per cup is about the same.

> "There's a Reason" for POSTUM