

DIREALED VERDICT ASKED BY MR. WEST

Immunity of Chief Executive From Liability for Damages Argued in Baker Case.

THREE PRECEDENTS CITED Defense Concedes Right of Governor to Send Militia, but Holds That Ousting of Civil Government Was Not Permissible.

BAKER, Or., April 15.—(Special.)—In an effort to settle the damage case of William Wiegand against ex-Governor Oswald West without recourse to the jury, Frank Collier and Claude McCulloch, attorneys for Mr. West, addressed Circuit Judge Anderson for nearly six hours today, asking that the jury be directed to bring in a verdict for Mr. West. Mr. Wiegand is suing for damages caused by the removal of his liquor and saloon fixtures when Governor West declared martial law at Copperfield following Fern Hobbes' visit, January 2, 1914. Standing room was at a premium in the courtroom most of the day.

Mr. Collier asserted that the declaration of martial law was discretionary with the Governor, and that the executive could not be held liable for damages for such an action that a judge could be used for a decision rendered. "Where the executive uses his discretion in enforcing the law, he is not liable for damages," he said. "You may impeach and remove him from office, but he is answerable only to the people who elected him."

Precedents Are Cited. Mr. Collier cited numerous cases as precedents, chief among them that of the cases brought against Governor Salomon of Wisconsin, Governor Peabody of Colorado, and Governor Graham of West Virginia, for damages for acts as Governor during their term of office. In all three cases the defendants were given the verdicts.

Mr. McCulloch took up the assumption made by the plaintiff that the Governor had taken possession of Wiegand's stock. "The Governor recognized Mr. Wiegand's property right, and only exercised such police powers as an officer would in depriving a prisoner of a gun and returning it to him on his release," he argued. "The defendant made a tender of the property to Mr. Wiegand, who is entitled to damages only for the use of the goods during the 30 days lapsing between the date of the seizure and the offer of restoration."

Violation of the sanctity of property rights was one of the elements of Mr. Nichols. "We admit that the Governor had the power to declare martial law, and that he had a right to oust the civil government established in Copperfield, or to seize the property of the plaintiff," he said.

"I am grateful he made that admission," remarked Mr. West after the trial. "That is what we have been contending all along."

In speaking of the police power of the State Executive, Mr. Nichols in his argument further said: "To execute the laws of the state, it is necessary that enforcement of a judicial process, not an arbitrary enforcement of the law as he believed it to be. If the Governor had the authority under the law to seize property in Copperfield, it should be found for the defendant, Oswald West. If he did not have the authority, there is no middle ground."

EXAMINATION IS WAIVED

Alleged Assailant of Attorney W. T. Hume Is Bound Over.

Frank A. Consentino, who was arrested on a charge of shooting W. T. Hume, attorney, in the Panama building, Wednesday, April 7, waived examination before Municipal Judge Stevenson yesterday and was bound over to the grand jury. His bond was placed at \$500. The charge is assault with intent to kill.

The shooting is said to have taken place as the result of misunderstanding between the two men.

YOUNG MAYOR OF CORNELIUS SURROUNDED BY YOUNG MEN.

CORNELIUS, Or., April 15.—(Special.)—Frank Sholes, nominee on the Citizens' ticket, who was elected Mayor this week, has lived here for the past five years and has been a cashier of the Cornelius State Bank for the past nine years. Although a young man, that he will have the support of the citizens has been shown by the large vote he drew.

A short time ago he was elected president of the new Commercial Club, and has been chief of the volunteer fire department since its organization. A great deal of interest is being taken for he is the youngest Mayor the city has ever had. Most of the other city officers are filled with young men. The administration is known as the "Young Men's Administration."

ing relative to a note which A. M. Brunswick, an attorney associated with Mr. Hume, is said to have collected.

Mr. Hume is recovering rapidly and was able to go to the polls and vote Wednesday.

O. A. C. GLEE CLUB ELECTS

Rose Festival Visit Decided On for June 10.

MARINER TELLS OF CAPTURE BY EITEL

Captain W. J. King, of Invercoe, Writes Former Port-lander Living at Klickitat.

MANY COURTESIES SHOWN Various Acts of Kindness Related and Sinking of Ship Outboard With Portuguese Emigrants Is Only Deed Criticized.

LYLE, Wash., April 15.—(Special.)—Emphatic declarations of kindly treatment by the officers and crew of the Prinz Eitel Friedrich are made by Captain W. J. King, of the British ship Invercoe, sunk by the German commerce raider.

"I little thought when I said goodbye to you that I would be home again so soon. I did not expect that the Germans would be the cause of my coming home again."

"I was thinking that possibly we might meet a German cruiser in the Pacific, but had no idea that they would be in the Atlantic. We were just getting the southeast trades and I was feeling pretty good, as we had got through the worst of the passage and had had a fair passage up to then. We were 28 days out of Astoria. I was painting on the maindeck when one of the boys yelled to me and said there was a large steamer coming up astern."

"When we got on board we found four ship's crews, one Russian, one American and two French. The captain of the American ship had his wife and two boys with him. We were allowed to take all our clothes, but nothing belonging to the ship, and they kept my chronometer and charts, but let me keep my sextant and binoculars."

"We were 26 days on board, and it seemed a long time, especially the nights. We had to go in our rooms at 7:45 P. M. and the port was closed and there were no lights, so you can imagine the nights were long. They changed guards every two hours and the watches were very strict. The days were not so bad. We could go on deck and we had some cards and there was a library of English books."

Slaking of Steamer Witnessed. "They captured three steamers after they caught us, and I saw two of them sink. The French steamer Florida they had set fire to. She had a lot of passengers on board, mostly Portuguese emigrants, and it was pitiful to see them when they came on board. I thought that they might have let that ship go, as she did not have any contraband cargo on board and was outward bound."

"I have had my name and picture in the papers so much lately that I feel as if I was guilty of something awful. Everybody has heard so much of the cruelty of the Germans that they seemed to think that we were lucky to get off with our lives. I could tell you of lots of kindnesses that were shown us. My three officers and three boys would not sign any papers, so were held under guard all the time and were not allowed to talk to anyone but me. I did not sign the paper until they put a clause in it that I could go in a ship that carried contraband of war. But I signed that I would not take up arms against Germany. But the officers would not sign anything, so were prisoners. The mate had no cigarettes and I tried to beg some for him from the purser, but they had none to spare."

"I was talking to the commander and mentioned it to him and he got me a package of 100. It was not so much that made it look good to me, but that we all join in wishing you all the best of everything in the way of luck, health and prosperity and Easter wishes. Hoping to see you some day."

J. N. TEAL'S AID SOUGHT

Grays Harbor Men Prepare to Push Fight for Lower Rates.

ABERDEEN, Wash., April 15.—(Special.)—Compiling of more information to show that Grays Harbor cities are entitled to the same transcontinental rates recently given to Tacoma, Seattle and Portland by the Interstate Commerce Commission began this morning with a committee of seven gathering statistics and preparing arguments.

Joseph N. Teal, rate specialist of Portland, will be employed to cooperate in the work of preparing the case of Grays Harbor buyers. Mr. Teal, in a telegram to the Aberdeen Chamber of Commerce, said that the citizens would be given more time to present written arguments. Local merchants aver that to make rates to Tacoma, Seattle and Portland less than at they were feared for the benefit of business on Grays Harbor.

VANCOUVER BANK WINNER Judgment Affirmed Against Washington Woolen Mills.

OLYMPIA, Wash., April 15.—(Special.)—Affirming the Clarke County Superior Court, the Supreme Court has given the Vancouver Trust & Savings Bank judgment against the Union Woolen Mills of Washougal for \$7700 advanced this concern, which later became insolvent.

The advance was made in connection with a \$50,000 bond issue of the mill, the bonds being given the bank as trustee to collect against the mill to meet indebtedness. The bonds proved unsalable and the woolen mills then contended that the bank had no claim, as they were issued for the benefit of general creditors.

\$3,200,000 FOR HIGHWAYS Washington to Spend \$1,000,000 and Counties \$2,200,000.

OLYMPIA, Wash., April 15.—(Special.)—In addition to \$1,000,000 worth of state highway work planned by the Washington highway department for this year, there will be available approximately \$2,200,000 for permanent highway work, under the joint control of the state and the various counties, according to statistics prepared by Highway Commissioner Roy.

The 39 counties of Washington had \$888,823 to their credit March 1 for permanent highway work. Mr. Roy's figures show that taxes now being collected include total levies of \$1,525,752 for permanent highways.

WHITMAN WILLED \$45,000 Of \$400,000 Denny Estate, \$185,000 Given Institutions.

SEATTLE, Wash., April 15.—The will of the late Margaret Lenora Denny, who was killed two weeks ago in an automobile accident, disposed of a \$400,000 estate. Public institutions and societies receive \$185,000. Among the beneficiaries are: Palmyra Hospital, of Seattle, \$70,000; University of Washington, \$50,000; Whitman College, Walla Walla, \$45,000; Women's Relief Society of Seattle, \$5000; Plymouth Congregational Church, Seattle, \$5000.

The residue of the estate goes to near relatives. Miss Denny's father, Arthur A. Denny, was the founder of Seattle.

For Warm Days

When you buy a thin suit, you should be careful to see that you get reliable fabrics and good tailoring. The easiest way to be sure of these things is to come here and ask for one of our Hart Schaffner & Marx suits. Varsity Fifty-Five is a good model to ask for. \$25 Is an Economy Price. Some more, some less.



Sam'l Rosenblatt & Co.

The Men's Store for Quality and Service Northwest Corner Third and Morrison

JITNEYS KNOCKED OUT

WASHINGTON'S NUMBER CUT FROM 1000 TO 100 BY NEW LAW. Decision Expected in Suit to Invalidate Emergency Clause on \$2500 Bond Requirement.

OLYMPIA, Wash., April 15.—(Special.)—Washington's new jitney bus law, requiring a state license, to be procured only after filing a \$2500 surety bond with the Secretary of State, appears to have administered a decided bolt to the industry in first-class cities, to which it applies.

Although upwards of 1000 of the jitneys were in operation in the city a short time ago, considerably less than 100 had filed bonds and applications for state licenses prior to today, which was the last of five days of grace allowed by Seattle authorities, where the jitneys have their stronghold.

Tacoma city authorities have announced, however, that they propose no steps toward enforcement of the new state law. Secretary of State Howell has no funds at his command to enforce the law in his home city, so the jitneys may ply their trade undisturbed. Spokane plans to enforce the law strictly as does Seattle.

There is a case pending in the State Supreme Court in which the emergency clause putting the new law into effect April 10 is attacked. A decision is expected this week. If the emergency clause should be declared invalid the law will not be in effect until June 10 and the jitney men will attempt to stop it by referendum. The bill was passed over Governor Lister's veto on the last day of the legislative session, with not one vote to spare in the House.

SUNSET ROAD NEARLY DONE Tourists Soon May Use Trunk Highway Most of Length.

Northern Lane County will compete for the school prizes, a piano, modern heating system, drinking fountain and sectional bookcase. Governor Withycombe and Superintendent Churchill are expected to be present. Three thousand people may attend the fair.

GIRL HURT BY CAR. Miss Winifred Halston, 126 Seventeenth street North, was badly injured when a car with the license number 5253 struck her, the accident occurring on Alder street near the Seward Hotel, about 5:30 P. M. yesterday. She was taken into the hotel and Dr. John G. Swenson attended her. After she had recovered from the shock she was removed to her home. Dr. Swenson said that the bruises were not serious. Miss Halston is stenographer for J. L. Bosworth.

Rock Island

WE HAVE BEEN TO THE Expositions at San Francisco and San Diego and are in position to give the public reliable and helpful information. If you are contemplating Going East we will arrange an enjoyable trip through California with stop-overs to see the Fairs.

Two routes: Via El Paso and Golden State Limited; or via Colorado and Rocky Mountain Limited. LOW FARES—FAST TIME—RAIL OR STEAMER. Tickets, reservations, etc. M. J. GEARY, General Agent, Pass. Dept., 111 E. Glass Street, Portland, Ore. Phone: Main 324, A 2688.

2500 TEACHERS MEET

MONTANA EDUCATOR LIKELY TO BE ELECTED AT SPOKANE.

Miss Alice Joyce, of Portland, is Speaker on School Gardens at Four-State Session.

SPOKANE, Wash., April 15.—(Special.)—C. W. Tenney, inspector of rural schools for the State of Montana, will probably be the next president of the Inland Empire Teachers' Association, which convened here today, to succeed President George H. Black, of Lewiston, according to pre-election gossip about the halls of the convention. More than 2500 teachers are here.

In connection with this office, the name of President E. B. Craighead, of the University of Montana, is being mentioned, and it is probable that a spirited contest will develop.

DR. D. M. ROBERG IS ILL

State Health Officer-Elect Stricken in Philippines.

Information has been received by Arthur Smith that Dr. David M. Roberg, his brother-in-law, who recently was appointed State Health Officer of the Philippines, is seriously ill in the Philippine Islands. Physicians attending have arranged to send him away from the islands as soon as he is able to travel. He is expected to be in a month or six weeks. He is suffering from a recurrence of amoebic dysentery.

Dr. Roberg went to the Philippines two years ago to investigate cures for bubonic plague. Mrs. Roberg is with him.

TRAIN WRECKED BY SLIDE Passengers Escape When Accident Occurs Near Gateway.

GATEWAY, Or., April 15.—(Special.)—The heavy downpour of rain which began Monday at 3 P. M. caused a landslide on the Deschutes branch of the O.-W. R. & N., three miles south of this place, which wrecked the Tuesday morning passenger train. No lives were lost.

The freight train which had already passed was recalled and the passengers, express and baggage transferred.

Arlington Sheep Go to Huntington.

ARLINGTON, Or., April 15.—(Special.)—A special train of 22 double-deck stock cars loaded with sheep left here today for Huntington. There were about 13,000 sheep in the train that have been wintered near Arlington, just been sheared and now are on their way to the Sumner mountain range as soon as the good mutton season will be forwarded to some of the Eastern markets. Wheelhouse & Hors, William Smith and William France were interested in the shipment.

O. A. C. Man Accepts Baker Place.

OREGON AGRICULTURAL COLLEGE, Corvallis, April 15.—(Special.)—George Hardman, a senior in the department of agronomy, of the Oregon Agricultural College, left Corvallis yesterday to take a position on a Government demonstration farm near Baker.

Mr. Hardman specialized in irrigation farming and his duties will follow this line of work. He was a member of this year's wrestling team which won the Northwest championship.

Moose Take Over Coos Bay Band.

MARSHFIELD, Or., April 15.—(Special.)—The Loyal Order of Moose of this city last night took over the support of the Coos Bay concert band of 35 pieces and will maintain it for this year, at least. The Moose of the county are expecting to charter a vessel to carry their order, the band and others to the San Francisco Exposition some time during the summer.

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Would you like to go to the Panama Exposition in San Francisco at our expense? We are offering free trips in connection with our "500 Piano Club." Let us explain how easy you can go. Call, write or phone today. It is to your interest.

DRESS WARM AND KEEP FEET DRY

Tells Rheumatism Sufferers to Take Salts and Get Rid of Uric Acid. Rheumatism is no respecter of age, sex, color or rank. If not the most dangerous of human afflictions it is one of the most painful. Those subject to rheumatism should eat less meat, dress as warmly as possible, avoid any undue exposure and, above all, drink lots of pure water. Rheumatism is caused by uric acid which is generated in the bowels and absorbed into the blood. It is the function of the kidneys to filter this acid from the blood and cast it out in the urine; the pores of the skin are also a means of freeing the blood of this impurity. In damp and chilly, cold weather the skin pores are closed thus forcing the kidneys to do double work, they become weak and sluggish and fail to eliminate this uric acid which keeps accumulating and circulating through the system, eventually settling in the joints and muscles causing stiffness, soreness and pain called rheumatism. At the first twinge of rheumatism get from any pharmacy about four ounces of Jad Salts; put a tablespoonful in glass of water and drink before breakfast each morning for a week. This is said to eliminate uric acid by stimulating the kidneys to normal action, thus ridding the blood of these impurities. Jad Salts is inexpensive, harmless and is made from the acid of grapes and lemon juice, combined with lithia and is used with excellent results by thousands of folks who are subject to rheumatism. Here you have a pleasant, effervescent lithia-water-drink which overcomes uric acid and is beneficial to your kidneys as well.—Adv.