Reed Document Is to Be Re-Probated.

COUNTY COURT SETS DATE

Issue Based on Provision of California Law.

VIEWS OF JUDGE BELLINGER

Says Oregon Statute Will Protect Bequests to Charitable Institutions From Encroachment of Outside Enactment.

Mrs. Amanda W. Reed's will is to be reprobated by the County Court March 38. On that date all interested in the will are to be cited to appear. The contest concerning the validity of the instrument will be held on that day, and the question will be decided as to whether a California statute can extend into the State of Oregon whon Oregon has a law covering the case. The heirs of the late Mrs. Reed have

been attempting to break her will by which she bequeathed a fortune of \$1.382,319, mostly to charity, and particularly to an educational and indus-trial establishment to be known as the Reed Institute. She was a resident of Oregon for many years and a great portion of her estate was here, but of late years she had been living in Pasu-dens, Cal., and died there. She had, dens, Cal., and died there. She had, however, always claimed Portland as

Mrs. Reed having died in California, the heirs have attempted to have her will probated by a California court and dealt with by the California iaw, which permits only one-third of a testator's estate to go to charity. This would make a great difference in the distribution of the estate, the heirs would get a good deal more and the charitable institutions would lose in consequence. The will was probated by the County Court of Multnomah County and the executors duly qualified to perform their office, but the heirs have petitioned to have the matter reprobated by the court, all interested being cited

to appear at the time. Heirs Plead California Statute.

The contesting heirs have explained in their petition why they wish the will reprobated. They explain at length the California statute, which prevents a testator from bequeathing more than a third of the estate, saying the operation of that law affects not only the personal property of Mrs. Reed in California but that in Oregon as well. They claim that the California law is in ef-fect in Oregon as well as in California.

Those interested in the charitable institutions affected by the will consider the petition of the heirs to be of little avail, and do not doubt that the Call-fornia statute will be adjudged not to extend to Oregon. Judge Bellinger, one of the trustees of the Reed Institute, the funds for which are provided for in the will, stated yesterday the line of defense which would be used against the contesting heirs. He said:

Views of Judge Bellinger.

The contestants make their objec-n on the grounds that Mrs. Reed tion on the grounds that Mrs. Reed was domiciled in California and died there, where the law provides that only Wenger, first tenor, Dr. H. C. Epley, secone-third of the estate can be devised or bequeathed to charitable purposes.

They claim that law affects the courts of Orogon.

Wenger, first tenor, Dr. H. C. Epley, second tenor, Jesse Turner, first bass, and Jay F. Powell, second bass. Mr. Jake Wenger, the first tenor, is the only Swiss of Orogon.

ing to the will. "If there were no such law in this state, the California law might be effective, but it cannot extend to Oregon when such a law exists. If the will is executed according to the laws of the state, it does not make any difference where the deceased was domiciled, and, furthermore, Mrs. Reed was merely demiciled in California temporarily and always claimed Oregon as her resi-

With the laws and facts as they are I do not see how the contestants can claim that the California law affects the case. "In a similar case in California the

courts would not recognize the laws of another state. They cannot, therefore, in this case, or it would be like saying, "Heads I win, talls you lose."
"By the laws of California the per-

sonal property, in California, of a per-son who died in Oregon is under the laws of California. So that if the contestants in this case are maintained the result would have this particular significance:

If a person domiciled in California dies leaving personal property in Ore-gon it is subject to the California laws, and if a person domiciled in Oregon dies in California his personal property likewise subject to the California

The contesting heirs are: Emily Pickering, Sarah A. Robertson, Abagait Baxter Wood, John H. Wood, W. H. Paxon, Helen Faxon Passmore, Emma Wood Brainard, Harry A. Wood, Cor-inne A. Wood, Stella H. Wood and Helen B. Wood.

ASKS RECEIVER FOR HOTEL Part Owner of Scott Hostelry Charges

Breach of Contract. Sult for the appointment of a receiver for the Scott Hotel was commenced by A. J. Deltz in the State Circuit Court yesterday against H. L. Stephenson and the Scott Hotel Company. Deitz owns a one-fourth interest in the property and he asks the court to compel Stephenson to sell him a second one-fourth interest in the hotel business, as previously agreed upon; also that Stephenson be required to withdraw from the botel and restore the management of the same to him. Delts and Mrs. Deltz, according to the terms of an existing contract,

Deltz and Mrs. Deltz, according to the come of an existing contract,

Deltz says in his complaint that he was also in the merchant's service for a numforcibly relieved of possession by Stephenson on February II, and that Stephen-

payable \$3000 in cush and the balance in payable \$3000 in cash and the balance in.
or before, six months. If he desires to
purchase after 60 days and prior to six
months, the price is to be \$4500.
On January 7, 1965, Deitz alleges that
Stephenson extended the option for the
purchase of a second one-fourth interest
for 30 days, in writing.
On February 5 last Deitz says he elected
to purchase the additional one fourth in

and declined to accept \$2000 tendered him as the first payment. Deltz avers that when he and his wife took charge of the

hotel on November 7, 1904, the business was run down, and by their efforts they improved it a great deal. The Scott Ho-

tel Company, which claims some interest in the hotel business, is said to have been

ully informed of the contract between Deltr and Stephenson, and Stephenson, on February 5, 1804, is alleged to have caused an adjustment and settlement made be-tween the stockholders of the Scott Hotel

Company, whereby he obtained the ful

and absolute control of all the stock of the corporation.

Delts alleges that the hotel business is

large and profitable and will be particu-larly so during the Lewis and Clark Fair

and that he will suffer great loss if his rights are interfered with.

GETS JUDGMENT FOR \$5000.

Court Awards Louis Montgomery Full Claim for Commission.

In the suit of Lewis Montgomery against

Marshall J. Kinney to recover \$5000 bal-

ance due as commission for the sale of

timber land near Westport, in 1962, the

jury in Judge Sear's court yesterday returned a verdict in favor of Montgomery for the full amount sued for. The lands, complsing about 6000 acres, were sold for \$192,600. Of this amount Kinney received,

and that he was paid only \$5000. Kinney explained that he lost the option on the

Fair to Clear Synagogue Debt. Extensive preparations are being made

by the members of the Congregation Ahama Sholem for a fair, by which they

expect to raise sufficient money to pay off the \$600 mortgage now outstanding against their new synagogue on the cor-

ner of Park and Clay streets. Many large donations have already been made.

and there has been subscribed some \$1500

in goods. The fair will take place March is to 23 at Merrill's Hell, corner Seventh

and Oak streets. Many unique ideas have been advanced to make the fair au unusually attractive one. Masque-

rades, vandeville and minstrel shows, dancing and theatricals will be included

in the programme. A first-class restau-rant will serve the finest delicacies.

Suspected Robber Released. A. D. Hendryx, who was arrested as an accomplice in the Lebanon bank robbery, was released from the County Jali yesterday on his own recognizance. After the

preliminary examination of the accused in on Thursday, it was decided to

Mrs. Ett Dunn is held as a witness but

STALWART QUARTET TO SING.

Today--Chaplain Smith to Speak.

An attractive feature of the Sunday

Club meeting at the Y. M. C. A. this af-ternoon will be the musical programme

has been stationed with his regiment at Vancouver and leaves with it in a few

weeks, for the Philippine Islands. He has seen considerable active service, having been with the army in the Philippines.

ber of years. He is a man of wide ex-perience and extremely popular with the

Harry Reynolds.

The trial occupied three days.

Fourteenth Infantry Has Seen to purchase the additional one-fourth in-terest, and Stephenson refused to sell Valiant Service.

FOUGHT WITH SECOND OREGON

Regiment Assigned to Vancouver Barracks Has Long and Brilliant Record Covering Many Wars-Stationed in Philippines.

The orders of the War Department ransferring the Fourteenth Infantry to Vancouver Barracks from the Island of Samar. P. L. have aroused the interest of many of the officers and members of the Scound Oregon Regiment, with whom they first journeyed to Manila during the Spanish war.

The Fourteenth has been stationed in lippines for some time, and it is in the nature of relief from foreign duty that the transfer is being made. According to the orders, the regiment will leave the Island of Samar on the 15th of March, and should reach Vancouver Barracks within 20 days thereafter.

The Fourteenth Infantry was first or-ganized in 1812, and took an active part in the campaign along the Canadian bor-der during that year. General Dix was a field officer of the regiment when it so he testified \$67,000, and one Parsons got \$125,000. Montgomery testified that the total amount of the commission was \$10,000, was mustered in, and served until the close of that war. The regiment was consolidated with other regiments, and lost its identity for a time, but was reorganized at the time of the Maxican war, and fought under General Winfield Scott is the best of the Scott is the best of the Scott is the best of the Scott is the server of the server Parsons lands, and that Parsons, who was to pay Kinney \$500 for sciling the lands, sold them himself. For this reason Kinney said he did not receive the \$500 Scott in the battle preceding the capture of the City of Mexico, and mustered out

Kinney said he did not receive the asso-from Parsons, and Motgomery, when he got \$5000 instead of \$10.000, was adequately paid. In answer to this, Montgomery said his buyer, Bradley, of Bay City, Mich., bought all the lands and that all the money passed through Kinney's hands. at the close of the war.

During the year of 1881 the regiment
was again called into being as a 10-company regiment. Its first Colonel was
Charles Stone. During the War of the

during the war.

After the Civil War the regiment was again reorganized and sent to Arizona under Colonel Lovett. Later the command was sent to Wyoming, where it did valiant service against the Sioux, and finally at the battle of Rosebud the Fourteenth saved the day in a fierce fight with the Indians wider. the Indians under Crazy Horse, Red Cloud and Sitting Bull.

The regiment was next stationed at Fort Douglas, Utah, under General John Smith, and in 1881 they came to Vancouver Barracks. In 1886 Colonel Thomas M. Anderson

sumed command of the regimental st. The officers serving with the regi-ent at that time probably best remempered by the residents of Portland were Lieutenant-Colonel DeRussy, Captains Totten, Bainbridge, Burke, Sladen and G. W. Davis, now General Davis, command-ing the Panama Canal right of way. Among the Lieutenants were Featman, Murphy, Hasbrouck and Cabell, the two last named being the only officers re-maining in the regiment who came with it from Utah.

the Sheriff has discovered evidence to warrant the filing of a larceny charge against her. George J. Cameron has been retained by Dunn as counsel, and John F. Watts and John Ditchburn represent it from Utah. While serving at Vancouver the regiment was sent twice to the Coeur d'Alenes to suppress strikes and riots, and twice to Spokane and Tacoma. Its last dispatched service was in Algaka during the Klondike excitement, in the Winter of 1897-8. Attractive Programme at Y. M. C. A.

This organization should be well known to our people, as during its term of duty in this vicinity it was altogether re-

in any case extend to Oregon, for there is a law here covering that point. It is that the personal property in Oregon of a deceased person, wherever domiciled, will be disposed of according to the will.

with enthusiasm.

The quartet comes to Portland especial-law John Murphy, now Lieutenant-Colonel Murphy, retired, had a brisking a programme that will give delight to the disposed of according to the will.

When the Pflipino insurgents attacked Solo—Beautiful lais"

Dr. H. C. Epley—(Voice accompainment)
Duet—Switzerland Home"—Yodie

Dr. Epley and J. Wenger

Quartet—"Last Hope"

Quartet—"Southern Home"

The address of the afternoon will be day in capturing Blockhouse 14 from General Morales brigade. In their dashing charge they lost the brave Captuin Mitcheli and 24 men. Their next severe fighting was at the battle of the Zapote

in this vicinity as a Major of the Four-

teenth Infantry, was killed in the battle of San Juan Hill, in Cubs.

In July, 1900, the Fourteenth Infantry formed a part of General Chaffee's command, which advanced from Tienstin to Pekin. For the conspicuous part it took

in this campaign the regiment received the highest commendations. It was a bugier boy of the Fourteenth who scaled

STALWART MALE QUARTET OF SALEM TO SING

AT THE Y. M. C. A. TODAY

George C. L. Snyder. Dr. H. C. Epley. Professor J. Wenger. J. G. Turner.

given by Chaplain S. J. Smith, of the Bridge, where Captain Bogardus Eidridge isth Infantry, U. S. A., on the topic was killed. Colonel Wycoff, who served 'Christian Warfare.' Chaplain Smith in this vicinity as a Major of the Four-

SEASONED TO WAR **5-ACRE TRACTS**

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514 Chamber of Commerce.

the Columbia. Major John S. Park is at present in command. The Regimental Captains are Patten, Hasbrouck, Cabell, Riddle, Lasseigne, Taylor, Sladen, Lear-nard, Mayer, Bradley, Gorley, Weeks, Martin, Miles and Burnside, Captains Cabell, Learnard and Burnside are, respectively, the Regimental Adjutant, Commissary and Quartermaster. There are, besides 15 First and 15 Second Lieu-tenants, all new men, commissioned since the regiment left us, in May, 1898. Of the former officers of the regiment the following history is given:

General George W. Davis began his military career as a regimental quartermaster of a volunteer Connecticut regiment. He was commissioned as a Captain in the Fourteenth Infantry in 1867. He first came into notice by straightening up the Washington monument. That famous ob-Charles Stone. During the War of the Rebellion the regiment formed a part of the regular division of the Army of the Potomac, and took a distinguished part in all of its several batties. It did splendid service at Gaines' Mills, Malvern Hill, Fredericksburg, the Wilderness and Petersburg, and according to the records of regimental losses during the war had the heaviest loss of any regular regiment during the war. elisk, after it had been built up 120 feet, tilted over like the leaning tower of Pisa. jor. Lieutenant-Colonel and Colonel in the Regular Army by regular promotion and was made a Brigadier-General of Volunteers and a Brigadier and Major-General in the Regular Army by selection. After commanding a department in the Philippines he was placed on the retired list in 1965, and at once put upon the Panama Commission and is now in immediate control of the canal territory. Colonel Fred E. Trotter, at the time of his death was acting as Inspector General of the Washington State Guard.

Colonel Hugh A. Heaher, at one time the Lieutenant-Colonel of the Fourteenth Infantry, was promoted Colonel of the Sixteenth Infantry and was stationed at Fort Sherman, in Idaho, He was present with his regiment at San Juan, but was oon after retired for ill-health. General D. W. Burke, retired, now a res-

ident of Portland, was promoted from the ranks in the Civil War for marked efficiency and rose through all the grades to his present position. He received special recognition for excellent service in Porto

Lieutenant-Colonel John Murphy was romoted from the ranks for an act of special bravery at the battle of Antie

Captain H. C. Cabell was once an acting aspector-General of the National Guard

Captain Alfred Hasbrouch, at one time Adjutant of the Fourteenth, when the Spanish War broke out was Military In-structor in a college in New York, but he gave up a very desirable position to go to the front. When the Civil War broke out, ternoon will be the musical programme by the "Stalwart Male Quartet," of Salem. This quartet is well known throughout the state, as the members have been singles for together.

The Fourteenth Infantry, with the O'Regne and In both states.

The Fourteenth Infantry, with the Second Oregon and the First Washing- Fourteenth Infantry. Keho was killed in ton, made up the first expedition to the the Custer massacre, O'Byrne died as a ton. pedition to the the Custer massacre, O'Byrne died as a first American field officer, and Coppinger is now a Brigtroops to cross an ocean for active serv- adjer-General on the retired list.

General T. M. Anderson, the former

Oregon.

Our defense is that the law does not any case extend to Oregon, for there a law here covoring that point. It is the only Swiss of the fourteenth Infantry, under Capromoted to Brigadier-General and after the promoted to Brigadier-General and after the covoring that point. It is the only Swiss of the fourteenth Infantry, under Capromoted to Brigadier-General and after the covoring that point. It is the only Swiss of the fourteenth Infantry, was promoted to Brigadier-General and after the covoring that point. It is the only Swiss of the fourteenth Infantry, was promoted to Brigadier-General and after the covoring that point. It is the only Swiss of the fourteenth Infantry, was promoted to Brigadier-General and after the covoring that point. sides at 251 North Twenty-fourth street. The First Lieutenants of the Fourteenth

Infantry at this time are:
Bramilia, Wagner, Murphy, Price, Hanson, Cabell, D. D.; D. K. Major, Jr.; Cowan, La Motte, Hartshorn, Ferguson, Lawrence, Hamilton, Herbst, James Ryan, Jr. The Second Lieutenanta arc: Kirkland, Leasure, Gregg, Schick,

Tucker, Brady, Harris, Adams, Kobes, Tolley, Pruyn, Macomb, Benedict, Greg-Chaplain, Ivery H. B. Headley.

ANOTHER LOVELY HOME HAS A WEBER PIANO.

A Prominent Portland Attorney Purchases One of the Most Costly and Beautiful Styles.

There is probably no style of the Weber plane that appeals so much to the artistic taste as the one just selected by Mr. Miller Murdoch, of the prominent law is cased in a very rich mahogany and fin-ished in plain panels and simple fluted pliasters, that give it a classic symmetry strongly suggestive of beauty and dignity. It has that sympathy of tone which is the

characteristic of Weber planes.

Scarcely a week passes but one and frequently, a number of profilment Portland quently, a number of profilment Portland homes are supplied with one of the superh and coatly Weber or Chickering pianos. Last week, in addition to the piano purchased by Mr. Murdoch, one of the very latest style Chickering upright pianos was purchased by the Sisters of St. Mary's Academy. The week Just previous a Weber was selected by Mr. and Mrs. F. G. Driver for their home on the East Side. The week before Dr. A. A. Morrison sered a lovely Weber Baby Grand, and r. and Mrs. Loomis a fine Chickering

This again emphasizes the significant fact that the cultured people of this city are content with only the very best in the musical line, and have learned that the place to secure them is Eller's Plano Park and Washington streets. Kimball planes sold here also.

TAX MONEY IS POURING IN Collections Are Much Heavier Than Those of Last Year.

The total tax collections on the 1904 tax the walls of the sacred city and opened the gates for our troops to march in.

These sacroned was a second wa enson on Pebruary II, and that Stephenson son broke into the hotel sark and forc. Son broke into the hotel sark and forc. It is the hotel sark and forc. Coulter's Orchestra will also be present at the Sunday Club and give a number of books and assets of the business. The complaint recites that Deltz on November 7, 1961 purchased a one-quarter leterest in the hotel from Stephenson for the First Christian Church.

The Sunday Club and give a number of selections. The "Staiwart Quarist" will sing three numbers at the evening service of Fekin maintained the strict of Pekin maintained the strict will sing three numbers at the evening service of Fekin maintained the strict will then have been placed in the hands of the County Tressurer Lewis of 185, 422. The bulk of the more continued population towards the conquered population towards the conquered population that the Chinese officials were laws in the Murderous Heathens Give Ball.

In the Municipal Court yesterday purchase price, and also Deltz' share of any profit which might be made.

The agreement further provides that Deltz shall have the right to purchase and of \$5600 each. Their fellowstony at any time within 00 days for \$400.



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AND



WOES OF MARRIAGE

Unhappy Couples Seek Relief in Divorce Court.

WIFE HUGGED ANOTHER MAN

Cyrus Quint Complains That She Threatened Him With Butcher-Knife When He Objected to Misdirected Caresses.

"She hugged another man in my resence, and when I remonstrated she picked up a butcher-knife and said if I did not like the way she was doing to get out of the house or she would make me go."
Cyrus M. Quint makes this charge

in his complaint in a suit for a divorce in his complaint in a sult for a divorce which he has instituted against Carrie J. Quint, whose former name, he says, was Willcock. He names William Shepherd as corespondent.

The Quints were married in Oregon City June 15, 1893, and have one child.

a boy, residing with his grandmother at Gresham. Quint alleges that his wife is 34 years old and he is 46. She has a fondness for other men, he alleges, and has threatened to leave him He also asserts that she told him if he cut off the supply of money she would firm of Murdoch & Moser. The instru-ment in question is the Colonial style. It he has been compelled recently to go is eased in a very rich mahogany and fin-to a restaurant for his meals, while Mrs. Quint and Shepherd ate in the house the food his own money pur-chased.

Charges Extreme Brutality.

Because she says he kicked and beat er on numerous occasions and threatened to kill her, Mary A. Kruse has sued A. H. F. Kruse for a divorce. She asks that her malden name. Smith, be restored to her. Mrs. Kruse, in her complaint, sets out that she was mar-ried to Smith in Idaho in 1901. In Decomber, 1993, while they were living in Baker City she says he struck her in the face with his clenched fist and kicked her. In September, 1994, he came home drunk and beat her with his fists and blacked her eye, she says. On February 14, last, Mrs. Kruse avers that he struck her three times and threatened to kill her, and that she hid herself for fear he would carry his threat into execution. The charges made in this case, court attaches say, indicate that Kruse would make a good introductory subject for Senator Sichel's whipping-post.

Legal Jottings.

The Portland Flouring Mills Company has filed an attachment suit in the State Creuit Court against Meine & Wilder, grocers, on East Burnside street, to re-cover \$47 for goods sold.

Judge Webster has arranged to keep office hours in the future from 9 to 11

NEWBRO'S HERPICIDE

THE HERPICIDE HABIT

Careful people new consider it a duty to use a scalp prophylactic, as it insures cleanliness and freedom from dandruff microbes. The refreshing quality and exquisite fragrance of Newbro's Herpi-

cide makes this "duly" such a pleasure that the "Herpicide Hablt" is usually formed. A hair-saver that grows in popularity, Delights the ladies by keeping the hair light and fluffy and by giving it a silken gloss. Cures dandruff, stope falling hair. Gives satisfaction and excites admiration. Stope itching instantly.

GOING! GOING!! GONE!!!

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We stop drains, the result of self-abuse, immediately. We can restore the sexual vigor of any man under 50 by means of local treatment peculiar to ourselves.

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The doctors of this institute are all regular graduates, have had many years' experience, have been known in Portland for 15 years, have a reputation to maintain, and will undertake no case unless certain cure can be effected.

We guarantee a cure in every case we undertake or charge no fee. Consulta-tion free. Letters confidential Instructive BOOK FOR MEN mailed free in plain We cure the worst cases of piles in two or three treatments, without operation.

If you cannot call at office, write for question blank. Home treatment successful Office hours, 9 to 5 and I to 8. Sund ays and holidays, 10 to 12.

DR. W. NORTON DAVIS & CO. Offices in Van-Noy Hotel, 52% Third st.,

VITAL WEAKNESS



Above all other things, we strive to save the thou-sands of young and middle-aged men who are plung-ing toward the grave, tortured by the woes of nervous ing toward the grave, tortured by the woes of nervous debility. We have evolved a special treatment for Nrvous Debility and special weakness that is unformly successful in cases where success was before and by other doctors deemed impossible. It does not stimulate temporarily, but restores permanently. It alians irritations of the delicate tissues surrounding the lax and unduly expanded giands, contracting them to their normal condition, which prevents lost vitality. It tones up and strengthens the blood vessels that carry nourishment. The patient realizes a great blight has been lifted from his life.

We want all MEN WHO ARE SUFFERING from any disease or special weakness to feel that they can come

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disease or special weakness to feel that they can come to our office freely for examination and explanation of their condition FREE OF CHARGE, without being bound by any obligation whatever to take treatment unless they so desire. We cure

Stricture, Varicocele, Nervous Debility, Blood Poison, Rectal, Kidney and Urinary Diseases and all diseases and wenknesses due to inheritance, evil habits, excesses or the result of specific diseas-

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