Improper Conduct Held to Be Cruelty.

DECISION BY JUDGE SEARS

Departs Somewhat From the Usual Rulings, but Declares It Is Best for Both That a Decree Issue.

In granting William L. Suess a divorce from May L. Suess yesterday, Judge Sears held that improper conduct on the part of the wife might constitute cruel treatment, although the court departed somewhat from the usual sule in se holding, and was in some doubt about it. As a matter of justice, however, the court found that Suess was entitled to a divorce dissolving the matrimonial bond.

The complaint charged cruelty, and the evidence introduced at the trial disclosed that while her husband was at work nights in Inman, Pouisen &

at work nights in Inman, Poulsen & Ca's mill, Mrs. Suess frequented dances and kept company with Max Bailey a great deal. He saw her home and took her boat riding. These facts were corroborated by numerous witnesses, and Miss Kate Hannegan tested tified that Mrs. Suess told her she loved

Max Bailey. Max Balley.

Squess was not aware of these acts
at the time, but discovered them later,
and this knowledge, coupled with subsequent ill-treatment by his wife, he said, caused him much suffering and constituted the cruel treatment complained of. They finally separated. Mrs. Sucas filed a cross-bill and asked

for a decree.

Judge Sears, in announcing his decision, stated that the Supreme Court had held that where a defendant in a divorce suit had had improper relations with persons unknown to the plaintiff that cruelty could not be cited as grounds for a divorce on such a state of facts only. The same opinion had been held by the Supreme Court of North Carolina. His reasons for granting the divorce were that the parties could not live happily together hereafter, and it was inferred that if the charges had been other than cruel-ty the decree could have been easily secured, as the court was satisfied the allegations made were proved at the

J. H. Hutchings, attorney for Mrs. Sures, gave notice of appeal to the Supreme Court, and asked for an al-lowance for the maintenance of Mrs. Suess. This request the court did not grant. The couple were married in 1894, and have no children. Max denied any unlawful conduct.

IN MEMORY OF DELL STUART

Members of the Bar Pass Resolutions of Respect.

Members of the bar met in department No. 1, State Circuit Court at 2 turned by the jury in the suit of Lewis e clock yesterday afternoon to hear the Jacobs against the Oregon Water Power report of the committee on resolutions at the committee on resolutions with respect to the memory of Judge court yesterday morning. Jacobs, an expect to the memory of Judge court yesterday morning. Jacobs, an expect to the memory of Judge court yesterday morning. Jacobs against the Cregor that the court yesterday morning. Jacobs against the Cregor that the court yesterday is pressman, was driving across Hawthorne pressman, was driving across Hawthorne with East Dell Stuart, who died in this city on July 29 last. The committee comprised Governor George E. Chamberlain, Wil-liam D. Fenton, Frank S. Grant, Thomas the rig. The horse was killed, and Jacobs O'Day and William Foley. The meeting was injured, physicians say permanently, was held at this late day because the His attorneys were Dan J. Malarkey and court stood adjourned through the Sum- John F. Logan. mer months. It was agreed to have no speeches, and the resolutions and report of the committee were read and adopted as follows:

"Judge Stuart was born in Zanesville, O., in the year 1849, and when a small boy moved with his parents to lows, where he was educated in the public schools of Sheridan in that state. After graduation from an academy he entered the law office of his brother in Osceola, ia., and was admitted to the bar in 1870. He became at once suc-cessful and was called to important offices of public trust. He was elected for two terms Mayor of his home city, Osceols. In the practice of his profession he became the attorney for the Chicago, Burlington & Quincy Railroad Company in Iowa and represented this company in that portion of Iowa for 15 years. Later he was a candidate for and was revenue helps all elected to the office of District Judge office materially. in his judicial district, and held this important office for two terms. The ofcame to Portland in the year 1889, and appeared yesterday in the County Court | from that time until his Jeath he was a citizen of this state. During the last year preceding his death he had been in falling health. His energy and untiring industry did not permit him to se-cure the needed rest and reduperation, although it was not believed that he was critically iil until his unexpected

During his residence in this state he has been an active and honorable member of the bar. He took an active inter-est in public affairs and was fearless in the expression of his convictions upon political and moral questions. He was honored and respected by all who knew him as a useful and influential citizen. Judge Stuart departed this life after a brief illness in his 16th year on the 29th day of July, 1955.

"Be it therefore resolved. That we, the members of the bar of Multnomah County, sincerely deplore his untimely and early death, and extend to his famfly our profound sympathy in their great loss, and "Be it further resolved, That these

resolutions be spread upon the records of the Circuit Court for Multnomah County, and a copy engrossed and sent by the clerk to the family of the de-

Sues to Recover for Son's Injuries.

On account of the loss of the value of the services of his son, David Westman, a missor, and that he has to bear the expense of supporting him, Jonas Westman, the father, yesterday brought sult in the State Circuit Court against the Wind River Lumber Company to recover \$4500 damages. On September 24, 1802, David Westman, then a boy 15 years old, was employed in the sawmill of the company at Cascade Locks, in the capacity of an olier of the machinery. It is alleged that the machinery he was required to oil con-sisted of a belt upon a main shaft regu-lating an adjustable tightener, and to do this be had to stand upon a platform which was too narrow for the purpose intended. The planks were also loose and were jarred off by the vibration of the machinery, causing the boy to fall into a pulley and machinery and to suctain serious and permanent injuries. J. M. Long is the attorney for the plaintiff.

Suit Over Fall in Elevator.

W. P. Hibbard, who on June 16, 1905, fell two floors in an ejevator in the place of business of Armour & Co., at Fifth and Couch streets, yesterday began suit-against the company in the State Circuit for \$5000 damages. Hibbard was

employed as a workman by the comp and alleges that the wire cable atta to the elevator was worn and rusted, and while he was in the elevator conveying goods, the cable broke, and he was precools, the cable broke, and he was pre-cipitated from the second story to the basement. He complains that he sus-tained injuries to his head shoulders, body and legs, and his right ankie and foot were bruised. Hibbard avers that he is permanently injured and lame. John F. Logan appears as his attorney.

Caton Estate Gets the Money.

The money collected on a certificate of deposit in Ladd & Tilton's bank, amounting to \$1980, by the Citizens' National Bank, for A. F. Wilson, and which a jury in Judge Sears' Court recently decided was the property of the estate of the late Benjamin F. Caton, was paid over by County Clerk Fields yesterday to H. E. Northup, the administrator of the estate. The County Clerk has had possession of the money since the litigation began. The the money since the litigation began. The mysterious Mr. Wilson has not yet made his appearance. He was represented at the trial by Charles F. Lord, who said his cilent was in New York, and that he bought the certificate.

Suit Over Breach of Contract.

For alleged breach of contract, H. G. H. Wray yesterday sued the Wright-Dickinson Hotel Company in the State Circuit Court to recover \$220. Wray sets forth in his complaint that March 15 last he en-tered into an agreement with the Wright-Dickinson Hotel Company to enter the employment of the company on April 1 for a period of six months, for a salary

PRIZE-WINNING BABY.



Willetha Ritter.

Willetha Ritter, daughter of Mr. and Mrs. A. R. Ritter, of 254 Union avenue age 9 months, was one of the prize bables at the Lewis and Clark Exposition, taking first prize for the hest natured baby between the ages of six months and one year.

of \$190 a month and board, and resigned a place in the Hotel Washington at Scattle to take the new position, which was af-terward refused him. He says he suffered \$220 damages.

b--------

Gets Damages for Injuries.

A verdict for \$3500 damages was reavenue at its intersection with East

Last Week to Pay Taxes.

This is the last week for the payment of taxes, real or personal, on the 1904 tax roll. Taxes become delinquent after Mon-day, October 2. Second half payments avoid penalty and interest. All property on which taxes have not been paid will be advertised and sold by the Sheriff for the amount due. The personal taxes amounted to \$50,000.

Many Hunters' Licenses Issued. More than 1100 hunters' licenses have been issued thus far in the County Clerk's office, and the number of applications are still numerous. A license costs E and the revenue helps along the expenses of the

HOUSE FURNISHINGS

DRAPERIES

The best stove value in the city is the Sunlight Heater; top and bottom cast, finest nickel trimmings \$8.00

on the market. It can easily be knocked down for shipment or taken through the narrowest doorway. Price \$40

The last Oriental liner brought us in 284 rolls beautiful, new patterns; opening sale price, one week only, 25c velue for 16c



hours on a Saturday evening.

SOMERSAULTIC COUCH.

We are always lower in price than anybody elae. Maybe you bought one like this at a great sale for \$2.50. Our \$1.05 price this week. \$1.95



couch to bed

185-187-189-191 FIRST ST., PORTLAND, OR.

Our store is a little out of the way—it is not on a crowded thoroughfare like Washington

street. This is a great disadvantage in one way although we do not have such high

rent. We find that people won't come all the way down to First street unless there is some

inducement. Therefore it is absolutely necessary that we give more for the money than

can be obtained in stores that are in better locations. Anyone who has watched this business grow must come to the conclusion that there must be some very good reason.

We don't spend thousands for advertising and we are not in the heart of the retail district. The reason of our success is that we give VALUES, and BIG VALUES, and everything

is strictly AS REPRESENTED. OUR values last six days each week, not one or two

SOMERSAULTIC CHANGE from

THE SOMERSAULTIC DAVENPORT COUCH IS MADE ENTIRELY OF STEEL

The back turns a somersault from the rear of the seat to a horizontal position in front, turns the pad inside out, pre-

senting the ticking side to sleep on, and brings the legs into position. The bed clothing is left in place. Make up the bed in the morning; it is ready for use at night. The springs are double coil, made of the best oil-tempered steel

Great Reduction-These Couches displayed at the Fair. We sell them at half price. We must close them out at any price. No reasonable offer



SOMERSAULTIC BED.

This cut shows the thermometer on the oven door of each Monarch Malleable Range. Visit our booth at the Manufactures Building and see them. Prices as low as\$49.00



The best Coal Stove for

the price anywhere to be

found. Hot blast, extra

heavy cast firepot and

IRON FOLDING BEDS.

Perfect Iron Folding Beds are the latest. This bed will fold compact with all bedelothes and bedding-entirely constructed of iron and steel; price \$30.00



H. E. EDWARDS

HOUSEFURNISHER

185, 187, 189, 191 First Street

Portland, Oregon



and the Portland Consolidated Railway company settled a claim for damages with Administrator Scott by the payment of \$250. H. H. Riddell, attorney, was given a contract on a contingent fee for one-half the amount recovered. Mr. Cederberg thinks this too much, and Judge Webster will come on the matter when the Webster will pass on the matter when the final account is considered. Herman Janimportant office for two terms. The office of District Judge in the State of
lows, as the members of the bar generally know, is of the same grade and
dignity as the office of Circuit Judge
in the State of Oregon, Judge Stuart
came to Portland in the year 1889, and
accounting.

E. M. Cederberg, appointed several
weeks ago by Judge Webster administrator of the estate of Rudolph Jansen,
deceased, in place of R. O. Scott, removed,
appeared vesterably in the County County
Ludge Webster, told Mr. Cederberg, by

Judge Webster told Mr. Cederberg he SECRETARY OF IDAHO STATE COMMISSION

to demand that Mr. Scott make an imme- | would notify Mr. Scott to pay over to him diale accounting of the funds in his possession.

At the time Mr. Cederberg was appointed Mr. Scott was in Sea Girt, N.

Jurous for October attending the rifle tournament. has since returned, and Mr. Cederberg says he has not yet received the funds more than last year, and the collections belonging to the estate. Rudolph Jansen have been good. was killed in a street-car accident at East Twenty-eighth and Glisan streets,



MRS. H. W. MANSFIELD.

Mrs. H. W. Mansfield, of Nampa, Idaho, has been in Portland this week attending the meetings of the Idaho State Commission to the Lewis and Clark Exposition. Mrs. Mansfield is secretary of the commission and has the honor of being the only lady commissioner. She is a native Oregonian and a graduate of the University of Oregon. She has been editor of the Nampa Leader-Herald for the last six years and the paper has the reputation of being the best semi-weekly published in the state. She is also prominently identified with women's club work.

Jurors for October Term.

The following names have been drawn from the jury list to serve as jurors in the October term of the State Circuit Court, beginning Monday, October 2:

John A. Ahlatedt, manager; Henry Alber, carman; Alfred Anderson, printer; Peter Anderson, painter; Joseph N. Barrett, merchant; C. I. Brown, farmer; John A. Beck, Jeweler; George Black, public accountant; Charles P. Barette, tallor; D. C. Burna, grocer; Arthur K. Bentley, contractor, John Blian, farmer; Joseph Buchtel, real estate; S. W. Balley, merchant; J. A. Brown, merchant; Henry J. Berger, wall paper; Arthur H. Breyman, mer-chant; Robert Cowan, merchant; L. M. Cox, real estate; H. C. Campbell, steamboat man; W. S. Duniway, printer; August Dipple, cap-italist; William Druck, capitalist; George A. Epperly, wood desier; W. C. Francis, millman; H. E. Powier, tailor; W. R. Glafke, fruit and produce; John G. Gray, contractor; J. A. Haseitine, merchant; Anthony Handler, for-man; John Krey, farmer; F. A. Kribs, timberman; John Krey, farmer; F. A. Kribs, timberman; August Kenter, minister; H. W. Kennedy, chief engineer; Charles W. Rippel,
bookkeeper; John Linklater, contractor; R.
Lutte, merchant; F. S. Maicolm, insurance;
A. L. Miner, capitalist; J. R. McChaken,
warshouseman; D. D. McClure, capitalist; W.
W. McBride, wood and foel; H. W. Miller,
farmer; J. W. Miller, tinsmith; P. J. Mann,
capitalist; I. McGowan, plasterer; Dennis
Maloney, farmer; F. H. Martin, plumber; A.
H. McAlpin, photographer; P. M. Orth, drugs;
J. S. Ordway, tumber; O. P. S. Plummer,
druggist; F. H. Page, commission merchant;
D. J. Quimby, hotel proprietor; August Rosenblatt, insurance; T. M. Seed, house-mover;
K. S. Rothchild, merchant; Sanuel Strebin,
farmer; J. C. Shofner, merchant; Francis farmer, J. C. Shofner, merchant; Francis Sealy, grocer; W. G. Stansbery, farmer; L. M. Starr, broker; C. C. Smith, cabinet-maker; Louis Shattuck, Gresham, merchant; Martin Gottli, proprietor of the Wigwam Saloon, Schade, merchant; E. H. Habighorst, manufacturer; A. Thurlow, merchant; L. Therkelant, Capitalist; E. J. Taylor, farmer; Torval 2.20 A. M. yesterday morning when sum-Toesen, grocer; C. H. Woodward, merchant; Paul Wessinger, brewer; C. H. Welch, fruit-grower; J. D. Wilcox, real estate; R. W.

Wife Sues for Divorce.

Mrs. E. R. Cowles complains that her nusband, Dr. G. R. Cowles, deserted her husband, Dr. G. R. Cowies, deserted her April 19, 1994, and during the last three years of their married life contributed only 115 toward her support. She insti-tuted suit against him in the State Circuit Court yesterday for a divorce, and also asks the court to order him to pay \$100 attorney's fees. They were married in Minneapolis in 1881.

Funeral of Gustaf Wilson.

The body of Gustaf Wilson, a 25th degree
Mason and a past elective grand officer,
was buried yesterday afternoon from the
Scottish Rite Cathedral at 2 o'clock. Burial was in Lone Fir Cemetery by the
side of his wife. Funeral services at the
cathedral and at the grave side were
impressive. At the cathedral Rev. Dr.
Powell conducted the Episcopal service
and at the grave services were conducted
by Right Worshipful Dr. W. T. Williamson, senior grand warden of Portland,
and by Right Worshipful Lott L. Pesrce,
junior grand warden of Salem. The body of Gustaf Wilson, a 22d degree

TELL YOUR PRIENDS

About Very Low Rates Via Southern Pacific for Portland Day. Saturday, September 26, is Portland day at the Fuir. Tell your friends to meet you it the Exposition. Very low rate, ten lays, via Southern Pacific, on sale Sep-ember 28 and 28,

Police Justified Where Saloon

Refuses to Open.

JUDGE CAMERON'S RULING

Record of a Day in the Municipal Court With Petty Offenders and Punishments Meted . Out to Them.

Municipal Judge Cameron rendered an important decision at the morning session of the Municipal Court yesterday, when he claimed that any officer who sought admission to a saloon after hours, upon hearing sounds issuing therefrom, indicating that business was being conducted in violation of the law, was upon being refused admission to the premises, justi-fied in forcibly entering. This important ruling, relative to the troubles of the police in enforcing the 1 o'clock closing ordinance, was made in the case of John who refused to admit Captain Balley and Patrolmen Kienlin and Johnson at 2:30 A. M. yesterday morning, when sum-September 13, made a report last night, in moned to do so by them, whereupon they broke in the door and arrested the proprietor and three men who were in the of Griswold, but that of a man who had place at that hour.

Judge Cameron dismissed the charge

of being out after hours made against J. H. Thompson, W. B. Robbins and G. A. Martin, who were arrested with Gottli, and assessed the proprietor of the saloon, who pleaded guilty to being open after hours, \$55. The saloonkeeper had been requested to open his doors to the officers three times, but falling to pay any heed, the officers broke in the door, and Judge Cameron upfield them in this action, saying that summary measures were to be inaugurated.

The numerous arrests of the past month on this charge have caused the City Council to take notice, and yesterday Clerk Hennessy, of the Municipal Court, received

Fred Carlson and John Matson, arrested by Patrolman Ellis at Second and Burn-side streets, while engaged in a fist-fight, were taxed \$60 each by Judge Cameron, as it was shown that both were equally guilty.

In the cases of Fred Bokien and F. J. Train, arrested by Patrolman Tichenor

charged with begging on the streets. Judge Cameron suspended sentence and allowed the prisoners to go pending their good behavior in the future.

The case against Lee Yeng, who was

arrested by Policeman Craddock, charged with having lottery tickets in his possess Mon, was continued over until Tuesday. He was released on \$100 bonds to insure his appearance at court on that day. . . .

The assault case against John Perstinger, on complaint of Anna Stowe, was con-tinued until Monday.

Ed Wilson, a morphine fiend arrested by Patrolman Wade for having a quantity of the drug in his possession, was given 50 days in the County Jail.

R. H. Elliot, a barber at 95½ Sixth street, will be given a hearing before Judge Cameron Monday, on a charge of extortion placed against him by J. M. Price. The complainant alleges that he went to the barber shop of the defendant and was assessed \$1.15 for the work performed, which consisted of dying his mus-tache, shampooing, shaving and other tonsorial work, which he did not desire, as he only wanted a shave.

NOT BODY OF GRISWOLD

Evidence for Bellef That Insurance Man Still Lives.

DES MOINES, Iowa, Sept. 22 - Expert Chemist Kinney, who has conducted an examination of the organs of the body supposed-to-be that of George M. Griswold; the Des Moines insurance man, who was supposed to have been murdered on

which he expressed the belief that the

stomach which he examined was not that

been dead at least two weeks. This sensational report gives support to the theory of those who claim that to the theory of those who claim that Griswoid was not a victim of murder or suicide, and that he is still alive somewhere. The body taken from the river three days after Griswold's disappearance was not identified except by the clothing, the features being unrecognizable. It is now disclosed also that the stature of the dead body was a couple of inches less than Griswold's. Griswold carried about \$15,690 life insurance and \$5000 accident insurance. Insurance com-

5000 accident insurance. Insurance com-panies are actively seeking to disprove murder or suicide theories. DAILY CITY STATISTICS

Marriage Licenses.

Marriage Licenses.

Mackenzie, 53, Seattie; Martha A. Thompson, 50.

STEVENS-LEWIS-Henry E. Stevens, 35, Echo; Mrs. Jennie Lewis, 32.

VALENTINE-M'DONALD-Samuel Valentine, 84, Woodlawn; Louisa McDonald, 44, HEMMETER-HOPKINS-George J. Hemmeter, 25, 61 Sevonth street; Harriette R. Hopkins, 22.

GIRVVY-KLONOWSKI-Frank Girvry, 27, 584 Lake street; Karolina Klonowski, 18, JOHNSON-OLSEN-Edward E. Johnson, 20, 732 East Ankeny street; Clara E. Olsen, 18.—Incorporation Articles Flied,

ing plants. The principal office is located in Portland,

Building Permits.

Building Permits.

A FREEMAN-Dwelling, McMillen and Crosby streets, \$2200.

FRED C. SCHUBERT-Dwelling, East Sulmon, between East Twenty-second and East Twenty-third, \$1630.

J. M. JONES-Dwelling, Hall street, between Seventh and Park, \$2700.

J. R. AHLINGTON-Repair of dwelling, \$48 Belmont street, \$300.

C. E. SUMNER-Dwelling, Schuyler and East Nineteenth streets, \$4000.

Real Estate Transfers.

Cemetery
W. T. Kearns to J. Dobson, lots 10, 11, block 6, Stewart's Park
R. I. Eckerson and wife to D. C. Weir, Weir, lot 2, block 8, Center Add.
R. Frarer et al. to J. A. Bates, lot 3, block 48, Portland City Homestead J. block 48, Portland City Home-stead
George W. Brown to J. P. Hawkes, lots 11, 12, block 5, Laurelwood.
Sheriff to Themas Hodson, lots 7, 8, block 42, Carter's Add.
American Trust & Investment Co. to Nadir Land Co., lot 14, block 45; lot 1, block "T," and other lots in Sell-wood.

1. block "T." and other lots in Sellwood

P. H. Malay and wife to S. S. Sumner, lots I S. block 20S, city

P. Hofstad to J. E. Suier, lot S. block S. Maegly Highland

Portland Trust Co. to Victor Land

Co. lot 24, block 16, Tremont Place

C. F. Lewis to W. McCamant, lots I.

4, 5, 8, block 19, Couch Add.

I. E. Dwier and wife to F. C. Walker,

5 acres in Sec. 34, T. 1 N. R. 2 E.

T. E. Dwier and wife and wife to F.

C. Walker, 5 acres in Sec. 34, T.

1 N. R. 2 E., bond for deed.

H. E. Coleman and wife to L. P. Beno

et al., lot 8, block 216, Couch Add.

Margaret Macanlay to V. P. Lyman,

lot 8, block 8, Peninsular Add.

Eliza-C. Good and husband to Martha

Carney, lot 12, and Wh. lot 9,

block 283, Couch Add.

1

Auto Demonstrator Killed.

CHICAGO, Sept. 22.-Walter Calkins, an automobile demonstrator, was killed shortly before daylight today, when his machine ran into a wagon and overturned, crushing Calkins beneath it. Although the lamps on the front of the machine were lighted, it is supposed that Calkins falled to see the wagon until it was too

File a Remonstrance.

late.

The Bast Ankeny street; Clara E. Olsen, 18.

Incorporation articles of Idaho Grocery Company were filed in the County Clerk's office yesterday by I. Lang. E. J. Hall and F. S. Coales, capital stock \$59,090. The objects are to conduct a grocery and general merchandise business, also canning and pack-