

JURY CANNOT AGREE

Dr. H. T. Atwood Must Come Before Court Again.

CASE PUZZLE TO JURORS

Stand 4 to 8 for Acquittal on Third Ballot and Are Discharged.

Court's Instructions the Stumbling Block.

After being out for 4:30 yesterday afternoon until 9:15 o'clock last night, the jury in the case of Dr. H. T. Atwood disagreed, and was discharged by Circuit Judge Gantenben.

Ballot Eddies took the jurors out for supper at 8:30 o'clock. When the news came from the juryroom at 9:15 o'clock that no agreement could be reached, Judge Gantenben ordered the jurors into court, and said:

"Owing to the fact that this jury has served longer than any other during the term and in view of the perplexing issues in this case, and the fact that it is Saturday night, and if you stay over Sunday, it means I will have to keep you until Monday; also that it would probably be of no avail, I think it advisable to discharge you for this term, as this will be your last case."

The 12 men who listened to the evidence in the Atwood case were E. Lucke, John Laethle, Otto Ronicka, Otto Eudy, E. O. Temple, D. C. Rodgers, J. V. Randell, Minor W. Gaton, T. T. Burkhardt and E. P. Marston.

Dr. Atwood remained until the jury came in, and after they were discharged said: "All I desire to say is that I told the whole truth." District Attorney Manning will file into consideration the filing of a motion for a new trial.

Dr. Atwood was arrested April 6 on an indictment charging him with performing a criminal operation on Hattie Poe, a 16-year-old girl. W. B. Holdiman was before that date arrested on a statutory charge for leading the girl astray and being the cause of her plight. He pleaded guilty, but was not sentenced, as the District Attorney desired to use him as a witness if necessary. Holdiman, however, did not go on the stand, but was brought into court during the trial and the most of the testimony.

Dr. Atwood was arrested yesterday that he would file another indictment against Holdiman in connection with the case.

Dr. Atwood took the stand in his own defense during the afternoon and testified as to the treatments he is alleged to have given the girl. He denied any criminal intent. Miss Grover, who has charge of the Maternity Hospital at Tremont, which is owned in part by Dr. Atwood, testified that she saw nothing of a criminal nature in connection with the case.

The trial attracted much attention from physicians, and throngs of curious people poured into the courtroom daily to witness the proceedings.

During the arguments of District Attorney Manning, District Judge Atwood, Moser and Lawyers Logan and Meacham, the courtroom was packed to the doors. A dozen members of the Boys' and Girls' Aid Society were seated inside the rail and many of the leading lawyers of the city sat at the long tables to listen to the speeches.

Attorney Logan made a strong plea on behalf of his client saying that nothing of a criminal nature was proved. District Attorney Manning told the jury he intended to prosecute all physicians in the city who were known to have performed criminal operations and intended to wipe out the practice. Deputy District Attorney Moser urged that the jury convict Atwood and make an example of him to stop such practices by other physicians.

THE AID SOCIETY INTERVENES

Removes 12-Year-Old Girl From the Custody of Maternity Hospital.

Juvenile Court Officer Holly yesterday afternoon forcibly took away from the Maternity Hospital at Tremont, little 12-year-old Viola Ore on complaint made by the Boys' and Girls' Aid Society, that it is not a fit place for a young girl to remain. The hospital is owned and conducted by Dr. C. H. T. Atwood and his son.

The complaint was investigated and Holly was sent out to bring the child. Her parents, who are in a logging camp near Portland, will be notified to come here and take charge of her.

In explanation of the matter, Dr. Atwood said last night when interviewed: "The mother of this girl wanted to go to her husband, who was working in a logging camp, and asked that we take the girl and keep her at the hospital, so that she might attend school. There is nothing wrong about it that I can see. Miss Grover is giving her good attention, and she is better off than she would be up in the woods."

"Don't you think that such a place is not fit for a young girl of 12 years old to live?" was asked.

"I don't see why. She saw none of the operations, or anything to hurt her. She is the same as many other little girls you see running about hospitals."

The case will be investigated further by the juvenile court officials.

In regard to the baby waif Dr. Atwood is alleged to have sold to certain people, mention of which was recently made in a local paper, Dr. Atwood said that as soon as he heard the charge he secured the affidavit of the people who adopted the child, in which they assert that they paid him \$5 for caring for the waif for the two weeks it was in charge of Miss Grover at the hospital. He says that the nurse got that money.

WILL DETERMINE HIS SANITY

Portland Physicians to Examine Albert Olemann, Boy Murderer.

As to whether Albert Olemann was insane at the time he murdered his foster-mother will be determined by a board of examining physicians tomorrow. The boy was brought from Columbia County yesterday by Sheriff White, and turned over to Sheriff Stevens. Olemann's lawyers, A. B. Taylor and J. W. Day, accompanied him. The boy will be held here awaiting instructions from Circuit Judge T. A. McBride, of Columbia County, who ordered the examination.

Dr. W. T. Williamson, Dr. S. E. Joseph, and Dr. Hausse were the physicians named by Judge McBride to make the examination, but Dr. Williamson is in Baker City, and Dr. Joseph is in New

York, en route to Europe, and others will have to be chosen. It is understood that the basis of the examination will be an injury sustained by Olemann when he was 3 years old. When questioned about it, he says that he had pains in his head at the time he committed the crime, and has them frequently at the present time.

Herman Enke Gets Divorce.

Circuit Judge Sears yesterday granted Herman Enke a divorce from his wife Annie Enke, on the ground of incompatibility. Enke the day before placed property valued at \$2,000 in trust with Mrs. Enke's brothers, the income of which sum will be devoted to the support of her and her children. Her husband gives her the custody of the two younger children, and he takes the three older ones, by an agreement approved by the court. Either parent can visit the children in custody of the other at times deemed reasonable.

Wife Alleges Desertion.

Gerda Christine Hermanson yesterday filed a complaint in the Circuit Court asking a divorce from her husband Christen Hermanson, on the ground of desertion. They were married in San Rafael, Cal., January 14, 1902, and lived together but a year when the husband without explanation left his wife, and disappeared. They have no children.

CRITICALLY ILL IN ITALY

J. H. Fisk, Pioneer Portland Assayer, Reported Near Death.

Cablegrams received here yesterday by Bertrand E. Fisk from Naples, Italy, announce the critical illness from liver complaint of James H. Fisk, his father, the probable death of the well-known Portlander within a short time.

James H. Fisk is a widely-known Oregon pioneer. He was engaged for many years in the assay business in this city. He came to the state in 1852, and shortly afterwards he married in marriage to a daughter of Lot Whitcomb, a steamboat operator. Mr. Fisk left here the latter part of January on a tour of Europe, and the last letter from him told of his illness at Naples. He expected, however, to proceed in a few days to Cairo, Egypt, and that he was probably fatally ill was first conveyed in the cablegrams to his son. His wife passed away several years ago. Mr. Fisk was born in Cheshire, Conn., November 10, 1833.



J. H. Fisk.

He was on a tour of Europe, and was en route to Cairo, Egypt, when stricken. For years he lived in Portland and was engaged in the assay business.

Three cablegrams were received, the first unsigned, and the others signed by the American Consul, as follows: "Father hopelessly ill, International Hospital."

"Father reported dying. Wishes American Express send remains to Portland."

"Condition desperate; come. Find cablegram Grand Union Hotel, New York."

Upon receipt of the cablegrams, Bertrand E. Fisk, the son, arranged to go to New York, and will leave this morning at 9:20 o'clock. Upon reaching there, he will be governed by the news that awaits him.

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ANNUAL MEETING IS HELD

Graduates of St. Helens Hall Hear Address by Bishop Scadding.

The regular annual meeting of the alumnae of St. Helens Hall was held yesterday afternoon in the large chapel of the school. In past years the meetings have been held in June, during the commencement exercises, but as that time was found to be unsatisfactory, the event was held a month earlier this year. The sisters in charge of the hall and the pupils all gathered to make the meeting one of the largest and most successful ever held.

The day began with morning services in the chapel, at which Bishop Scadding officiated, assisted by Rev. George E. Van Waters, D. D., one of the members of the board of school trustees, and Rev. W. A. M. Breck, chaplain of the school. The religious services consisted of prayer and ritual and ended with a sermon by Bishop Scadding. "The bishop took as a text for his sermon the 24th psalm, 'Unto thee, O Lord, I will lift up my soul.' In his sermon the bishop dwelt on the value of prayer and its importance in the upbuilding of a Christian soul."

After the religious talk the bishop spoke directly to the alumnae. He reminded them of their duty to their school; he spoke of that for which the school stood, the union of religious and secular education, the upbuilding of character, as well as the training of the mind. He thanked his hearers and the sisters in charge of the hall for their staunch support and good work in the past and expressed hope that they would be as successful in the future.

At noon the alumnae entertained Bishop and Mrs. Scadding and the clergy connected with the hall at a lunch.

School Teacher Dies Suddenly.

Miss Margaret Protzman, daughter of Postmaster E. C. Protzman, died yesterday morning at the family home, 265 Thirteenth street, from a severe cold, contracted recently. Her death was most unexpected. She was a teacher in Couch School. She is survived by her parents and two sisters, Mrs. Edna H. Hessel, formerly society editor of the Evening Telegram, but now living at Arcata, Cal., and Miss Kate Protzman, a teacher in the Park School. Miss Margaret was 24 years of age and was born here. Funeral arrangements have not been perfected.

SUPERB STYLES

In evening and Summer dresses now on sale at Le Palais Royal, 375 Washington street.

FIGURE WITH BARRETT'S

For light fixtures and wiring.

BOUGHT BY LYTLE

Stock of the United Railways Again Changes Hands.

WILL COMPLETE PROJECTS

New Owner to Use Line as Continuation of Tillamook System, Now Being Constructed—Details Are Withheld.

After many vicissitudes, the majority of the stock of the United Railways has passed into the hands of E. E. Lytle, president of the Pacific Railway & Navigation Company. He says he will complete the projects as already mapped out, but he is not yet familiar with the details of the system he has acquired, and declines to discuss it further. He confirms his purchase of stock but will not state what the control of the road cost, nor from whom he bought it. It is understood that he secured the stock from local business men who are in the habit of given the city as assurance that the franchise would be rightly used.

The chief object in acquiring the property seems to be to afford an entrance into the city from Hillsboro for the Pacific Railway & Navigation Company, which is now building a line into Tillamook County from Hillsboro. Mr. Lytle expects to build the projected Hillsboro extension of the United Railways system and haul the timber and other products of Tillamook into the Portland terminal over his own rails instead of turning it over to the Southern Pacific at Hillsboro.

The Harriman line the long-desired From street track, making a connection between the Jefferson-street depot and the terminal grounds. But this is vigorously denied by Mr. Lytle, who says he is acting independently and has nothing whatever to do with the Harriman interests in making the purchase.

The United Railways franchise has been trafficked and hawked about many times since they were originally granted by the Council to a group of Los Angeles promoters. Each purchaser has been glad to drop them as soon as an opportunity presented itself. Construction work is now going on, however, and the latest buyer indicates that the projected lines will really be built.

The report yesterday that Mr. Lytle had bought the assets of the United Railways was generally discredited. Attorney A. C. Emmons, who is the legal adviser for the company, stated he did not know of any such transaction and did not believe it had taken place. Mr. Lytle himself was the only one to confirm the purchase. It is understood that Mr. Lytle and Herman Wittenberg are now the chief owners. Just how much stock he has secured, Mr. Lytle will not say further than he has purchased over half.

WILL STOP TO SEE PORTLAND

Eastern Passenger Agent Routes German Delegates This Way.

Among the beneficial results of holding the convention of the American Association of Traveling Passenger Agents in Portland during the Lewis and Clark exposition was the knowledge gained by passenger men who attended the session. This first hand knowledge is bearing fruit, for these agents are uniting in speaking for Portland and suggesting that all parties coming this way stop for a time to view the Rose City.

The latest instance of this good work is shown by a letter received yesterday by M. J. Roche, traveling passenger agent for the Denver & Rio Grande, from Gordon J. Noble, who, in addition to being Southwestern passenger agent for the Lehigh Valley, is secretary of the American Association of Traveling Passenger Agents. He writes that he is sending out a special train of Germans from Reading, Pa., to the convention of German Brethren at Los Angeles, May 19-22, and that on their way East, they will spend two days in and around Portland. They will reach here May 21 at 7:30 A. M. After looking the city over, they will take a boat the next morning for Portland and going East over the Canadian Pacific. There are about 150 people in the party.

RAILROADS TO BE LINKED

Plans of Crater Lake Line's Purchasers Are Revealed.

The filing of articles of incorporation by the Pacific & Eastern Railway at Salem yesterday revealed the plan of the recent purchasers of the Medford & Crater Lake Railroad to link that system to the Rogue River Valley Railroad, operating from Medford to Jacksonville. The latter road was purchased yesterday by George Estes, of Portland, trustee for the Pacific & Eastern. The price paid is understood to have been \$50,000.

The property is a narrow gauge line, formerly owned and operated by Barnum & Sons, of Jacksonville, for local traffic between the cities of Medford and Jacksonville. The plan of the purchasers is to unite the Crater Lake and the Jacksonville route into one east and west system.

George Estes, of Portland, a former railroad man, is to have charge of the properties until turned over to another man who is to come from the East. M. C. Smith, foreman at the Albina shops of the O. R. & N., has been made master mechanic of the road by Mr. Estes, and G. W. Donnell, now roadmaster for the Southern Pacific at Roseburg, has been appointed chief engineer.

Night Trains to Seaside.

With the inauguration of the Summer schedule of the Astoria-Columbia River Railroad, night trains from Portland will run through to Seaside every day instead of ending the run at Astoria. The Saturday afternoon train will leave Portland at 3:30, arriving at Seaside at 8:55 P. M. There will also be additional local service between Astoria and Seaside that is expected to take care of the probable heavy beach travel this season. The morning train from Seaside to Portland will leave the beach at 7:05 A. M. daily, instead of 8:00 A. M. as at present.

Campaign for Annexation.

Petitions are being circulated in the Lewis school district to bring about annexation to Portland district No. 1. These petitions ask that the question of annexation be submitted to the two districts at the annual meetings Monday, June 17. One hundred signatures are required in the Portland district and 25 in the Lewis district. The Lewis district schoolhouse is now overcrowded and the district must build next year. The directors have taken no action toward erecting a building, for they have felt that it was but a matter of a short time before that whole section will



Rapid Action Clothes Making

By the Machine Itself

"A Suit a minute"—that's the record. Siam 'em together—any old way just so long as the Stitches will hold—and the Thing we're working on looks something like a Suit!

—Our Boss doesn't care a rap whether a Sleeve or a Collar is put on properly, or the Foundation of the Coat's Shape—the Canvas and Haircloth—are put in as they should be.

Everything's wrong—From Cutting to Finishing.

The so-called "suit" might be made half presentable if it were taken apart and altogether Remade by Someone who knew how—

—But that wouldn't do for a minute—No Suits—that would add to the Cost.

Instead—he gives the Thing to Old Dr. Goose—the Hot Flat Iron—

—And Old Dr. Goose presses here—stretches or shrinks there—and in a jiffy has as fine a looking Suit as you would want to see—

That's all the Boss wants. For he knows that all he'll have to do will be to tell Someone a Fairy Tale, and that Someone may buy that Suit and think for a Week or so that it's a Dandy.

But soon the Lapels will Commence to Bulge—the Collar to Fall away from the back of the Neck—the Shoulders to lose their shape—and the whole Suit will go back to First Principles just as it was when we rushed it out.

Of course, all clothing is not the "rapid-action" sort.

Take "Sincerity" Suits for instance—"Sincerity" Suits are not rushed through the Sewing Mill—not much.

"Sincerity" Suits are made with the Utmost Care—all the way through—with the one end in view to make a perfect fitting Suit with a Permanent Shape.

"Sincerity" Suits are cut out for that purpose by the most expert Cutters in America—they're tailored for that purpose by the most expert Needleworkers in America.

"Sincerity" Suits are inspected rigorously by the most knowing and Careful Clothing experts in America—the least Alteration required is made by the needle—

—Old Dr. Goose has no opportunity to "dope" a shape in "Sincerity" Suits—his work is not required.

And as a Result—"Sincerity" Suits hold their Shape until you want to buy a new Suit.

"Sincerity" Suits are sold by all the better class ready-to-wear Clothing Dealers—look for the label below in each coat—it insures Style, Service and Satisfaction.



become part of Portland, and in that event the Portland district will be better prepared to erect additional buildings.

GRAVES BUYS GIANT MINE

Spokane Capitalist Acquires Valuable Rossland District Property.

SPOKANE, May 18.—Jay P. Graves, of Spokane, has acquired control of the Giant Mine near the Le Roi, at Rossland, and has consolidated it with the California and adjoining property. The new company has \$5,000,000 capital stock. Stuart Cumberland, of London, England, and Spokane associates get \$1,500,000 worth of stock. Graves pays \$50,000 (debts of the Giant Company) and gets \$50,000 into the treasury of the Giant-California Company. The mines are rich in gold and copper.

MUSLIN UNDERWEAR

1-3 Off at Le Palais Royal.

We are closing out this line of goods, as we haven't the room. 375 Washington street.

BARRETT'S CORPS OF

Craftsmen best organized for quick artistic attire work.

Get Your Car in Shape

For the Races May 30

GOOD TIRES

GOOD BATTERIES

GOOD OIL

GOOD PLUGS

Are essential to win. We can furnish the goods.

BALLOU & WRIGHT

86 Sixth Opp. Wells-Fargo

A Great Chair Special

For Monday, Tuesday, Wednesday

This Great \$6.00 Value for \$3.25

50¢ DOWN—50¢ A WEEK.

This Chair looks just like cut—in fact, cut was made from photo of it.

SOLID OAK—Early English finish. Nothing to equal it for the money. The latest style for parlor, den or dining-room. Workmanship of the best; the finest finish and polish. A lot of 100, on sale Monday, Tuesday and Wednesday, or until they are sold.

That Big Leather Chair Special



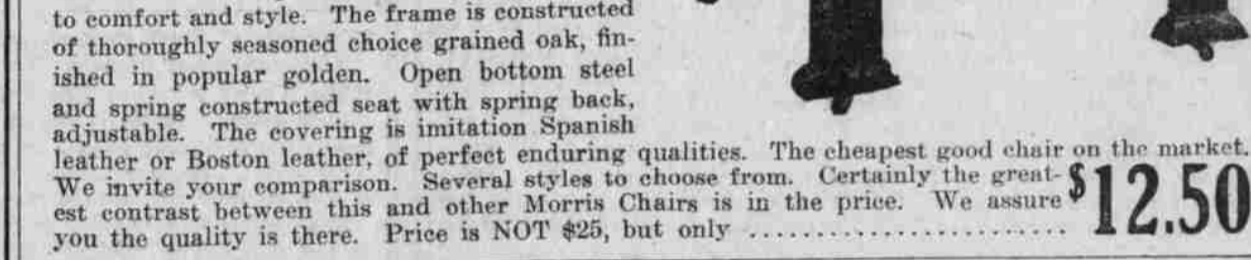
\$1 Down 50¢ a Week

WE HAVE SEVERAL of these handsome MORRIS CHAIRS left from last week's sale. These Chairs have the appearance, the style and the wearing qualities of \$25.00 Chairs, yet we are offering them at HALF PRICE, and on the easiest possible terms. The illustrations, made from photos, give an idea of their graceful lines, but the Chairs should be examined to be fully appreciated.

This chair is the picture of comfort. Not a line of its make-up was added without a view to comfort and style. The frame is constructed of thoroughly seasoned choice grained oak, finished in popular golden. Open bottom steel and spring constructed seat with spring back, adjustable. The covering is imitation Spanish leather or Boston leather, of perfect enduring qualities. The cheapest good chair on the market. We invite your comparison. Several styles to choose from. Certainly the greatest contrast between this and other Morris Chairs is in the price. We assure you the quality is there. Price is NOT \$25, but only \$12.50

EXTRAORDINARY CUTS IN HICKORY

Now is your opportunity to replenish your porch or grounds with the everlasting "Old Hickory" Furniture. Note the window display for price-cutting. \$11.00 Settee, like cut, for \$8.00; \$10.00 Chairs, \$7.50; \$8.00 Chairs, \$5.75; \$6.50 Chairs, \$4.50, and many other similar reductions.



"Eclipse" Range

The Steel Range with a reputation; the Faultless Baker; the Fuel-Saving Range. Delivered free for only

\$1 Down

\$1 a Week

Warranted for 15 years. If not satisfactory, your \$1.00 will be refunded.



\$35.00 Up

YOU ARE WELCOME TO CREDIT AT GEVURTZ'.

Carpets and Rugs

Draperies and Window Shades. The largest stock in the city. Visit our fine, new salesroom, see the many beautiful Carpet Samples—many exclusive designs, and prices lower than any other establishment in the city. All Carpets sewed, lined and laid, free of charge.

\$37.50 SANFORD AXMINSTER RUG \$33.50

This beautiful rug is shown in floral and Oriental designs; 9x12 feet in size. It is one of those splendid Sanford Axminsters, of extra heavy piling and an extra value. Regular price, \$37.50; \$33.50 special this week.

PAY ONLY \$1.00 DOWN, \$1.00 A WEEK.

Gevurtz & Sons

Cor. First and Yamhill Cor. Second and Yamhill