

SUPREME COURT GIVES DECISIONS

CASE OF MRS. CAROLINE SCHROEDER, WHO WAS INJURED BY THE FALLING OF MORRISON STREET BRIDGE, APPEAL FROM MULTNOMAH COUNTY, IS AFFIRMED.

(Journal Special Service.)
Salem, Or., May 16.—Eight cases were decided by the state supreme court today.

In the case of Caroline Schroeder against Multnomah county in an opinion by Justice Bean, the decision of Circuit Judge J. B. Cleland was affirmed.

Mrs. Schroeder was one of those injured by the falling of the Morrison street bridge and brought action against Multnomah county to recover damages for injuries received.

The single question at issue was whether the county is liable for an injury resulting from a defect in the bridge, due to the negligence of officers and agents. Judge Bean decided that the bridge was in no way a legal county road; that the act of the legislature simply transferred the supervision and control from the city to the county for convenience in operation and maintenance without constituting it a property of the county or county road or highway, and in the absence of a special act of the legislature the courts cannot award damages under the general act making the county liable for injury resulting from a defect in a "legal county road."

Sam J. McGowan company, respondent vs. P. J. Gorman & Sons, appellants. Appealed from Multnomah county. In an opinion by Justice Wolverson the decision of Circuit Judge M. C. George is affirmed. This was an action on a stated account. The plaintiff sold large quantities of packed salmon for the defendant in 1900 and brought suit for \$12.74 still due him as a commission at five per cent.

In the case of Mary Egan, respondent vs. North American Savings, Loan and Building company and Edward R. Graves, receiver, appellants, appealed from Multnomah county. In an opinion by Justice Bean, the decision of Circuit Judge Alfred F. Sears, Sr., is affirmed.

In the case of Peter Hobkirk, respondent vs. the Portland National Baseball club et al., appellants, in an opinion by Justice Bean, the decision of Circuit Judge Alfred F. Sears, Sr., is affirmed.

This was a suit to foreclose a mechanic's lien. The Portland baseball club leased the Hawthorne-avenue ball park from the Hawthorne estate, and the plaintiff furnished the labor and materials for a grandstand, bleachers and fences on and surrounding the property. The question was whether the lien against the Hawthorne estate, the lien was filed within 60 days after the completion of the work.

In the case of T. W. Thompson, respondent vs. J. D. Hibbs and E. H. Peter, appellants, in an opinion by Justice Bean, the decision of Circuit Judge J. B. Cleland was modified.

In the case of T. A. Livesley and John J. Roberts, partners in business as T. A. Livesley & Co., appellants, vs. A. Heise, Rachel E. Heise and W. C. Heise, respondents, appeal from Multnomah county, in an opinion by Justice Wolverson, the decision of Circuit Judge R. P. Boise is reversed.

THIS was a suit to compel the specific performance of a contract for the sale and delivery of hops made and entered into January 22, 1901, between A. Heise and T. A. Livesley & Co. The defendant, who was named as executor of Mrs. N. W. Harris near Bethel, and contracted a five-year's crop to T. A. Livesley & Co., for 10 cents per pound, 20,000 pounds to be delivered each year. The plaintiff charges that the defendant surrendered the lease to the owners of the land, and that the wife and son were released, Heise continuing in possession with intent to defraud the plaintiffs. The latter have tendered money on 30,000 pounds of the 1903 crop, which tender was refused, and \$3,000 was paid into the court, the full purchase price of the hops. Judge Wolverson decided a suit, similar to the case of Livesley vs. Johnson, except if the lesser quality, purchasers had no option to take lesser amount; also no consideration was paid for the execution of the contract. The decree of the trial court was reversed, demurrer overruled, and the case remanded for such further proceedings as may seem proper.

In the case of J. W. Thompson, respondent vs. J. D. Hibbs and E. H. Peter, appellants, appeal from Multnomah county, in an opinion by Justice Bean, the decision of Circuit Judge J. B. Cleland was modified.

The father of Eaton executed a deed for an undivided half interest to the defendant who accepted it with a record notice of the plaintiff's claim to the real property. The question at issue was whether an entryman under the timber culture act of the United States, before receiving a final certificate, has a devisable interest in the land.

In the case of B. S. Kelsay, respondent vs. Alexander Eaton, et al., appellants, appeal from Multnomah county, in an opinion by Justice Moore the decision of Circuit Judge W. L. Bradshaw is reversed and the suit dismissed.

W. H. Wehrung was appointed by Governor Chamberlain as a special commissioner to represent Oregon at the Louisiana purchase exposition.

POSTMASTERS APPOINTED.
(Washington Bureau of the Journal.)
Washington, May 16.—The following postmasters have been appointed: For Coles Valley, L. S. Fortin; for Lucky Boy, L. M. Sullivan.

Skin Diseases

of the most stubborn and chronic kind are promptly relieved and eventually cured by the use of

Hydrozone

This powerful germicide is absolutely harmless. It has cured cases pronounced incurable and will cure you. By killing the germs that cause skin diseases, it allows Nature to restore a healthy skin. Used and endorsed by leading physicians everywhere for the last 12 years. Booklet on request.

Sold by leading druggists or trial bottle sent prepaid on receipt of 25 cents.

Prof. Charles H. Harkness
63 M Prince St., New York.

COURT REFUSES TO CONTINUE CASES

DEFENDANTS IN LAND FRAUD CASES WILLING TO PROCEED WITHOUT TESTIMONY OF W. E. HOBSON (JAMES JUDGE REFUSES TO DECLINE CONTINUANCE.

District Attorney Hall this afternoon requested of Judge Bellinger that the case of the government against Horace G. McKinley, S. A. D. Pater, Marie W. and Mrs. Emma Watson, charged with defrauding the government in land cases, be continued for the term. Judge Bellinger was inclined to grant the request and would have done so, perhaps, but for the sudden willingness of the defendants to proceed without a certain witness.

The request was made by Mr. Hall for the reason, as he explained, that he was unable to locate W. E. Hobson for whom a subpoena was issued six weeks ago. Hobson suddenly left his home at Eugene, and has disappeared mysteriously. Before departing, he asked of a lawyer in Eugene if he could be prosecuted for contempt of court in case subpoena had not been served. He left no address and took nothing with him in the way of wearing apparel. A week ago he was located at Genesee, Idaho, and a federal officer at that place was authorized to serve the process. But Hobson again eluded the law.

Attorneys for the defense vehemently opposed a further continuance, but as stated by the court, there were certain circumstances in connection with the witness' disappearance that could not be overlooked. However, Judge Pipes, for the defendants, agreed to proceed with the case on Wednesday without Mr. Hobson, although he is a government witness.

In the course of his remarks to the court, Mr. Hall asked that the case be continued for the term.

Judge Bellinger was disposed to grant the request but for the sudden and unexpected willingness of the defense to agree to the continuance.

In presenting the government's case in the federal court against T. A. and Hosea Wood, indicted for conspiracy to defraud, to the jury this morning District Attorney Hall warned the jurors against the influence of J. M. Geary, attorney for the defendants.

There was a subtle magic in the attorney's words, he said, which wrought destruction with logic and evidence.

It's not my alleged eloquence nor anything I may possess that he is afraid of," replied Mr. Geary in his address to the jury. "It's his case that he fears."

ANARCHISTS CAN ALL BE EXCLUDED

(Journal Special Service.)
Washington, D. C., May 16.—The supreme court today held that William Turner, the British anarchist, was rightfully excluded from this country by Secretary of Commerce Cortelyou.

The order of the court below was affirmed and the power of congress to legislate for the exclusion of all anarchists was fully sustained.

Turner's speeches the court holds to be incitements to use force against the prevailing government and Turner himself is declared to be a man dangerous to the public welfare.

Turner is now out on bail and recently returned to England. The opinion was delivered by Fuller, chief justice.

The supreme court today upheld the constitutionality of the St. Louis ordinance providing that no one shall keep a cow stable within the city limits without a permit from the municipal assembly.

The court also declared the Beall local option law of Ohio constitutional.

BOYS ACCUSED OF A BURGLARY

Fred Reisenmann and Arthur Westerman, aged 14 years, are in the city jail, charged with burglary, and the police are looking for Ed Benderline, wanted on the same charge. The boys are accused of entering and robbing the residence of Gottfried Kammer, who lives at Boone's Ferry road, about six miles from Portland. The boys are accused of taking two guns and a revolver, and of appropriating them to their own use.

Each of the boys in jail denies taking anything, but says the other did. They will be held for trial, but as the case is beyond the jurisdiction of the Portland police, the case will go to a justice court.

BANKS FAIL FOR A MILLION DOLLARS

(Journal Special Service.)
Macon, Ga., May 16.—I. C. Plant's Sons bank and the First National bank closed their doors this morning. Pending the arrival of the examiners no official statement of the banks' condition has been given. The banks' assets are estimated at \$1,000,000. It is said that \$2,000,000 is involved in the two failures.

KAISER STANDS FOR RELIGIOUS LIBERTY

(Journal Special Service.)
Metz, May 16.—At the dedication services for a new church today the kaiser reaffirmed his belief in the gospel of Christ and later in conversation with Bishop Braun said: "I uphold religious tolerance and am a Protestant, but the Roman Catholics in my dominions shall feel that they possess absolute liberty of conscience."

THINKS DIX HOUSE WAS SET ON FIRE

(Journal Special Service.)
Salt Lake, May 16.—A. J. Gregory, traveling livestock agent for the Denver & Rio Grande railway, was brought here today, reportedly insane as the result of a brutal beating by Denver thugs.

TO CLOSE SUNDAY GAMES.
(Special Dispatch to the Journal.)
Tacoma, May 16.—The local members of the W. C. T. U. called on the county and city authorities today, starting a movement for the closing of all Sunday theatres and ball games.

\$35,000 FIRE IN TACOMA.
(Special Dispatch to the Journal.)
Tacoma, Wash., May 16.—A fire in the broom department of Love, Johnson & Co., wholesale grocers, this afternoon caused a loss of \$35,000.

ORDERS VAN HOUTEN TO RELEASE CHILDREN

JUDGE SEARS DIRECTS THAT BOY AND GIRL AID SOCIETY TAKE CARE OF MURDERER'S OFFSPRING—JURY TRIAL FOR ASSAULT CASE.

The question of whether or not David G. Van Houten, the slayer of Albert Young, shall retain possession of his two children or not will soon be settled. Mrs. Van Houten, accompanied by Detective H. H. Hawley of the Boys' and Girls' Aid society, appeared before Circuit Judge Sears this morning and secured an order directing the children to be turned over to the care of Superintendent Gardner of that institution.

It was recited in the application that Van Houten is now in illegal possession of the children and refuses to deliver them up. Application was made to the judge in the county court, but as Judge Webster is not in the city it was found necessary to go into the circuit court for the order.

Van Houten recently defied a police officer who went after the children. If he tries to override an order of the circuit court, the question of the children's custody will terminate quickly. Should he decide to go into the courts and contest their custody with his wife, the children may remain at the Boys' and Girls' Aid society for some time.

Contrary to what might be expected, Van Houten is eager to secure the revolver with which he slew Young. He made a demand on Attorney John F. Logan for the gun, and the gun was turned over to him. Logan refused him the revolver, saying he would turn it over to the court rather than yield it up to Van Houten while he appears to act so irrationally.

Van Houten's case was called this morning in the municipal court. Attorney W. T. Vaughn, representing the defendant, asked for a jury trial, and the date for hearing was set for Thursday. The jury who will hear the case are as follows: William L. Morgan, A. D. Brown, John Blair, W. B. Ayer, J. K. Gill and B. C. Matthews.

IS ACCIDENTALLY SHOT BY BROTHER

(Special Dispatch to the Journal.)
Eugene, Or., May 16.—Saturday afternoon the 10-year-old son of A. Hilton, residing several miles north of Eugene, was accidentally shot by his brother while the two were playing with a 22-calibre revolver.

It was at first thought the wound was serious, but it was afterward ascertained that the bullet had not penetrated the skin and struck the breastbone, grazing the lungs. The child was bandaged he wound, which will soon heal.

Quite a delegation from the local Odd Fellows' lodge left Sunday for Astoria to attend the grand lodge, which convenes at that place Wednesday.

L. L. Whitson, W. M. Green, W. W. Chessman, J. M. Williams, and C. W. Haines are delegates, and among others who left were J. J. Walton, M. Svarverud, G. M. Fraser, and Sherman Heller.

The delegates from the local Rebekah assembly are Mrs. W. M. Green, Mrs. W. W. Chessman, Mrs. F. A. Rankin, Mrs. Sherman Heller, Mrs. T. L. Quiver, Mrs. G. M. Fraser.

The body of Fred Houston, son of B. F. Houston of Mohawk, arrived on Saturday afternoon's train from Union, Or., where he died Thursday from typhoid. He was 23 years of age, a popular student of the Oregon Agricultural college and at the time of his death was assistant at the O. A. C. experiment station at Union. A squad of O. A. C. cadets from Corvallis accompanied the remains to Eugene and assisted in the burial, which took place in the I. O. O. F. cemetery.

BIG PAPER MILL ON THE NEHALEM

(Special Dispatch to the Journal.)
Tillamook, Or., May 16.—Mr. Benton Turner states that he has bought the falls on the Nehalem river and that inside of 18 months a complete plant for the manufacture of paper will be installed at the mouth of the Nehalem.

Spruce will be used, converted into pulp at the falls, and conducted through some five miles of piping to the factory. A fleet of flat-bottomed schooners will be employed conveying the product.

Mr. Turner states that over a million dollars will be invested in the enterprise and that contracts for the paper are assured.

Benton Turner is on the point of contracting with persons here for 35,000,000 feet of wet logs to be delivered at the rate of 15,000,000 a year.

SUES TO RECOVER \$3,367 ON NOTES

Suit was filed in the circuit court this morning by Leander Lewis to recover \$3,367 from P. A. and W. W. Marquardt. The money is said to be the principal and interest due on two notes. Lewis wishes property mortgaged to secure the notes, said by order of court to satisfy the indebtedness.

Included in the suit as defendants are H. M. and W. M. Calk, doing business under the firm name of Calk & Calk; T. H. Prince, the Title Guarantee & Trust company and Multnomah county. They are brought in on account of claiming liens on the property securing the mortgage.

THINKS DIX HOUSE WAS SET ON FIRE

What is believed to have been a fire of incendiary origin destroyed the residence of E. E. Dix, 435 Fourteenth street, at 6 o'clock last night. The damage was about \$6,000, and the insurance was half that amount. The fire officers have been engaged in an investigation of the origin of the fire, but thus far have been unable to establish a clue. There was no one at home at the time of the fire, and it is not thought that the blaze could have originated otherwise than by an incendiary.

KEELEY LIQUOR-MORPHINE-TOBACCO
KEELEY'S REMEDY FOR DRUG ADDICTION
KEELEY'S REMEDY FOR DRUG ADDICTION
KEELEY'S REMEDY FOR DRUG ADDICTION

BARBER SHOP IS BURGLARIZED

SALEM THIEVES STRAL BARBERS—MAY FESTIVAL BEGINS TOMORROW EVENING—MARION COUNTY CAMPAIGN WARMING UP—NARROW ESCAPE OF LITTLE CHILD.

(Special Dispatch to the Journal.)
Salem, Or., May 16.—Jack Ryan's barber shop, on Commercial street, was entered at an early hour yesterday morning and plundered of a considerable portion of the tools used by the tonsorial artists.

Every hone of value in the shop and most of the strops were taken, while from two of the desks all of the razor and shaving brushes were removed. It is evident the thief had been disturbed at his work, and fearing detection had fled, as a number of razors were found scattered on the floor. The value of the goods stolen is estimated at \$50, and most of it was the property of the barbers employed in the shop.

Entrance was gained through a rear window, the porter having failed to close the iron coverings before going home. A former employee of the shop is suspected of having committed the crime. The officers are quietly working on the case and hope to make an arrest soon.

The May Festival.
All Salem and the entire state is preparing for and looking forward with interest to the May festival, which will begin in this city tomorrow evening and last three days.

Francisco Seley, who is director of the chorus, has had personal supervision of all preparations, and nothing has been overlooked or slighted, and the audience cannot fail to appreciate the artistic rendition of the numbers selected. The music to be rendered this year is not entirely classical, but is strictly high-class.

The first evening is to be given to an orchestral concert, participated in by the best performers of the northwest.

The second evening will be given to "The Lay of the Bell" (Rombert), and "Miriam's Song of Triumph" (Schubert). These will be given with the orchestral entertainment, under the direction of Mr. Seley. The soloists will be Mrs. Rose Block Bauer, Mr. W. P. Draw and Mrs. Etta Squier-Seley. There will be two male quartets, ladies' trio and choruses.

The third evening will be rendered "The Golden Legend" (Buck). The part of Elsie will be sung by Mrs. Bauer, Prince Henry by Mr. J. W. Belcher, and Lucifer by Mr. Irving M. Glen. There will be a male quartet, mixed quartet and choruses.

"Beautiful Willamette" will be given by Mrs. Bauer, Mrs. Seley, Mr. Glen and Mr. Belcher as soloists and quartet. This work is by Father Dominic and portrays faithfully the sentiment expressed by the poem. It will be the opening and closing chorus of the Willamette Valley Choral union.

The performers on the first night: "S. W. Driscoll, Mrs. S. D. Brown, F. M. Griffith, Miss Lillian Stege, first violin; Peter Timm, Miss Gaietia Dumas, first violin; Anton Zilke, Miss Beattie Brown, violin; Ferdinand Konrad, cello; G. Betram, basso; Blaire Baker, flute; R. C. Russell, oboe; E. L. Rice, Clarinet; Robert H. Savage, second clarinet; L. H. Jones, bassoon; J. H. Everett, Frank Cain, horns; A. L. Weunstrom, trombone; Henry Stouden-

According to the decision rendered by Attorney-General A. M. Crawford, the registration books of the county clerk should have been closed last Saturday night at 5 o'clock, but late in the evening County Clerk J. W. Roland decided to receive registrations until 5 o'clock this evening, acting on the advice of District Attorney John H. McNary, who decided the voters were entitled to the extra day, on account of the 15th being Sunday.

The total registration in the county so far is 5,559 voters, which is a short-

Persons not too proud to do a little work themselves WILL SAVE A BUNCH OF MONEY IN THEIR PAINTING, and have the very best that's on the market, by using

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The essence of paint perfection. All that is necessary is for the user to add gallon-for gallon of linseed oil to our paint paste, and there you have it. The mixing may be done by a child, and that is all the extra work there is to the whole proposition. The cost is greatly less than that ordinarily charged for paint of a greatly inferior quality.

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meyer, first cornet; Willis E. McElroy, second cornet.

Politics Warming Up.

The campaign is beginning to warm up in Marion county, and from this date people of some part of the county will have an opportunity to hear the political issues discussed on almost every evening. Saturday night an enthusiastic public meeting was held at the Liberty schoolhouse, five miles south of Salem. The meeting was Republican in character, and many candidates and prominent public men from Salem attended and spoke. Those who attended from Salem were County Chairman C. A. Murphy, Hon. J. N. Brown, Hon. Thomas B. Kay, J. H. McNary, Judge J. H. Scott, Hon. W. J. Culver, Hon. J. G. Graham, Hon. Fred Rice, E. Hofer, H. H. Turner, J. M. Kyle, R. O. Donaldson, H. H. Humphrey and others.

Registration Very Small.

According to the decision rendered by Attorney-General A. M. Crawford, the registration books of the county clerk should have been closed last Saturday night at 5 o'clock, but late in the evening County Clerk J. W. Roland decided to receive registrations until 5 o'clock this evening, acting on the advice of District Attorney John H. McNary, who decided the voters were entitled to the extra day, on account of the 15th being Sunday.

The total registration in the county so far is 5,559 voters, which is a short-

age of 605 from that of two years ago, and fully 1,000 short of the actual voting strength of the county. There does not seem to be much interest taken in the election, and on account of the season being late, and work behind, the farmers refuse to leave their work to register.

A Narrow Escape.

A little child of Mr. and Mrs. H. O. White had a narrow escape from death at about 7:30 o'clock Saturday evening. The little one had escaped the vigilance of its parents, and toddled out onto the street car tracks, where it ran in front of one of the street cars and was caught by the fender, but rolled under it between the rails and was borne along for some distance before the car could be stopped. The child was uninjured, except for a few scratches and bruises.

John Enery died at the asylum yesterday of stomach trouble, aged 70 years. The body was last evening forwarded to a relative, James Devery, of Merlin, Or., for burial.

ACREAGE IS LARGER THAN EVER BEFORE

(Special Dispatch to the Journal.)
Cotton, Or., May 17.—Crop prospects are excellent at this time, the acreage in

this county being larger than ever before, and the general outlook at this time is certainly good. The large amount of rain the past winter and spring has left the ground thoroughly soaked and while the season is rather late the warm weather of the last few days is bringing the crops along at a surprising rate. A hopeful feeling pervades the country and all are expecting a good season as soon as the crop is harvested and begins to move to market.

LIBERTY PRECINCT DEMOCRATIC RALLY

(Special Dispatch to the Journal.)
Silverton, Or., May 16.—The Democratic voters of Liberty precinct in this county have decided to hold an old time political meeting at the Pettijohn schoolhouse, four miles south of Salem on the Hall's ferry road, next Thursday evening and have invited the Democratic candidates and other prominent speakers to be present.

Several prominent speakers from different parts of the county have promised to be present, and the meeting will undoubtedly be well attended.

No man can cure consumption. You can prevent it, though. Dr. Wood's Norway Pine Syrup cures coughs, colds, bronchitis, asthma. Never fails.

PICTURE SPECIAL

Tomorrow, Tuesday, between 2 and 4 p. m., we will sell about

250 Pictures That usually retail for 60c, at 25c Each

These Pictures are framed nicely in veneered oak frames, either green, brown or black, richly embossed, square, oval or round shapes and come in a large variety of very pretty subjects. ON DISPLAY IN OUR LARGE WEST WINDOW. We want you to have a look around our large Furniture and Carpet section, which has as near as complete a stock as our space permits.

A Few Specials to Interest You:



Chiffonier

Golden oak finish, with five drawers, German plate, beveled glass, just the thing for your linen and clothing.

Regular price \$12.00
Special price \$10.50



Dresser

Ash, either golden oak, white maple or mahogany finish, two top drawers swelled, French plate, beveled glass, 20x24. Regular value \$16.50. Special price, as long as they last, \$14



IRON BED

As illustration, enameled highly, in either blue, green or white, chills finished in gold, drop foot, full angle iron—of all the iron Bed values absolutely THE BEST. Only one to a customer. Regular value \$12.50.

Special Price \$8.50

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Get your house in shape. Buy new, substantial Furniture from us and pay us as you can a small amount each pay day.

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