

BREACH OF PROMISE CASE ON TRIAL

FAMOUS M'GARREY-HERSFORD SUIT AGAIN UP IN FEDERAL COURT - DEFENDANT'S ATTORNEY SCORES PLAINTIFF, WHO IS OTTOSONER OF ALL STEEL.

Ella Wheeler Wilcox's most fervent poem of passion is like the frigid contribution of an Iceland compared with the sensational testimony that is to be submitted in the breach of promise suit that was reopened in the federal court this morning by Birdie McCarty against James D. Hersford, a prominent citizen of Lakeview, this state. The case has been thoroughly aired in the courts.

Miss McCarty is a prim-looking "school marm" who has been thoroughly throughout the proceedings today. She was the picture of "R. E. Morse," while immediately in front of her sat the defendant, who by his haughty bearing tried openly to snub the woman who demands retribution for her lacerated heart-strings. Miss McCarty will be placed on the stand and forced to tell in detail the events which occurred in the room of a certain hotel where she claims to have been betrayed.

It was four years ago that she came from her Michigan home and settled at Lakeview where she secured employment as a school teacher. She lived at the Hersford home and was the recipient of the devoted attentions of Hersford. The romance finally resulted in a promise to marry on Christmas day of 1901. But in the vernacular of the street, the would-be spouse got "cold feet" and failed to show up at the time of the event.

Thereupon the injured woman brought action for \$70,000 in which she claimed to have been damaged by his failure to live up to his agreement. A verdict of \$23,500 in favor of the plaintiff. Judge Bellinger at once set aside the verdict, alleging that it was exorbitant and was rendered under the evident heat of passion or prejudice.

The case was again brought to trial today. In his introduction to the jury this morning Judge Thomas O'Day, in behalf of the plaintiff, told her the girl who had always lived at home previous to her residence in Lakeview, had listened to the ardent tales of devotion which were told by Hersford and trusted in him. It was her sincere belief and trust, he said, which finally resulted in her downfall.

J. M. Geary, counsel for the defendant, told another story. "Birdie is not a spring chicken," he said, "and she was not a creature of that variety when she went to Lakeview. She had lived in various places and had had a few experiences. Hersford was reported to be rich and it is said that women sometimes desire a wealthy husband."

At the afternoon session the plaintiff took the stand. She told in an unhesitating way how she and the defendant spent the night at a hotel in Blythe. She said that after all the other guests had retired, he came into her room and stayed the rest of the night. She cried freely during the course of her testimony but told a straightforward and candid story. Her testimony was decidedly sensational.

SEARCHING FOR POISON THROWER

DETECTIVES LOOK FOR VANDAL WHO DECEASED MRS. PRETTYMAN'S GRAVE - CAUSTIC FOAMER OF FLOWERS AND STRUCK DOWN FOR CRICKETS.

Detectives have failed up to this time to apprehend the miscreant who desecrated the grave of Mrs. H. W. Prettyman, in Lone Fir cemetery on Decoration day, and who is also thought to be responsible for the poisoning of a number of chickens at the Prettyman home. The deed is regarded as one of the most vicious and diabolical that has ever been reported to the local officers, and every effort will be made to discover the identity of the criminal.

It developed today by means of the chemical analysis that was conducted by Dr. Woods Hutchinson, that caustic potash was used to destroy the flowers on Mrs. Prettyman's grave. They were placed on the grave Memorial day by Mr. Prettyman and his daughter. A short while later a quantity of the deadly drug was cast over the flowers. Almost instantly they turned black and died.

The chickens at the home are still dying as a result of the poison that was secreted about the place. Investigation today revealed the fact that a drug was placed in various places where the chickens are fed. It is believed to be strychnine, though the analysis of the physician has not progressed sufficiently to determine the fact.

"We have good reason to suspect certain parties, though I am not at liberty just now to divulge their names," said Miss Prettyman today. "It was certainly the most contemptible piece of spite work that I ever heard of. I am positive that the man or woman who got even was the only motive that prompted such an act on the part of any one."

"I am very fond of raising chickens, and whoever committed the deed must have known of that fact. It is a tender spot in my heart, for I am actually fond of the chickens. But why he should stoop to wreak his vengeance for some imagined ill on the grave of my dead mother is more than I can understand."

Arrests Will Follow. "There will very likely be some arrests, though the affair is not in our hands now. We have placed it in charge of the officers, who are doing all they can to apprehend the guilty parties. I am sure that we will be only too willing to do all we can to aid in the prosecution of the miscreant."

Miss Prettyman was deeply grieved and shocked at the act of the vandal in desecrating her mother's grave. The detectives in whose hands the case has been placed are exerting every effort to locate those who are guilty of the crime. It is stated that arrests will follow shortly and that the case will be prosecuted at once. Mr. Prettyman declares that he knows of no one who would resort to such proceedings to "get even," or injure him for some grievance.

PAID FIREMEN NOW INSTALLED

PORTLAND DEPARTMENT TODAY RECOGNIZES COMPENSATED BRANCH OF CITY'S CIVIL SERVICE - DATA OF VOLUNTEER WORK ARE VIVIDLY RECALLED.

Today when 30 men are added to the paid Portland fire department and this branch of the city's civil service was firmly established on a regular and compensated basis, the last relic of the volunteer fireman was swept away, and the service that for more than 60 years has been more or less the safeguard of the city's property interests has become a memory.

Under the new regime Portland has at least 150 men in its fire department, where up to this time only 40 paid firemen have devoted their entire attention to this work. For the most part all the men promoted to full pay will be volunteer firemen, and little change in the personnel or organization of the department will be made. With the coming of the full paid department will be several additions to the list of stations. Several planned are not yet officially announced, but it is practically certain that a combination hose and chemical company with nine men will be established at Sunnyside, that the engine recently purchased will be established with a new company of 10 men at Third and Gilson streets and that a crew of 12 men will be needed for the fireboat.

Memory of Early Days. With the passing of volunteer companies and the advent of professional fire fighters, paid living wages, a host of memories of volunteer days, and the first companies that hurried through the stump-barricaded streets with one of Smith's old pioneers who have watched the growth of Portland from a river village to a port of entry.

The first fire company in Portland was informally called together by a few citizens in 1851, and was termed the Pioneer company No. 1. It did not have a long career, but disbanded a year or so after its organization. Among its members were G. H. Flanders, R. B. Wilson, A. E. Hallock, T. J. Dryer, S. Norris and R. Thompson.

July 23, 1853, the Vigilance Hook & Ladder company was organized with the following officers: I. B. Smith, foreman; W. H. Davis, assistant; C. A. Poor, secretary; S. J. McCormick, treasurer. This was the first business-like and effective organization of the kind in the city and continued until a partially-paid department was instituted and the volunteer department as such was disbanded December 21, 1852.

The first chief of the Portland fire department was W. H. Davis, who was elected to office May 22, 1854. When the Portland volunteer fire department disbanded in 1852, J. Simon was president of the organization, R. M. Mc-Masters was secretary and G. C. Sears was treasurer.

The following companies formed a part of the volunteer department: Williamette Engine company; Multnomah Engine company exempt roll; Multnomah Engine company No. 2; Engine company No. 4; Tiger Engine company No. 5; Couch Engine company No. 6; Vigilance Hook & Ladder company No. 1, and Columbian Engine company.

HERMANN MAKES LUCID ADDRESS

DEFENDS HIMSELF AGAINST CHARGES OF SECURING LAND - SHOWS HOW NATIONAL PROGRESS DEPENDS ON HIS ELECTION - TRENDS BY LOGIC.

(Special Dispatch to The Journal.) Oregon City, June 1.—At Shively's hall last night, Blinger Hermann defended himself from the charges against him of corruption and general unfitness for the high position of representing the First congressional district of Oregon in the national capital. In the main his explanation of his public acts consisted in calling the attacks lies of a scurrilous and defamatory nature. His excuse for filing on public lands was practically that the filings were made and he got the land. He did not allow it to revert to the government, because he wanted to keep it. He intimated that he believed he had a right to keep it because he had kept it. Therefore, all those who said anything regarding his actions were liars and cowards.

Mr. Hermann explained at length that he was not saving anything from his clerk hire in Washington because he wasn't saving anything. Therefore the charges against him must be unscrupulous. In general his defense could be summed up in one word, "Because." Or November better in "Because it was or is because."

Having thus explained his own actions so satisfactorily, Mr. Hermann launched into national politics, where he seemed at home, and showed a remarkable insight into the real ins and outs of government affairs. National issues were explained at some length, the speaker gradually leading his hearers up to a more complete knowledge of the fact that to save the republic the whole country is yearning for his return to congress, where he may shine as an arch light and guide the nation from its perils.

With eloquent periods he explained to the voters the necessity of voting for Blinger Hermann in June, because the results of this voting would have a great moral effect on the Republican national cause. A 40,000 majority for the Republican ticket in the state in November would be insignificant unless Blinger Hermann were re-elected in June.

He assured his hearers that Oregon City really needs a new public building and that the improvement of the Willamette river was necessary to local prosperity. The basis of a town's prosperity was in its being well to do. To have great prosperity was to be greatly prosperous. The people of the city of Oregon would be represented in Washington by being represented.

At the close of the meeting the audience took a long look at the speaker and then, notwithstanding the urgency of the June elections, organized a Roosevelt club.

OIL SPRINKLED ON WASCO STREETS

GOOD ROADS AROUND TOWN AND VICINITY - CAMPAIGN IN COUNTY IS QUIET - MANY NEW BUILDINGS ARE BEING ERECTED - RESIDENTS WANT TO BE INSTALLED.

(Special Dispatch to The Journal.) Wasco, Or., June 1.—Wasco is doing things in the good road line. The main street in the business section has received a copious sprinkling of crude oil and will receive another dressing soon. The cross streets will also be likewise treated. Dust on the main thoroughfare is already a nuisance of the past.

The campaign in this county is very quiet, the chief interest centering in the sheriff race, in which T. R. McGinnis Democratic nominee, and the present sheriff, seems to have a safe lead. Attorney Smythe of Arlington, Democratic nominee for prosecuting attorney, and opponent of the present incumbent, Menefee of The Dalles, made a political visit today. Mr. Smythe looks well for the well, and is hard after the official plum.

New Buildings. Many building operations are in progress in this city; about 15 new buildings have been erected in the last six months, while many more are in contemplation. The new two-story building of the Oregon Trading company will be opened for inspection on the evening of June 2, when a rousing dance will be given therein to the residents of Sherman county who have all been invited to the warming. The occasion will be a memorable event in the history of Wasco.

An electric plant is soon to be installed. The Deschutes river will furnish the power. The flour mill and other shops will use it for motive power and lighting, as will the city. Moro, Grass Valley and Kemp will be furnished with electricity from the local plant.

Wasco Personal. H. K. Buffington and family of Washington county have decided to make Wasco their home, their furniture arriving today. County Judge Fulton and brother, C. F., were in town yesterday.

The Moro Brass band, numbering 15, made a splendid appearance in their uniform on Memorial day. This organization of musicians will be in demand from now on until November 7 this year.

INJUNCTION WILL BE DISREGARDED

CORNUCOPIA MINES PROPERTY TO BE SOLD NOTWITHSTANDING NEW YORK COURT'S BAN - SUFFOT ORDER - IRON DIKE COPPER MINE CASE.

(Special Dispatch to The Journal.) Baker City, Or., June 1.—All of the personal property of the Cornucopia mines, 60 miles east of Baker City, part of the old Bearies estate, will be sold by the sheriff to satisfy attachments issued by the Baker county circuit court, notwithstanding the recent injunction of the New York federal court which put the property in bankruptcy and appointed George D. Beatty receiver.

Yesterday morning Col. W. F. Butcher, representing over 100 claimants against the property for labor and supplies; John Schmitz, of the firm of Lack & Schmitz, claimant and attorney in charge of the property, and Deputy Sheriff Jess Snow left for Cornucopia to effect the sale. On June 13 all of the real property of the Cornucopia mines, including some 30 claims, a 40 stamp mill, big hoisting plant, etc., will be sold under decree of the Baker county circuit court and then it is said something will be doing.

After the sale of the personal property will undoubtedly be bought in by the attaching claimants, it will be moved down the hill and put in a safe place. When the real property is sold June 13, it is planned that the attaching claimants will buy the property in, open it up and take out their money from the rich ore bodies well known to exist. Six weeks ago the miners offered to work the property for their wages, but the plan will carry or not cannot be definitely foretold but it seems probable that it will.

Iron Dike Foreclosure Case. Judge Robert Eakin opened the circuit court in special session yesterday for the purpose of hearing the foreclosure case of F. F. Curtis et al., against the Iron Dike Copper Mining company et al. and there were present a number of the plaintiffs and several of the intervenors and attorneys representing the woman in the case of Mrs. Shatto. The defendants asked for further time in which to examine the depositions in the case and were given until this morning, when they are to produce the material evidence and then the plaintiffs will introduce their rebuttal testimony and the quarter of a million dollar foreclosure case will go to the court.

It is conceded that the decision of this case will open up the Seven Devils country and permit the building of the old Northwest railway to Huntington, and the operation of the Ladd smelter at Homestead. George McDowell, representing the Ladd smelter, is in the city, but has nothing to say.

Every preparation is being made for the coming state election, and this year County Clerk Combs has already turned over to the sheriff all of the ballot boxes, the canvass equipment with ballots, registration books, blank reports, etc., and most of them have been placed or are now being placed by the sheriff in the voting precincts.

The election in Baker county is going to be a close one, and it is difficult for any man, or any party to predict the results. From the best information obtainable today Hon. Sam White will be re-elected. The question of local option will carry in Baker county by a small majority.

There is a close fight on between Harvey K. Brown, the present Republican nominee, and Ed Rand, the Democratic nominee for the office. Up to date honors are even. J. O. Maxwell, the Democratic nominee for the legislature, will probably be elected.

LOCAL OPTION FIGHT IN DOUGLAS COUNTY

(Special Dispatch to The Journal.) Roseburg, Or., June 1.—The saloons of this county are making a hard fight against the local option bill. Several times meetings have been addressed by those favoring the bill, but none have materialized.

Most of the suffrage holders will place their mark on "Yes" when it comes to the primary law bill. The main support of both this and the other bills will be in the country districts. Roseburg will hold a street fair and carnival between June 13 and 18. The amusements will be provided by the Dixie Carnival company of Alabama.

Business has always been successful here, but many of the merchants oppose them, believing them to have a bad effect on business and the town.

ALONG THE WATERFRONT

Beginning today the steamer Lurline of the Vancouver Transportation company's line will make connections with the train at Astoria, which runs to the seaside, and the steamer Nahcotta, running to Ilwaco. Heretofore those going to beach points from Portland had to go by rail. It is understood that the O. R. & N. Co. will put the steamer T. J. Fetter on the beach run the middle of this month.

Big crowds are still taking passage on the Spencer and the Regulator boats for Hood River and The Dalles. Four hundred passengers left this morning. Joseph Paquet reports that he will not launch the new Albina ferryboat for several days. It was the intention to launch her yesterday, but since the river has begun to fall he concluded to postpone the launch until the remaining work to be done on the craft can be carried on to greater advantage with the vessel on the ways.

With a cargo of general freight, the steamer Aurora arrived this morning from San Francisco. A fine passage is reported up the coast. The schooner left down this morning, with a cargo of lumber, bound for San Pedro.

Wheat and Flour. For the first time during the year the wheat and flour exports from Puget sound and Portland are in favor of the former. During the month of May, including flour, Portland shipped 419,521 bushels of wheat and Puget sound 577,871 bushels. The grand total shipments of the season to date amount to 20,355,475 bushels. Same period season 1903-4... 30,420,255 Same period season 1902-3... 34,066,515 Same period season 1901-2... 27,565,127 Same period season 1900-1... 18,006,150 Same period season 1899-0... 23,195,607 Same period season 1898-9... 22,524,481

BRIGHT'S DISEASE

Many people who are neglecting symptoms of kidney trouble, hoping "it will wear away," are drifting towards Bright's Disease, which is kidney trouble in one of its worst forms.

FOLEY'S KIDNEY CURE

stops irregularities, strengthens the urinary organs and builds up the worn-out tissues of the kidneys so they will perform their functions properly. Healthy kidneys strain out the impurities from the blood as it passes through them. Diseased kidneys do not, and the poisonous waste matter is carried by the circulation to every part of the body, causing dizziness, backache, stomach trouble, sluggish liver, irregular heart action, etc.

If you have any signs of Kidney or Bladder trouble commence taking FOLEY'S KIDNEY CURE at once, as it will cure a slight disorder in a few days and prevent a fatal malady. It is pleasant to take and benefits the whole system.

How to Find Out. You can easily determine if your kidneys are out of order by setting aside for 24 hours a bottle of the urine passed upon arising. If upon examination it is cloudy or milky or has a brick-dust sediment or small particles float about in it, your kidneys are diseased, and FOLEY'S KIDNEY CURE should be taken at once.

S. S. Burdick Testifies After Four Years. S. S. Burdick of Corvallis, R. V., writes: "About four years ago I was told that I had been entirely cured of a severe kidney trouble by taking less than two bottles of Foley's Kidney Cure. It entirely stopped the brick-dust sediment and pain and symptoms of kidney disease disappeared. I am glad to say that I have never had a return of any kidney trouble during the four years that have elapsed, and I am evidently cured to stay cured, and heartily recommend Foley's Kidney Cure to all suffering from kidney or bladder trouble."

Two Sizes, 50c and 1.00. SOLD AND RECOMMENDED BY Woodward, Clarke & Co., and Lutz-Davis Drug Co.

SPLENDID SERIES OF LECTURES

CHARLES Y. M. C. A. PROCEEDINGS OF LIVELIEST CHARACTER - INTERESTING STATISTICS ARE GIVEN IN SUPPORT OF STATEMENTS MADE.

(By Frances E. Stewart.) (Special Correspondent of The Journal.) Gearhart, Or., June 1.—The attendance at the Pacific Northwest Student conference here is being daily augmented by new arrivals, and the interest in the proceedings manifested by all present is of the liveliest character.

Mr. A. S. Allen, general secretary of the Seattle Y. M. C. A. is conducting a splendid series of lectures on "The Problems of North American Fields." The following are some important facts brought out by him: First—The city is the storm center of Christianity. Second—The city is a strategic point; as goes the city, so goes the world. Third—The dominating factor in city life is men between the ages of 16 and 35. Fourth—Constructive agencies—the church, the day and Sunday schools—appeal least; and the destructive agencies—the saloon, the gambling den, the bawdy house, the theatre and the doubtful club—appeal most to men of these same ages.

In support of this statement the following statistics were given: Fifty-five per cent of the men between the ages of 16 and 35 in our country at large are away from home, and therefore out from under home influences; 24 per cent in cities of 25,000 or over are boarding; 50 per cent attend church rarely or not at all; 25 per cent attend church regularly.

From 1790 to 1900 the population in cities increased from 3 per cent to 35 per cent; 52 per cent of the population of the state of Washington live in incorporated towns; 25 per cent of the population of cities of 25,000 and over are young men between the ages of 16 and 35; one-seventh of the population of cities of 8,000 and less are men between these same ages; 1 in 20 of the male population of our cities between these ages devotes his whole time to the dealing out and manufacture of that greatest of destructive agencies—alcoholic liquor; 1 in every 13 is vice alcohol to extreme, and 1 of every 7 voters habitually breaks the seventh commandment.

Following this introduction Mr. Allen gave an address on "The Adaptation of the Young Men's Christian Association to Meet the City Problems." Secretary Hotchkiss gave the platform address of the morning. His subject was "The Fact of Prayer." The conference on the problems of student association work was an enthusiastic discussion of "The Fall Campaign for New Students," led by Secretary Hill.

"Isn't safe to be a day without Dr. Thomas' Electric Oil in the house. Never can tell what moment an accident is going to happen."

Oregon Day at the Fair. June 7 has been named as setting date for World's Fair tickets to St. Louis and Chicago, except deduction for Oregon building at the exposition. Get tickets at the O. R. & N. office, Third and Washington streets.

LAND ATTACK BEGUN ON PORT ARTHUR

(Journal Special Service.) Chefoo, June 1.—A land attack was begun on Port Arthur yesterday. The Russian forces that were driven from Dalny and Khabarovsk are assisting the garrison. The Russian navy has joined in the movement to repulse the enemy. The opinion of refugees arriving here is that Port Arthur will succumb to the overwhelming number.

NO INCREASE IN PER CAPITA TAX OF W. F. A.

(Journal Special Service.) Denver, June 1.—The Western Federation of Labor today defeated a proposition to increase the per capita tax from \$1 to \$4 a year. A majority was in favor but it required a two-thirds vote.

The question of affiliating with the American Federation of Labor was postponed until the next convention.

Excursion to Multnomah Falls.

Camp Gilbert No. 205, S. A. W. V., will on Sunday next give its annual popular excursion to Multnomah Falls on the steamer Charles H. Spencer. That excursionists on this trip will have an enjoyable time is assured. The barge Klickitat will accompany the steamer, which will leave Washington street dock at 7 p. m. Everett's orchestra will furnish music on the occasion.

THIEF EXPERIENCES A CHANGE OF HEART

(Special Dispatch to The Journal.) Seattle, June 1.—Diamonds worth \$3,000 were stolen from a room in the Washington hotel occupied by Mr. and Mrs. George Fish last night. The thief evidently feared detection and replaced the stolen jewels and stones on the outer window sill of the room. The valuables had been placed in the side pocket of an alligator hand grip, wrapped in tissue paper and chamois silk.

The loss of the jewels was noticed about 7 o'clock last evening, just as Mrs. Fish was dressing for dinner. Detectives were immediately placed on the case by the police, but no arrests were made. In the night the thief clambered up and deposited them where they might be found the first thing in the morning. Mr. and Mrs. Fish have been at the hotel three days, and occupied rooms near those known as the president's suite. They are on their way to Alaska.

Low St. Louis Rates.

June 7, 16, 17, 18, July 1, 2, 8, August 2, 9, 10, September 5, 6, 7, October 2, 4, 5, the O. R. & N. will sell 90-day return trip tickets to St. Louis for \$67.50; to Chicago, \$72.50. Stopovers allowed going and returning. Particulars of C. W. Stinger, city ticket agent, Third and Washington.

ROUTINE MATTERS BEFORE COUNCIL

Several important ordinances were acted upon at this afternoon's meeting of the city council. The eight-knots-an-hour automobile ordinance, rather by L. Zimmerman, was voted upon, and Fred T. Merrill voted against it. Mr. Merrill wished the speed clause amended to read 12 instead of eight miles an hour. The plumbing ordinance, which has been the cause of many sleepless nights upon the part of the members of the council's health and police committee, came up for a hearing.

An ordinance prohibiting the sale of firearms or explosive cartridges or even toy firearms, to minors under 18 years of age, was put to a vote. Councilman Fred T. Merrill introduced two ordinances to regulate the confetti evil; one tends to do away with the throwing of the small colored paper bits or the ungentlemanly use of a feather duster upon the phis of a passerby, while the other puts a high license on the firm or person who wishes to sell the paper bits or the feathered duster. An ordinance providing for the purchase of an additional road roller was introduced, as well as one making a transfer of \$5,000 from the general fund to the improvement bond interest fund.

A resolution regarding the assessment for the new Tanner Creek sewer was presented. The much discussed question of the east side bridge was brought up, and their champion, Councilman John P. Sharkey, stated in a manner most plain that the people of the east side want steel structures over the Sullivan gulch at Union and Grand avenues.

Amendments changing the fire limits of the city was introduced by Councilman Merrill.

Preferred Stock Owned Goods. Allen & Lewis' Best Brand.

Short Men, Tall Men, Stout Men, Thin Men, All Men! Are the men we are ready to fit out in cool Summer Clothes made by those famous tailors, Hart, Schaffner & Marx and Stein-Bloch Co. A man's build does not matter. It may puzzle the custom makers, but when skill directs the needle's cunning, fitting ruts are smoothed out. Seems almost incredible, but it is one of those 20th century facts that have altered modern ways and means of settling clothes troubles. Make a trial in front of our mirrors and ask us to sell—that always follows. PRICES ARE ALWAYS THE LOWEST SAM'L ROSENBLATT & CO.



Advertisement for FOLEY'S KIDNEY CURE, including text about kidney health and a testimonial from S. S. Burdick.