

CITY CHARTER IS NOW PRACTICABLE

DECISION OF CIRCUIT JUDGE FRASER MAKES IT A 'WORKABLE PROPOSITION'—SEPARATE PROCEEDINGS UNNECESSARY TO EFFECT IMPROVEMENTS.

In the suit of the Oregon Transfer company and others against the city, the executive board, the city council and municipal officials, to enjoin Smyth & Howard, contractors, from further pursuing street improvement work on North Tenth street, from Washington to North Front street, Circuit Judge Fraser gave an important decision this morning.

Section 21 of the charter provides that the improvement of each street or part thereof shall be made under a separate proceeding. The ordinance for improving the thoroughfare was adopted by the council last February. The street is being improved from Washington to Marshall with macadam, the block from Marshall to Northrup being omitted, while filling and planking is to be done from Northrup to the front.

As the two improvements were contained in one ordinance, it was contended that the proceeding was wholly void. Another ground of suit was that the adjacent property would not be benefited by the improvement.

"It is the duty of a court," said Judge Fraser, "to construe any part of a charter, the terms of which are doubtful, so as to make it practicable, a working proposition, in so far as the wording of the instrument will permit. To hold that because along any part of a street to be improved there is a block already improved, and that this necessitates separate proceedings, would be to make it practically unworkable. I think the intention of the framers of the charter was that so long as the different sections of a street to be improved are in one part of the city, where the property owners have a common interest, separate proceedings are not necessary."

As regards the benefit to property by an improvement, Judge Fraser held that the city council is the tribunal constituted by the charter to decide that question. The protestants should have appeared before it and made a showing on that point. Under the circumstances, he thought they could show that the assessment was fraudulent, a court of equity could not be expected to interfere.

Relative to different materials being used, the court assessed that the conditions might be such as to necessitate it. A road to Portland heights, for instance, might require filling for a part of the way, and planking over quiches, while rock might be used to form a good roadway at other places.

Under the delusion that the hiss of escaping steam as he entered was emitted into a bathtub at the county jail this morning, was the noise made by a passing train, Charles Wellons, colored, an insane prisoner, ran and jumped into the tub. His foot was badly scalded and his leg blistered half way up the calf.

Dr. McCroneck, the assistant county physician, was summoned, and had considerable difficulty in removing the man's foot. The foot was found to be badly swollen. It was bound up and Wellons placed in a cell where he could do himself no further damage.

The insane prisoner was brought to the county jail from the city prison yesterday. When examined, he seemed almost rational and the jailer was ordered to discharge him today. Since the bathtub incident Under-Sheriff Morden notified the county court that Wellons had violent attacks, he will be held, pending a further examination.

Though the mother of Marie Miller, a very pretty girl who has not quite attained her majority, objected on account of her young marriage to George Larried, aged 23 years, who is employed as traveling salesman, she consented to the union rather than risk an elopement.

Mrs. Miller consenting to the issuance of a license to wed by County Clerk Fields, the two young people were united by Circuit Judge Fraser and are now quartered in a pretty cottage on Seventh street. Chief Circuit Clerk H. C. Smith and Circuit Clerk Marion R. Johnson witnessed the ceremony.

"That is the prettiest girl I have seen in a long time," observed Judge Fraser after the happy couple had departed.

Frederick Stock Co. has secured the Allen & Lewis' Best Beans.

Dr. B. E. Wright's Dental Offices

342 1/2 Washington Street, Corner Seventh. Office Hours—8 a. m. to 5 p. m. Sundays, 9 a. m. to 1 p. m.

THREE POSITIVELY IDENTIFY WALTON

MOTORMAN KINGMAN, CONDUCTOR JOHNSON AND POLICEMAN NELSON DECLARE THAT THE BOY ATTEMPTED TO HOLD UP A STREET CAR—CASE ENDS TODAY.

Three witnesses took the stand in the circuit court before Judge Cleland and a jury this morning and positively identified Charles W. Walton as the high-wayman who held up a Williams Heights car September 1 and shot Policeman Ole Nelson. Dramatic scenes in court were the rule rather than the exception.

"Motorman" G. A. Bingham was the best witness so far placed on for the state. He stated that when Policeman Nelson threw up the curtain on the front platform of the car and told him to stop he shut off the power and applied the brakes. "Nelson was ahead of me and I both rushed by Johnson," said Bingham. "Nelson collided with the robber and fell on the rear platform, with me on top. They slid off the platform and I jumped on to both sides. A shot was fired on the rear platform and one on the ground at Twenty-eighth street, where the car stopped. Johnson followed me out and picking up Nelson's revolver began beating the highwayman on the head. He took the revolver away from him and also took a revolver away from the robber."

Bingham said he examined the revolver he took away from the highwayman. Two chambers were empty. Nelson's revolver was fully loaded. At the Good Samaritan hospital the conductor had a struggle with the robber on the lawn and took from his pocket a pocketknife, with the large blade opened, which was handed the witness.

All Are Certain. Conductor Johnson and Policeman Nelson testified exactly as did Bingham, even in minor details. All three witnesses identified the hat, coat and handkerchief which had been worn by the highwayman. The revolver, cartridges, pocketknife and a flask of whiskey, two thirds empty, were submitted in evidence as exhibits. Nelson showed the wounds he had received. He said the revolver pointed at him looked so big he could see little more than the muzzle, and a ripple of laughter caused the bailiff to rap for order.

"Is the man that shot you in court?" asked Deputy District Attorney Koster. "There he is," said Nelson, indicating Walton.

"Are you sure?" "Yes, I would know him in a thousand," was the emphatic answer.

Walton the Man. Johnson was also positive in his identification. Bingham swore that Walton was the man in the car with a handkerchief on his face, and the person from whom he took away the revolver. He said he had reached the ground.

Sergeant Hogeboom told of going to the hospital after Walton. He found five extra cartridges in the hip pocket of the prisoner, which fitted his revolver.

Attorney St. Bayner asked a number of questions, trying to break down the testimony, but was unsuccessful. He inquired particularly relative to the location of the car, asking if it would not have been possible for another person to have boarded it just before the hold-up and shooting. Bingham answered in the negative. Judge Cleland made a preliminary examination of the different exhibits in the case.

The room was crowded, a number of women standing up in rear seats so as to get a better view. Several men occupied the window seats. The trial will be concluded this afternoon and the case sent to the jury. Walton's trial on the charge of highway robbery will occupy Monday and Tuesday.

BEHIND WARRANTS ISSUED. On the strength of information filed in the circuit court by District Attorney Manning yesterday, charging Elsie Douglas, Essie Watkins and Mrs. C. Clark, keepers of disorderly houses, with operating nickel-in-the-slot machines, bench warrants of arrest were issued this morning by Judge Cleland. The warrants were served by a sheriff's deputy and the defendants admitted to bail in the amount of \$300 each. This is three times the amount in such cases.

CLAIMS LONG FORTUNE. (Special Dispatch to The Journal.) Seattle, Oct. 21.—David Roscoe Long, who asserts he is a half-brother to James Long, the wealthy logger of Florence, Wash., who died in Providence hospital last month while in the act of making his will, has showed up in Seattle and claims the fortune of James Long was a resident of Washington for many years and amassed a fortune in the logging business.

MAY MEAN GOES BY ROAD. (Special Dispatch to The Journal.) Marshfield, Or., Oct. 22.—While nothing definite is known as to the intentions of those interested, the meeting yesterday evening between Paul Mohr, the Boston railroad promoter, Elijah Smith, J. D. Spreckels, Jr., and Samuel of the Spreckels steamship lines is thought to be connected with the plan for building a railroad into Coos Bay.

MAKES A Clean Sweep. There's nothing like doing a thing thoroughly. Of all the Salves you ever heard of, Bucklen's Arnica Salve is the best. It cures away and cures Burns, Sores, Swells, Cuts, Boils, Ulcers, Skin Eruptions and Piles. It's only 25c and guaranteed to give satisfaction.

RUSKIN TO REVEAL INLAND EMPIRE TEACHERS ADJOURN

SELECT OFFICERS AND UNANIMOUSLY AGREE TO ACCEPT INVITATION TO MEET AT SPOKANE NEXT YEAR—FRESTON W. SEARCH SPEAKS OF "KIDDER IDEAS."

(Special Dispatch to The Journal.) Pendleton, Oct. 22.—The meeting of the Inland Empire Teachers' association closed this morning with the election of officers. The officers are J. A. Torney, Spokane, president; L. F. Anderson, Walla Walla, secretary; W. E. Weiler, and E. B. Conklin, Pendleton, vice-presidents; C. A. Coleman, Spokane, corresponding secretary; J. E. Myers, Walla Walla, treasurer.

Freston W. Search spoke this morning in "Kidder Ideals." S. O. Jones, principal of Walla Walla schools, read a paper on the "Influence of Home." Spokane will be the next place of meeting of the teachers of the Inland Empire. Spokane was the only city to extend an invitation to the association to meet there and it was unanimously accepted.

Last night Freston W. Search lectured in the Fatherland. An entertaining musical program was also rendered by local talent.

SHAKHE IS ABANDONED

(Continued from Page One.) It is reported here on good authority today that another great battle is imminent, which will result in the possession of both banks of the Shakhe river as their first objective.

Reinforcements and additional gunners were all into the winter. Oyata's forces by this time, although nothing official has been given out, should possess of the Shakhe be obtained, the advance will probably be carried on until Japanese occupation of Mukden is assured.

This would mean that the way must be cleared toward Tielin where Kuro-patkin would be shut out from supply sources, which he can hold so long as he retains Mukden.

Efforts are being put forth for the gathering of more men, which is taken as proof that Japan expects the war to continue at least until the end of the year. It is authoritatively stated here that the mikado has issued a call for the mobilization of the first reserve as speedily as possible, and that this will extend to Japanese who are now in America and the Hawaiian island, and the Philippines also have a good contingent.

FORBIDDEN ARE MINE. Stopped Will Obsolete the Works Better Than Surrender. (Journal Special Service.) Rome, Oct. 22.—A telegram from Tokio in the newspaper Italia Militare reports that a bombardment of Port Arthur has been on from October 18 to 21, inclusive.

It is reported that the Russians have placed colossal mines under the Liao Ti Shan forts preparatory to destroying them should there be imminent danger of their falling into the hands of the Japanese.

READY FOR BATTLE. Both Armies Now Decisive Fighting Japanese Receive Guns. (Journal Special Service.) London, Oct. 22.—A special message from Liao Yang says that both sides this morning are preparing for another great battle, and that the Japanese decide the fate of Mukden.

The Japanese have received 72 guns from Port Arthur which were too small to be of use to the besiegers. The Starbuck's Yen Tai correspondent writes that the Japanese are preparing to hold the plain in front of Mukden. He is concentrating troops and strengthening his defense works in three lines, one along the Shakhe river and the second along the Hun river and the innermost close to Mukden.

The Exchange Telegraph has a Rome dispatch stating that the Russian ambassador there has been instructed to have coal and provisions for the Baltic fleet ready in November at Naples.

SOURCE IS EXCITED. (Journal Special Service.) Berlin, Oct. 22.—Rumor on the Bourse today on rumor that the Russian Black sea fleet would pass the Dardanelles and accompany the Baltic fleet to the far east. There is no confirmatory news of the report.

ELECTRICIAN HAS A NARROW ESCAPE. William J. Baynes, an electrician, is confined in Good Samaritan hospital as the result of an accident that occurred a week ago while working on the electric company. Baynes is in the employ of the firm of Gerriok, Collins & Stupper and was engaged in placing a stopper on an electric wire.

He received a severe shock. He was rendered unconscious and removed to Good Samaritan hospital. He is gradually recovering from the shock but will be confined for at least six weeks longer. Baynes recently came to this city from the east.

COUNTY EXHIBITS CAUSE CONFUSION. Counties of the state desiring to make an exhibit at the Lewis and Clark fair should notify Edmund C. Giltner, director of this department, as soon as they determine to make the display. The failure of a number of counties to do this has caused no little confusion in the work. The question of space, which is a very important one to each individual county, cannot be satisfactorily adjusted unless the director has notice of the intentions of the county to take part in the exhibition. Several counties of the state intending to make an exhibit have failed to notify the authorities. One instance in particular is that of Coos county, the space for which display has just been granted. Several counties decided to place an exhibit in the State building, and a committee of four men visited Portland to look over the situation. They made their selection and returned home. The director of the work did not know they had been in town until four months later. There are other counties doing likewise, and Mr. Giltner is preparing a short notice to each one informing it as to the method of procedure.

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HIS MYSTERIOUS POWER WORKS MIRACLES OF HEALING

Believing It His Duty to God and Man to Help All Who Stand in Need He Offers to Give Free Treatment to the Sick and Afflicted.

Strange Story of Woman—Says This Wonderful Worker Made Heart Beat Again in Her Body. Hundreds where Dr. Hadley's almost miraculous power has made the bonds of disease fall away as if they were broken chains and changed the miserable victims of life sapping illness into strong and happy men and women.

PANOPATHIC PROFESSOR'S STARTLING STATEMENT—NO DISEASE HE MAY NOT CURE

Keals Hopeless Invalids of Diseases Pronounced Incurable and Restores Life and Health to Those Given Up to Death by Doctors.

Cure Patients in Their Own Homes Hundreds of Miles Away as Easily as Though They Called in Person—Offers to Send Suffering Men and Women Doctors and Drugs Cannot Cure.

New York, Oct. 18.—(Special Correspondence.)—Dr. William Wallace Hadley, the eminent scientist and professor of panopathy and physiatrics of this city, has announced that he has abandoned his large and lucrative private practice and will hereafter give his services free of charge for the treatment and cure of chronic cases of disease pronounced hopeless by physicians. He is quoted as saying that he feels it his religious duty to help the sick and afflicted, independent of any reward.

"This decision, amazing in this day and age, when the cure of disease is all the more remarkable when one remembers this man's great reputation as a scientific wizard, and his phenomenal success in healing when all others fail, human life and the ill that has taken men and women given up to death by doctors and restored them to life and health in so short a time and in such a marvelous manner that he has aroused widespread wonder and admiration among the thousands of people who are aware of the facts.

So far no satisfactory explanation has been given of Dr. Hadley's mysterious control over disease of all kinds, and the power of his mind over the minds of the means by which he has made the almost miraculous cures that stand to his credit, proclaiming him a healer of healers. He seems to have a power over the mind of the patient, and he has not given to ordinary mortals. He cures in the face of such apparent impossibilities that no one could be blamed for thinking him possessed of supernatural gifts, although he disclaims anything more than a knowledge of the secret of life, a peculiar understanding of the causes of disease and death, and a complete grasp of their prevention and cure.

In cases where physicians, surgeons and specialists have failed, and their patients' lives are at stake, he has been called upon to help, and he has done so, and his patients are now well, and he has restored them to life and health in so short a time and in such a marvelous manner that he has aroused widespread wonder and admiration among the thousands of people who are aware of the facts.

"I have discovered the secret of life. I now know and understand the cause of disease, how it may be prevented and cured." "And these miracles of healing are due to this discovery?" "Yes," he discarded the useless drugs and medicines commonly prescribed by physicians and used a system of treatment that is as much superior to modern medical practice as the sun is to a candle. Now that he has perfected it after long years of practice and experiment, I find that I have the power to cure my patients without their coming to me or my going to them. But you are mistaken in calling these cures miracles. At least, they are not miracles in the same way as spoken of in the Bible. They may seem just as wonderful and beyond understanding, but they are, in truth, simply scientific phenomena. I have demonstrated the great power over disease that has been given to me to use for my fellow men."

"It is said that you have abandoned your private practice and will devote yourself entirely to this new line of work." "Yes, that is true. But I intend to go on curing any one who is ill of any disease they may have, just as long as I am able. Rich and poor, men and women, are all accepting my patients. I have become convinced that as a Christian it is my duty to the Great Healer who gave me this power to use it to help the sick and afflicted, wherever they may be, and wherever they are in need of it. I have demonstrated the great power over disease that has been given to me to use for my fellow men."

"Do you really mean that any one who is ill of any disease they may have, just as long as I am able, rich and poor, men and women, are all accepting my patients. I have become convinced that as a Christian it is my duty to the Great Healer who gave me this power to use it to help the sick and afflicted, wherever they may be, and wherever they are in need of it. I have demonstrated the great power over disease that has been given to me to use for my fellow men."

HEALING MOUNTAIN PEOPLE LOSE THEIR SUIT

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The court reviewed the testimony on both sides to the controversy in detail, and it showed, he asserted, that many of the acts complained of had taken place prior to the arrival of Dr. Hansen at the institution. Physicians and attendants had sworn that the institution had more nurses and employees in proportion than almost any other similar institution.

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Judge Fraser expressed the opinion that fear due to the arrival of insane patients from Alaska had caused the residents to magnify their cause of grievance. As regards the allegation of the depreciation in the valuation of

property, Judge Fraser did not think it sustained by the evidence.

HEALED BY TRAIL. (Special Dispatch to The Journal.) Pendleton, Or., Oct. 21.—Raymour Swenson, a farmer, was killed by a train near Meacham last night. Details of the accident are not known.

SAVING GOLD. HEAVY GAINS. (Special Dispatch to The Journal.) Portland, Oct. 22.—The gold market was very active today. Heavy gains were made in all the leading stocks.

Behrke-Walker BUSINESS COLLEGE

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Holmes Business College FIRE Through the kindness of the Y. M. C. A., day and night school is being held as usual at the association building, Fourth and Yamhill streets, telephone Main 513.

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Soule Bros. Piano Co. 372 and 374 Morrison Street CORNER WEST PARK. property, Judge Fraser did not think it sustained by the evidence.