

### JUDGE REFUSES TO AID GRAND JURY

Says All Hypothetical Questions Should Be Referred to the District Attorney.

### SHARP RETORT MADE TO BODY'S QUERIES

Jurors Retire Without Receiving Information, and Will Seek Mr. Manning's Advice.

Frederick Judge George did not instruct the grand jury as to the conclusions of law in the John Doe presentation made to him yesterday, but referred the question back to the jury with the instruction that they consult with the district attorney in the matter and accept his advice.

"The district attorney is your legal adviser in this matter," said the court to the grand jury, "and the evident lack of consultation with the district attorney compels me to say to you that this should have been presented to him, and not to the court. If he decides that the facts are sufficient, you can then bring the matter before the court through the proper channel."

Foreman F. M. Johnson explained the situation in which the grand jury found itself by saying that the jury had consulted with the deputy district attorney and they had agreed to present the question to the court.

"We talked the matter over," he said, "and Mr. Adams prepared the presentment itself and asked us to present it to the court."

Deputy District Attorney Adams explained that the grand jury had two things in view in presenting this matter to the court, first as to the presentment made yesterday, and second, as to another matter which would be presented when the court had ruled on the first one.

Foreman Johnson then drew from his pocket another presentment, but the court ruled that the district attorney should be consulted when his deputies were in doubt, and the court continued, "he should be consulted first on all these questions, and not his deputies. Take this matter before the district attorney himself."

The grand jury then retired without presenting the second hypothetical case, in which they wished information as to the law. As to the exact nature of the presentment made yesterday Judge George gave no intimation other than referring to it as a case of "false pretense." Nothing of the nature of the grand jury had for presentment today.

The only indictment returned was one against Edwin H. Goodwin on a statutory charge. He is the New York man who was tracked to Portland by his wife, Alice R. D. Goodwin, and found here with another woman. He was given a preliminary hearing in the municipal court a few days ago and bound over to the grand jury. His bonds are fixed at \$1,000.

### HER RELATIONS FAR FROM BEING FRIEND

The case of Mrs. Bertha Fairbairn, who says she was induced to come to Portland by her aunt who refused to care for her when she came, has been turned over to the Jewish Benevolent society by the county. Dudley Evans, chairman of the relief board, this morning interviewed the aunt, Mrs. Levi, who refused to advance money for the return ticket to Chicago. Mr. Evans consulted Dr. B. S. Wise and was informed that the Jewish Benevolent society would take care of Mrs. Fairbairn.

### MARSHAL HAS DIFFICULT WORK FINDING MORMONS

Smil Lake, Dec. 10.—Two apostles of the Mormon church, John Henry Smith and Charles Penrose, were today served with subpoenas to appear before the senate sub-committee in the Smoot investigation at Washington. Of 25 or 40 subpoenas sent to the United States marshal for service in Utah and Idaho, it is understood that so far the marshal has succeeded in serving scarcely a dozen.

### MRS. CHADWICK FOUND PITTSBURGERS EASY

Cleveland, Ohio, Dec. 10.—On the highest authority it is now positively known that Mrs. Chadwick borrowed \$800,000 in Pittsburgh. The names of those who advanced the money are not disclosed.

### CONTRACT FOR STATE BUILDING AWARDED

The state commission of the Lewis and Clark exposition today awarded the contract for construction of the state building to E. A. Lynd for the sum of \$2,270. Work will begin on the contract immediately.

### The General Officers

Of the U. S. will address a mass meeting of carpenters this evening, December 10, in their hall, 86 North Third street. All carpenters invited.

### PIANOS

The Very Best Possible to Procure—We Carry Only the Highest Grades.

Any dealer will tell you he can give you the greatest bargains.

### WE LEAVE IT TO THE PUBLIC TO JUDGE

Ask any disinterested party, and invariably the answer will be: IF YOU WANT PERFECTLY RELIABLE INSTRUMENTS AND MOST HONORABLE BUSINESS DEALINGS, GO TO

Soule Bros. Piano Co.

Cor. Morrison and West Park Streets. Our Terms and Conditions Accepted.

### SALOONS CLOSED AT WASHOUGAL

County Commissioners Take Action on Complaint Made by Prosecuting Attorney.

### FIRST TIME TOWN HAS BEEN COMPLETELY DRY

Many Inquiries Made for Lands in Clarke County Suitable for Farms.

(Special Dispatch to The Journal.) Vancouver, Wash., Dec. 10.—The three saloons of Washougal have been closed by order of the board of county commissioners, on complaint of Prosecuting Attorney Donald McMaster, filed on Thursday. The complaint charges the dispensers of spirits with violating the liquor law in several ways, selling liquor to minors, keeping open on Sunday, and permitting disorderly conduct in their places being among the charges filed against them.

The three men whose saloons have been closed are Charles Surber, Surber & Short and Fritz Brown, Jr. Charles Surber yesterday filed a statement pleading guilty to the charges and waiving all right to any refund on his license, which sets him out of the case. Surber recently purchased his saloon from Joseph M. Klein, in whose name the license was originally issued. Surber & Short and Brown appear before the county commissioners today, at which time further action will be taken in the case.

This is the first time in the history of Washougal that it has been a dry town. Charles H. Anderson, claimant against James McHale, Henry Owen and Mary McHale, in the title of a case filed yesterday whereby the claimant files a lien on the building situated on Main street between Seventh and Eighth, occupied by the Elite vaudeville theatre. Anderson demands payment of \$12.25 for work performed and material furnished on the premises. This causes quite a stir in this city, as this case may close Vancouver's only vaudeville theatre.

Inquiries for suitable farm lands to make homes of have been very numerous throughout Clarke county the past fall, and an even new activity is brisk in that direction, which is unusual for this time of year. With the advent of spring a rush of settlers is expected in all parts of the county. Clarke county has experienced a great increase in population during the past two years, most of the newcomers being of a thrifty class. A majority of them have improved their farms, something necessary to the permanent upbuilding of the country.

### OLD LANDMARK IS DESTROYED BY FIRE

(Special Dispatch to The Journal.) Oregon City, Or., Dec. 10.—At about 8:30 o'clock last night a fire broke out in a room occupied by a Chinese janitor in a part of the old brewery, which is now the site of the Weinhard building, and next to the railroad tract, and before the fire department got out a brisk wind had fanned the flames until the fire had a big headway, and it was only by prompt action of the fire department that the flames were brought under control.

The brewery was a landmark of Oregon City. It was built in the year 1856 by a Mr. Brumbull. For the past few years the building has been used by Chris Hartmann as a stable for his horses. The building is a total loss, and the Weinhard estate is the loser to about the extent of \$1,200. Frank Hartmann retained a furniture factory adjoining the brewery, and had it all fitted up in modern machinery, tools, and but a few days ago had secured a large stock of moulding which was stored therein. Bush estimates his loss at about \$5,000.

### EX-POLICEMAN OLSSON GREW WEARY OF LIFE

Dependent owing to illness and private troubles, former Policeman Frank Olsson, janitor at the Scottish Rite cathedral, slashed his throat with a pocket-knife with suicidal intent yesterday afternoon. He was discovered lying unconscious in a room in the basement. Dr. K. A. J. MacKinnon ordered Olsson removed to St. Vincent's hospital, where he is in a precarious condition owing to loss of blood, though he has a fair chance of recovery.

Olsson has acted rather peculiarly for some time. He has been janitor at the cathedral for the last 18 months and with his wife occupied apartments in the building.

### HABEAS CORPUS WRITS FOR DEPUTY SHERIFFS

Attorney Henry E. McGinn this afternoon is preparing writs of habeas corpus for the release of Deputy Sheriffs Morden, Wise, Cordano and Hollingsworth, who have been taken into custody on charges of assault and battery in connection with the Portland club affair. The writs are to be served immediately, and will go doubt bring the question to a legal issue before the courts for final adjudication.

### GUY HUFF IS ARRESTED AGAIN

Guy Huff was arrested late this afternoon at the Oxford hotel on a John Doe warrant which had been issued this morning out of the United States court. He is alleged to be the man who committed some of the forgeries in connection with the cases against Pater, McKinley et al., another trial of which will begin next Tuesday.

### NEW TEACHER AT OREMAWA.

(Special Dispatch to The Journal.) Chemawa, Or., Dec. 10.—John McMullen, who was appointed teacher here from Yainai, arrived at the school yesterday. He will fill the position formerly held by Miss K. A. O'Brien. Miss O'Brien resigned some time ago. Her class has been taught in the interim by the advanced pupils.

### NO EXTRA SESSION.

(Journal Special Service.) Washington, Dec. 10.—President Roosevelt announced to several callers today that there would be no extra session of congress next spring for a revision of tariff. The question of an extra session next fall is still in abeyance.

A Grant county horse thief was sentenced to only one year in the pen. With most judges such light sentences are out of date.

### FOR YOUR CHOOSING Choice Bits of Furniture and Draperies for Christmas Presents.

A Fine Line of Pianola Music—Cabinets, Piano Scarfs and Quaint Artistic Benches.

### And Christmas Pianos, Too

Any one contemplating buying gifts of this sort should see what we have. Just here from the factory of Udele Brothers, the famous designers and makers of artistic furniture, some very choice Pianola Music Cabinets. While they have been provided by us for holding the Pianola music rolls, many are selecting them for sheet music cabinets. They are all enclosed so as to exclude the dust and made of very choice specimens of walnut, mahogany or walnut and will prove very dainty and welcome presents.

Prices on these, as well as on our beautiful collection of artistic scarfs, stools and benches, will be found exceedingly reasonable.

This present collection of ours is the most complete exposition of the highest grade key instruments, pianos, orchestral, the Pianola, Metropolitan Pianola, Church organs, that the Northwest has ever seen.

They are pronounced by the very best judges a more extraordinary collection of the highest types of art, and musicians are no less emphatic in their commendation of the tone qualities of these pianos.

Those contemplating the Christmas purchase of a piano will find prices well within reason, whether they desire to secure one of our highest priced Webers, Chickering or a good piano of more moderate price, and our system of installment payments no moderate and so simple that there will be nothing to stand in the way of their securing the piano most to their liking. Pianos intended as Christmas presents will be shipped by us for Christmas delivery.

### The Pianola Piano

This new piano combines in a single compact instrument an upright piano of the highest grade and a Metropolitan Pianola. The Pianola mechanism, including the Metropolitan attachment, is built right in the case, rendering it instantly available for playing by means of a perforated music roll.

It is equally available for hand playing by those who have learned how to play with the fingers. When the pedal admitting the music roll is closed the foot pedals are folded up, there is nothing to distinguish it from the familiar style of upright piano.

Prices \$500 to \$1,000, purchasable on easy monthly installments. Pianos of all other makes available on exchange. Eilers Piano House, 35 Washington street, corner Park, the West's most popular and reliable piano concern.

### CONCORDIA CLUB WANTS NEW HOME

Committee Will Look for Suitable Site and Secure Estimates of Building.

### WILL SPEND TWENTY THOUSAND DOLLARS

President Marcus Fleischner Says Money Will Be Raised and House Erected Soon.

A club house project that has been discussed for the last year among members of the Concordia club is now taking definite form, and President Marcus Fleischner will next week appoint a committee to make a thorough canvass of the subject. At a meeting held Thursday evening a motion was adopted authorizing the committee to look for a suitable site and secure estimates of cost of a building. It is the sense of the club that about \$20,000 should be expended and that a home club house, with nothing in the line of stores or offices, should be built.

"Owing to the illness of our secretary, I have not named a committee," said President Fleischner, today, "but I will do so next week, and the committee will immediately get busy. We have concluded that the time is here for securing a permanent home for the Concordia club. We have a number of lots under consideration, and the committee will accept the most favorable offer. Nothing definite in plans or specifications has yet been presented, but we will probably have a building embracing all the modern features of club homes, such as reception rooms, library, banquetting room, billiard room, bath, and a gymnasium, billiards and bowling, and a buffet or kitchen.

The committee will solicit enough to give assurance that the required amount of money can be raised. If, after these investigations have been made, the situation looks favorable, the whole plan will be perfected and the work of carrying it forward will begin in earnest. I have no doubt that we will be able to raise the necessary money."

### SOUTHERN PACIFIC MAY TUNNEL RICE HILL

(Special Dispatch to The Journal.) Roseburg, Or., Dec. 10.—It is reported here that the Southern Pacific will in the year 1905 tunnel Rice hill, 25 miles north of this place. The grade at this point is very heavy and in the long run the company, it is said, will save money on the project, as it is now required to use helpers continually.

This fall much work has been done near this place to straighten the track and lower the percentage of the grade. The supposition is that the engineers have discovered that it will be cheaper to go through the mountain than to cut down part of it and still have a good part of the grade left.

There is also going the rounds rumor that the company intends to build a new steel bridge at Winchester, five miles north of here, in place of the wooden one which now spans the North Umpqua river.

A couple of Albany men were going home last night, and one was telling a story about a well digger who had known back east, when a savage voice behind them angrily ejaculated: "Come, now, shut up about well diggers; I want you to understand I am just as good as you are." See!

**Studebaker**

**CARRIAGES WAGONS HARNESS**

OUR FACTORY, THE LARGEST OF ITS KIND IN THE WORLD  
Covers 101 Acres. Annual Capacity 100,000 Vehicles.  
SOUTH BEND, IND.

BRANCHES—New York, Chicago, San Francisco, Portland, Or., Kansas City, Salt Lake City, Denver, Dallas, Texas.

**STUDEBAKER**

PORTLAND BRANCH

**STUDEBAKER BROS. CO. NORTHWEST**

330-336 EAST MORRISON STREET  
PORTLAND, OREGON

### TO STOP ILLEGAL ENTRANCE OF ALIENS

Department of Commerce and Labor Plans to Establish Fleet of Swift Launches.

(Special Dispatch to The Journal.) Seattle, Dec. 10.—Captain Tozier, for many years commander of the revenue cutter Grant, may be transferred to shore duty at Seattle and placed in command of a fleet of swift launches which the department of commerce and labor proposes to establish in connection with the immigration service in the Puget sound district. In a few days it is expected that the launches Guard and Scout will be detached from the revenue department service in customs work and sent to the immigration station here. If Captain Tozier is assigned to their command and the addition of several new boats that he has now reached, a serious stage and the manufacturers will demand their rights from the government and endeavor to have a duty imposed upon lumber.

### O. A. C. CADETS MAY VISIT LEWIS AND CLARK FAIR

(Special Dispatch to The Journal.) Corvallis, Or., Dec. 10.—Plans are being perfected for the Oregon Agricultural college cadet regiment to spend 10 days at the Lewis and Clark exposition at Portland in encampment next June, probably immediately after commencement at the college here.

### Always Just Right.

"Our Own Mixture." A perfect pipe tobacco. SIG RICHEL & CO.

### THE SOUVENIR DOLLARS CAN'T ALWAYS BE HAD.

Lewis & Clark Coin Brooch for a Xmas Present. Price \$4.50 and \$5.00. With a Lewis & Clark Gold Dollar. Mounted on this beautiful gold wreath, the coin not the least marred or mutilated, sold over the counter or mailed to any address at \$4.50 for size No. 1, and \$5 for No. 2. The coin alone sells at \$2.

### LUMBERMEN TO MAKE A GENERAL APPEAL

Dominion Government at Ottawa to Be Confronted with Insistent Demand.

(Special Dispatch to The Journal.) Vancouver, B. C., Dec. 10.—The lumbermen of British Columbia are to cooperate with those of all Canada in the appeal to be made to the dominion government for a duty on lumber. Hitherto the lumber manufacturers of the various sections have made application at different times, but on the present occasion a determined co-operative stand is to be made. A large and representative delegation of Canadian lumbermen will bring the matter to the attention of the government early next year, so that there will be no excuse advanced that it was not known in time. For eight years representations have been made to Ottawa in regard to this assistance to the lumber industry, but up to the present time they have been ignored. It has now reached a serious stage and the manufacturers will demand their rights from the government and endeavor to have a duty imposed upon lumber.

### TRANSACTIONS AT LAND OFFICE IN LA GRANDE

La Grande, Or., Dec. 10.—The business transacted in the United States land office in La Grande in the past month was in part as follows: Cash entries, 5,044.18 acres, \$15,629.57; mineral entries, 76,157 acres, \$280; final desert entries, 49 acres, \$40; original desert entries, 2,732.91 acres, \$453.23; 4 coal declarations, \$18; 1 mining application, \$10; 35 timber and stone application fees, \$250; 61 homestead entries, 9,146.40 acres, \$356.50; 23 final homesteads, 4,514.29 acres, \$181.22; sales of Umatilla Indian lands, \$2,826.03; declarations on the public timber, \$544.70. Much other miscellaneous business was transacted, bringing the total receipts up to \$21,756.12.

### RAID INDIAN SUBVERSIVES.

(Special Dispatch to The Journal.) Victoria, B. C., Dec. 10.—Ki-na-Moot, a Navaho Indian, supposed to have killed four persons, has surrendered to the officers and been placed in confinement at Alert Bay according to the news just received here. With him is Shumai, a Navaho Indian, supposed to have killed in several persons. They will be brought to trial.

### FEARS EAGLE MAY SOON FACE THE BEAR

Chancellor of Nebraska State University Addresses Students in Seattle.

(Special Dispatch to The Journal.) Seattle, Dec. 10.—In the presence of 800 students and their friends, gathered in Denny hall at the State university Thursday night, E. Benjamin Andrews, chancellor of the Nebraska State university, delivered an address on "The Problems of Greater America." In the course of his remarks he said: "Our country has passed through a transition period. I am among those who are sorry we ever made the change. We must go forward or renounce all claims to a position in the front of progress. "Pittfalls beset us on every hand as we advance into the position of a world's power and upon the careful thought of our people in considering each step rests the ultimate success of the glorious hopes we entertain for our country." "He declared that without the careful handling of the problems of state, and even if they are handled in the most diligent manner, the time may not be far distant when the eagle will face the bear."

### FAVORS FAIRPLAY.

(Special Dispatch to The Journal.) Hillsboro, Or., Dec. 10.—The damage case of W. A. Spencer against E. H. Jetter was on trial in the circuit court since Tuesday and went to the jury Thursday at 4 o'clock. Yesterday the jury returned a verdict in favor of the plaintiff for the amount asked. The case was completed, which was \$2,000.

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### CORVALLIS POULTRY SHOW IS A SUCCESS

Portland and Gresham Exhibitors Among the List of Prize Winners.

(Special Dispatch to The Journal.) Corvallis, Or., Dec. 10.—The Corvallis poultry show has proven all that its promoters had hoped that it would be. The attendance has been most gratifying and the number and variety of exhibits have never been exceeded at a similar show in this section of the country. Yesterday afternoon the women had full sway at the show and refreshments were served to all visitors. The evening attendance has been larger than during the day, but altogether it has been very satisfactory.

The show closes this evening at 10 o'clock. Among the prize winners were: Blue Andalusians, 12 entries—Cockerel: First, D. M. Galbreath, Monmouth; second, Philberta Poultry yards, Gresham; third and fourth, D. M. Galbreath, Monmouth. Hens: First, Philberta Poultry yards; second, third and fourth, D. M. Galbreath. Pullets: First, and second, D. M. Galbreath; third and fourth, Philberta Poultry yards.

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