Supreme Court Upholds Lower Courts Sustaining Disposition of Estate Valued at More Than a Million and a Quarter

(Special Dispatch to The Journal.)

Salem, Or., Dec. 4.—In the matter and the defendants, Marshall Connell of the estate of Amanda W. Reed, depeased, a contest of will and application for probate thereof. Emily Pickering them, and affirming the decree in all other respects, and awarding costs to defendant. against Martin Winch, executor of the testament and trustees of the Reed in stitute, contestees and respondents, an appeal from Multnomah county, A. L. ager, J. B. Cleland and M. C. George, judges, the judgment of the lower court was affirmed in an opinion by Chief Justice Bean of the supreme court to-

Amanda W. Reed died at Pasadens, California, in May, 1904. Mrs. Reed was the widow of S. G. Reed, deceased, and died without children. Her will was executed September 4, 1901, in this state. It disposes of real and personal property valued at more than \$1,250,000, the bulk of the estate going to establish the Reed

hate was contested on the Its probate was contested on the ground that the court of primary jurisdiction is the superior court of Los Angeles county, in California, where the contestants allege that the testatrix lived at the time of her death.

In her will she declared herself a citizen of Portland, residing temporarily in California. The court below held that the legal domicile of Mrs. Real was Oregon at the time of her leath, and her

gon at the time of her death, and her will was entitled to probate here. Intention of Testatrix Prevails.

After a lengthy review of what constitutes a "domicile," the court says:
"The deliberate acts of Mrs. Reed inof her property according to

Slaughter Mouse Case.

The case of the city of Portland against J. H. Cook, James M. Neal and T. W. Bigger, appellants, an appeal from Mulinomah county, John B. Cleland, judge, was affirmed by Judge Moore. This was an action commenced April 7, 1805, in Portland municipal court by the city against above named defendants for violation of ordinance forbidding the maintaining of slaughter houses in the city limits. The defend ourt, carried the case to the circui

court, carried the case to the circuit court and were defeated there.
In H. E. Noble, respondent, against M. E. Watkins and W. D. Watkins, her husband, Alice E. Derrick et al., defendants, and Florence E. Godfrey, appellant, the appeal of Thomas McBride of Columbia county, was affirmed by Chief Justice Bean.

The Decisions in School Cases.

In John Amert, respondent, against School district No. 80, appeal from Marion county, William Galloway, judge, was reversed by Chief Justice Bean. This is a writ of review challenging the validity of the proceedings of the de-fendant school district in the matter of the erection of a school building and in-curring indebtedness therefor. The proceeding was started to stop the pro-ceedings of a school meeting and action by the board on the ground that notice of the meeting had not been posted in

the laws of this state, and the showing made by the contestants is not such as to require a court to defeat her expressed desires, as to the devolution of her property, by holding that her domicile was not where she supposed and intended it to be.

In the case of Fred Modine and Elfas brought by the plaintiff against two directors, appellants, against F. L. Richmond, W. T. Wright et al., an appeal from linien county, Robert Eakin, judge, judgment of the lower court was modified by Justice Halley. A suit for an accounting, damages and cancellation of deeds to certain property. It follows, says the court, that the decree must be

JOHN JOST EXPERIENCES SOME MOMENTS OF ACUTE DESPAIR

a few minutes this morning at the ise, all because of the recent

change in the naturalization laws. Jost lives at 325 Fremont street. He wanted a marriage license and citizenship papers.

He went first to Deputy "Cupid" F. W. Prasp and secured a license to wed Miss Lena Schwartz. Then he went to Deputy "Cupid" F. W. Why, I am going to be married this evening," said Jost, exhibiting his marriage license a citizen of the United States. The new certificates of declaration of intention are much more elaborate than the old and are written out with a typewriter by the young women deputies.

"We will mail your certificate to you this evening," said Wilde to Jost.

"We will mail your certificate to you this evening," said Wilde to Jost.

"If you mail it I will not receive it before evening."

"Why, I am going to be married this levening," said Jost, exhibiting his marriage license. "I can't get married here unless I have citizenship papers."

"Oh, yes, you can." said Wilde, laughton of intention are much more elaborate than the old and are written out with a typewriter by the young women deputies.

"We will mail your certificate to you this country, went away with his evening," said Wilde to Jost.

"It will not receive it before evening."

"Why are you in such a second bank will be an anouncement that a second bank will be comes the announcement that a second bank will be seatablished here by a Montane man whose name is not now made public. The Swayge bank will be located upon the east side. Why, I am going to be married this levening," said Jost, exhibiting his marriage license have citizenship papers."

"Why, I am going to be married this levening."

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"Why, I am going to be married this levening."

"Why, I am going to be married this levening."

"The line of demarkation is to have a saloon, the county court having withdrawn its objections, which were employed laborers and which were employed a

THEY HAD A TERRIBLE TIME WITH THEIR COURSE DINNER

the bridesmald and best man, all restdents of Portland, ordered their wedding dinner at Watson's restaurant and dinner at watson's restaurant and showed by their manner that they were unaccustomed to course dinners. They evidently had never seen oysters before, because they had "a terrible time" with them. First they tried chapping them up in small pieces and eating them on crackers. Finally they arrived at the proper mode and evidently relished them. The party passed up the olives as something new-fungled and unac-counted for. Sliced tomatoes were nearer home and they went with a rush. When the turkey was brought in the four were still nearer home and enjoyed themselves to the utmost for 10 minthe bird but remnants the quartet commenced to pull their napkins from their



Clothing we sell is made for our kind of a winter, for our climate, for our store and for our customers.

Are you a particular man? Then you'll be particularly interested.

This week we are making a strong feature of Men's Overcoats-the new cuts-\$12.50, \$15, \$20.00, \$25.00.



Men's and Boys' Outfitters. 166 and 168 Third Street. Mohawk Building.

A newly married couple together with collars where they had been tucked and the table. A waltress hurried up and in-formed them that there was still more to come. With a grin on his face that showed pienty of room for more food, one of the male members of the party said: "I knowed there was more

Salad and dessert quickly followed and then the climax dame in the shape of finger bowls filled with water on which floated a piece of lemon. With one ac-cord the entire party lifted the bowls to their mouths and did not remove them until the last drop had been drained—and then each and every one

ate the alice of lemon. **WORKING ON CODE**

Preparing Final Draft to Be Presented to Waters Users' Association.

Irrigation experts of Oregon are working hard in Portland today to fashion the final draft of the irrigation code to the final drart of the irrigation code to be presented to the legislature by the Water Users' association, which code it is hoped will settle all differences and unrayel existing tangles. A meeting was held at the rooms of the Portland board of trade last night to consider the preliminary draft of the bill. Elwood Mead, an expert on irrigation and irrigation law, whose word is recognized throughout the irrigated sections United States, met with the executive committee of the association and discussed the many phases of the proposed

This morning a session of the committee, presided over by Senator Wheal-don of The Dalles was held in the par-lors of the Imperial hotel, and another session is being held this afternoon. The the outside, preliminary bill will be amended section duced Novem by section until all seen flaws or am-biguities are eliminated and corrected, when the pollahed draft will be submitted to the people of the state for their consideration, and then finally presented to the legislature.

The committee expects to finish its work late this afternoon or this even-

Karbor Conference Delegates. Kansas City, Mo., Dec. 4.—D. R. Fran-cis, president of the Trans-Mississippi congress, today appointed delegates from the congress to the deep water and harbor conference next week at Washington, where 23 states and terri-tories will be represented.

Cousins Succeeds Mitt.

(Journal Special Service.)
Washington, Dec. 4.—Speaker Cannon
has appointed Cousins of Iowa to suc-

OF LAW SUIT

Artificial Limb Principal Exhibit in Trial Before Jus-

Wouldn't Take Log Back. Downs wore his wooden leg only two weeks, when, because it did not suit him, he offered to return it to the company and let them keep his \$25 payment. The offer, however, was refused and a few days ago suit was filed to collect the balance.

W. T. Spencer, vice-president of the manufacturing concern, who made the

manufacturing concern, who made the sale, declared on the stand that he had offered to nike any corrections necessary to give entire satisfaction, but that the offer had never been accepted. Going into details, he explained to the court the marvalous mechanism of the court the marvelous mechanism of the combination of word, leather and combination springs, and showed how, by the simple clipping of a small wooden tube, the knee could be made to recede several inches and constitute a more stable,

though not so sprightly, a substitute for

the real article, Downs, the defendant, is but 21 years of age. When 10 years old a miss shoe rubbed a sore spot on his hee He ran out in the rain and wet his fee his stocking faded and the dye, enter-ing the sore, caused blood poisoning, which resulted in the amputation of his left leg close to the hip.

The trial was still in progress this afternoon.

TWO BANKS AND ONE SALOON AT HERMISTON

(Special Dispatch to The Journal.) Hermiston, Dec. 4.—Following Jost's face at this announcement.
"I must have it before then," he said.
"If you mail it I will not receive it before tomorrow."

The mission, Lec. 4.—Following the announced intention of C. D. Swayze of Oklahoma to start a state bank in this place comes the announcement that a second bank will be established here by

MATES ON COASTERS

(Special Dispatch to The Journal.) Scattle, Wash., Dec. 4.—All first, sec-Seattle, Wash., Dec. 4.—All first, second and third mates on vessels in the consting trade will soon make a demand for higher wages since the new overtime schedule of sailors has gone into effect. Within the past week vessels sailing from Seattle have agreed to pay seamen 50 cents an hour for all work performed after 5 p. m. On and after April 1 sailors are to receive \$50 instead of \$45 monthly wages, which, with the overtime they earn, will make their wages equal those of mates.

The engineers were recently granted higher wages, and it is understood the firemen and the waiters are in line for a raise.

First mates, it is understood, want \$100 instead of \$90. Second mates will ask \$85, and third mates \$75.

-STILL UNIDENTIFIED

(Special Dispatch to The Journal.)
Pendleton, Or., Dec. 4.—The body of
the man who died at the poor farm
Saturday last after being badly beaten
over the head in some kind of a row
there has not yet been identified, though
it has lain in a local morgue ever since.
The man who was apparently about 32 The man, who was apparently about 32 The man, who was apparently about 32 years of age, survived his injuries several days, and though conscious and with the use of his vocal organs a portion of the time, he at all times positively refused to either give his own name or those of his assailants. The fight which resulted in his death took place at Umatilla.

ORDINANCE REGULATING SALOONS OF SALEM

(Special Disratch to The Journal.) Salem, Or., Dec. 4.—The Salem city council last evening passed an odninance regulating the closing of saloons. No barroom shall be open between the hours of 12 o'clock midnight and 5 o'clock a. m., nor at any time during Sunday. At all times when closed all curtains and shades shall be removed so that the interior will be entirely visible from The ordinance was intro-

LA GRANDE COUNCIL DEBATES NEW CHARTER

La Grande, Or., Dec. 4.—The city council met last night to consider the adoption of a new city charter. The council remained in session until a very late hour, finally adjourning until Wed-nesday evening, at which time final

CUBANS BELIEVE IT MEANS A PROTECTORATE

Havana, Dec. 4.—The impression created in Cuba over President Roosevelt's utterances on the situation in his message is that Washington is determined to establish a protectorate.

Number of Small Sales Are Reported, However, in Several Districts.

tice Reid.

A naked leg walked back and forth on a desk in Justice Reid's courtroom this merning, hopped, danced and even kicked up its single heel for the ediffication of the judge and hangers-on of the dispensary of justice. The leg was unattached and lawyers took it in their hands, inspected its dimensions and examined its flexible toe and supple knee joint.

Tive a mighty good leg," declared Attorney J. T. Chinneck.

I wouldn't wear ft for a farm," said Attorney R. Trimble.

It was only an artificial leg, but so complete was its likeness to a living limb of flesh and blood that spectators shuddered at the gruesome sight.

The leg was the chief exhibit in a suit to collect \$75 on notes drawn by A. H. Downs, an employe of the Portland Artificial Limb company.

Downs purchased the limb on June 1 last, paying \$25 down and giving notes for the baiance—\$75—as it was to be a \$100 extremity.

Downs wore his wooden leg only two

Fourth street line, which runs through

Fourth street line, which runs through the property.

A. L. Mills, president of the First National bank, is preparing to let the contract for a \$30,000 residence to be built on the corner of Twentieth and Johnson, streets, where he has lived for the past 16 years. The new residence will be of pressed brick with an interior finish of hardwood. The architecture will be strictly colonial. The plans were drawn by Shipley, Rutan & Coolidge, Boston architects.

The foundation and basement piers of the Wilson building, at Fourth and Burnside streets, are finished. The structure will be of reinforced concrete, three stories high, with walls sufficient

three stories high, with walls sufficient to support three additional stories. Real estate transfers filed for record resterday amounted to \$66,000. The only deed filed involving any considerable sum was that of Percy H. Hlyth transferring to J. M. Swirsky lots 5, 6, 7 and 8, block 126, Park addition to east Portland, consideration of \$17,500.

CORONER'S JURY SAYS ACCIDENT

Declares Anton Fritz Did Not Meet Death by His Own Design.

(Journal Special Service.)

Los Angeles, Dec. 4.—"Accidental death" is the verdict of a coroner's jury which inquired into the fate of Anton Fritz, the man whose headless body was found sheside the railroad track in San Fernando last Sunday morning.

The police, however, do not believe that this theory is borne out by the circumstances in the case. The fact that the body was not run over or in any way mutilated causes them to believe that Fritz deliberately laid his head on a rail and waited for the comling of the train.

FATHER'S LAZINESS IS CAUSE OF BIG ROW

sang that good old song, "Everybody Works but Father," a crowd of nine drunken Italian railroad laborers, who construed the song as an insult to Pope construed the song as an insult to Pope Pius, fired five bullets at Justice of the Peace Frank Gales and Charles Swen-dach in a saloon at Ilo, east of here, last evening. A piece of flesh was clipped from Gales' shoulder and a hole burned through his hat. Swendach's left forearm was broken by one of the bullets.

The Italians had been drinking all the afternoon, and when the two citizens dropped into the saloon and laughingly repeated the words of the song, the for-eigners, who cought the word "father," though, an insult was intended for the "holy father" of their creed, and grew

Despite wounds and flying bullets, the two Americans, assisted by the bartend-er, put the nine Italians to flight. No arrests have as yet been made, but it is believed the men will be found in the construction camp where they were

BURNHAM DEFENSE CLOSES ITS CASE

(Journal Special Service.)
New York, Dec. 4.—The prosecution in the case of George Burnham Jr., vice-president of the Mutual Reserve Life Insurance company, rested today and arguments followed.

A New Trunk Factory.

Portland is growing both in popula-tion and business. Evidence of this is shown by the many new stores and factories springing up in the various parts of the city. Prominent among these is a neat trunk store and factory managed by Mr. J. B. Wilson, formerly with the Harris Trunk company. Mr. Wilson and his partner, Mr. J.

Champion, have a nest place on Third street near Madison, where they carry a large stock of trunks, suitcases and straps. This is just one of the many evidences of Portland's growth.

LOOK OUT FOR SOME SNOWFLAKES TONIGHT

District Forecaster Beals is District Forecaster Beals is doing his best this year to please the public. For the past few months he has furnished all sorts of weather and now he predicts "rain or snew," with emphasis on the snow. The easterly winds will be a thing of the past temporarily at least and the cold-sufferers will find relief in less biting breezes from the south.

the south.

It is a long time since Portland was visited by a real live snow storm and if the fleecy flakes should really begin to fall a scramble for sleighs, sledges, snowshoes and snow shovels will be sure to follow. Dealers in such articles are hence looking with longing eyes to the weather man, hoping that he will give them a chance with the ice cream man, the patent cold-cure manufacturer and the ice and coal men. In the meantime the umbrella dealer prays for rain. umbrella dealer prays for rain.

AMANDA REED'S WILL VALID FAKE LEG CAUSE REALTY MARKET SUFFERS TO REMOVE DINAN LAW BAD, BUT IS ASK THAT PERMIT AS CHIEF STILL THE LAW BE REFUSED

At Tonight's Meeting Police Judge Frazer Decides Case People Object to Blasting in Commissioners Will Name New Head for Police.

San Francisco, Dec. 4—Chief of Police Dinan is slated for removal from office by the board of police commissioners at its meeting tonight, and it is not unlikely that the action of the commission will smount to his absolute and permanent removal from office, with the speedy appointment of a new chief at the head of the department, who will be selected from among sgyeral candidates whose names have been carefully considered by the commissioners during the past few days.

Among the men under consideration for this important post are two army officers—General Woodruff and Colonel Coolidge—both of whom have been well-known residents of this city for many years.

years.

Captain John F. Seymour, now head of the detective bureau of Wells, Fargo & Co.'s Express and former captain of detectives in the local police department, is also mentioned as a possibility. If the commissioners go outside of the department to find a successor to Chief Dinan it is understood one of these three will be chosen, provided the selection is not prevented by any legal obstacle.

The grand jury resumed its sittings today. The Belvidere music hall, the municipal brothel, and several other cases were continued. The star witness is Frank Carillo, ex-manager of Aurelio cases were continued. The star witness is Frank Carillo, ex-manager of Aurelio Herrera. Carillo told the jury that an unsuccessful effort had been made by him to secure a permit to erect a tent in the unburned district, in which he proposed to conduct a vaudeville show. He attributes his failure to get the permit to his refusal to give up a third of the receipts to representatives of the of the receipts to representatives of the

BONDING COMPANY IS SUED FOR THE AMOUNT

Alleging that payment of a surety of \$2,027 was refused by the United States Fidelity & Guaranty company, W. T. Turnham has brought suit in the state Turnham has brought suit in the state circuit court for judgment against the bending company. In his complaint Turnham alleges that in May, 1906, a judgment for \$2,027 against the Calumet & Oregon Mining company was secured in the circuit court of Josephine county, and property attached to satisfy the judgment. Later the attachment was released on a promise by the bonding company to pay to Turnham the ing company to pay to Turnham the amount of the judgment against the mining company. Turnham states that no part of the judgment has been paid by the bonding company, though de-mand for payment was made. He asks a judgment against the company for the \$2,027, with costs.

ASSOCIATION ELECTS ITS NEW OFFICERS

At the meeting of the First Stree Improvement association last evening the following officers were elected: President, C. K. Henry; secretary, Frank Dayton; treasurer, J. W. Cook; Frank Dayton; treasurer, J. W. Cook; executive committee, George W. Law-rence Ur., Dr. George W. Strowbridge, C. K. Henry, Frank Dayton and J. W.

fight the decision of the city attorney that the city cannot be held responsible for the old wooden blocks on that street. The city guaranteed the new blocks in the pavement, but not the old ones. The property owners will pay for new pavements themselves. The P. R. L & P. company some time

ago announced a plan by which cars would run only one way on First street. A committee of the association reported last night that under the terms of the franchise cars must run both ways. The company will be asked to lay heav-

PRESIDENT AROUSES RAYNOR'S INDIGNATION

(Journal Special Service.)
Washington, Dec. 4. Senator Raynor of Maryland regards the president's attitude toward the Japanese as absolutely indefensible, and such a threat as the using of force against a sovereign state as "outrageous and startling the imagination."

This afternoon Senator Raynor of-This afternoon Senator Raynor of-fered a senate resolution directing the president to notify all the world, Japan included, that states of the United States have exclusive rights over schools. The resolution proposed de-clares it is the opinion of the senate that there is no provision in the treaty with Japan that relates to the subject or interferes with the right of the state of California to conduct a system of schools in accordance with its legislation Raynor will speak on the subject to-

IMPORTANT RULING ON RATES IN WASHINGTON

(Special Dispatch to The Journal.)
Walla Walla, Wash., Dec. 4.—Judge
Thomas H. Brents of the superior
court has overruled the demurrer of the court has overruled the demurrer of the state railroad commission to the peti-tion for a writ of review filed by the railroads of the state. The point fought for by the railroads in the hearing was that the commission had no authority to make a blanket order as they did last June prohibiting the railroads from raising any rates without the consent of the commission. of the commission.

The court held that such power had not been specifically conferred by the

The commission was given 10 days file an answer. It is the intention of the state legal department to rush the case through to final adjudication, that the next legis-

lature may remedy defects found in the law, especially in the respect of powers

SAYS NO RELIEF FUNDS STRAYED OR STOLEN

Washington, Dec. 4 .- Taft, president of the Red Cross, today received a tele-gram from James D. Phelan, of San Francisco, denying that any relief funds had gone astray or been stolen.

Mrs. C. D. Alden, 44 East Seventh street, reports that her husband has been missing since 11 p. m. yesterday. He is 40 years of age and a painter by trade. The distracted wife is unable to assign any reason for the strange disappearance.

Against Evidence Because of Rule of Court.

Though believing his decision to be unjust and without reason. Judge Frager in the state discutt court this morning stated that a hard and fast rule of law bound the court and prevented him from deciding the case of M. E. Henkle against M. Klapper as his sense of justice dictated.

against M. Klapper as his sense of justice dictated.

Henkle had brought a suit for an injunction to restrain Klapper from fencing up a strip of land opening off Milwaukle street, near Powell street, which Henkle claimed was dedicated by Gideon Tibbetts, the original owner, as a public highway. Henkle's property adjoins the road. By using it he has to go only 150 feet to a car line. When it is fenced up he has to go a distance of \$50 feet to get to the car line. Klapper claims to have bought the strip in question.

Judge Frazer held that the evidence

Judge Fraser held that the evidence sustained the contention that the strip had been orally dedicated as a road and had never been sold. He said:

"I believe this strip is a public highway. But there is a rule of law that provides if the plaintiff can get out in any other way, no matter how circuitous or inconvenient it may be, he cannot maintain a civil suit as a private citizen to have the road in question adjudged a public highway. In this case Henkle can get to the car line by going 700 feet south and 150 feet west.

Bule Has Been Approved.

Bule Has Been Approved. "I think the rule is unjust and with-out reason, but it has been approved by the supreme court of this state, and it the supreme court of this state, and it is so firmly established that the court is bound by it. The suit for the injunction will have to be dismissed. "But unless a suit can be brought in the name of the state to declare this road a public highway, I believe Henkle ought to go to the district attorney and have an information filed against Klapper, charging him with obstructing a highway."

highway."

Attorneys W. S. Hufford and W. Seton appeared for Henkle. They stated this morning that they had not had time to consider whether further action would what they had not had the to consider whether further action would be with the state of th be taken. Klapper was represented Attorneys Bernstein and Cohen.

RUNAWAY BOYS CARRY GUN TO KILL BEAR

Three boys under 16, a revolver and an inordinate desire for adventure, caused the police of two cities considerable difficulty last night. Mrs. Morgan of 322 Union avenue phoped early in the evening to Captain Slover that her son, Ora Morgan, Charles Hunt, and Herbert Market her their their second. bert Martin had left their respective homes for a trip to California. The ad-ditional information was imparted that young Hunt was in possession of a re-volver wherewith to shoot bear and

other game en route.

A short time later the police were informed that Ira had been apprehended, but his two companions had taken up their journey alone. The police in Oregon City were notified to be on the look-out for the youngsters. They were arrested later in the evening and this morning were returned to this city.

CHAMBER OF COMMERCE WILL NAME OFFICERS

At a meeting of the trustees of the Portland chamber of commerce today action was taken providing for the an-nual meeting of the chamber and elec-tion of officers for the ensuing term. The following no appointed: W. D. Wheelwright, S. M. Mears, Robert Livingston. The committee will report 10 days preceding the annual meeting, which is to be held December 30. In all probability the ticket they recommend will be elected. The trustees added two more members, Jay Smith and Walter Burrell, to the committee on insurance laws. This commitmittee on insurance laws. This commit-tee , will draft a bill for a uniform fire insurance policy, compulsory upon all in-surance companies desiring to do busi-

ness in this state. Sir Thomas Makes Record.

Sir Thomas Lipton, who visited Bridge-port, Connecticut, recently made a visit to the factory of the American Graphoto the factory of the American Graphophone company and was shown the manner in which records are made. He was so greatly interested in the operation that he made a cylinder record himself on which he related one of his inimitable stories explaining how it happens that he has not wen the America's cup. This was reproduced, immediately, on the Twentieth Century graphophone very much to Sir Thomas' delight. Several artists from the record-making department of the Columbia Phonograph comment of the Columbia Phonograph company, in New York, were present, and Mr. Frank C. Stanley, the well-known baritone, sang "Tommy, Tommy Lipton," a travesty on "Tommy Atkins," rendering it with fine effect and to the great enjoyment of all who heard it.

Will Consider Bewerage. The Sellwood board of trade has called a mass meeting of the citizens of Sellwood to consider the matter of establishing a sewerage system in that suburb. The meeting will be held on Thursday night at Campbell's hall, over Knipe's grocery store. Water, gas and street improvements will also be dis-

A small blaze broke out in the root of the building at \$12 East Washing ton street this morning, but it was ex-tinguished with a chemical before much damage had been done. The building is

occupied by a grocery store and O. Aker-berg's touring car factory. The fire started from a defective chimney. No Bubbish in Streets An order has been issued by Chief of Police Gritzmacher calling the attention of all members of the department the ordinance against dumping of ful bish of any character on the streets. The chief states that some of the thoroughfares are most unsightly, owing to

Captain of Police Patrick Bruin is decaptain of Police Patrick Bruin is de-fending himself in suits for \$5,050 dam-ages in Judge Frazer's department of the state circuit court this afternoon. The suits were brought by Grant Test and Ernest Engel for \$2,525 damages each for false arrest and imprisonment.

the depositing of building material and other debris. He intimates that the police have not been enforcing the ordi-

(Special Dispatch to The Journal.)
Baker City, Or., Dec. 4.—Word has
just been received here of a freight wreck
this side of Pocateilo, Idaho, last night.
It is reported that one man was killed.

Quarry at the Head of Grover Street.

Application will soon be made for a permit to blast at the proposed quarry at the head of Grover street. E. E. Merges and R. F. Crittenton are the leases of the O. R. & N. property upon which the quarry is to be established. A blacksmith shop has been built and a cut made in the hillside.

Meanwhile residents of the vicinity are busily circulating petitions addressed to the city engineer, asking that the permit be not insued. They will fight the quarry proposal tooth and nail, and every property-owner within a wide area will be asked to sign the protest. The operations will begin one block from four dwellings and not much farther from a dozen others. The people is these houses fear the buildings will be damaged, and most of the residents in the neighborhood declare their property will depreciate in sease if the quarry is opened.

Councilman Melding Talks.

Councilman Melding Talks.

"The people were there first and I can't see that anyhody has any right to go in there and open a quarry or anything else that will injure their property." said Councilman Beiding this morning. He was appealed to by residents of the neighborhood as soon as it was learned a quarry was proposed. "There is no good rock in those hills, and the taxpayers will simply be buying poor stone for their streets if the quarry is opened."

City Engineer Taylor made a preliminary examination of the ground yesterday afternoon. A ravine runs into the hill at this point, and it is on the side of this gully that the blasting is to be done.

done.

"Blasting in dirt and rock is very different from blasting in hard clay, and the blasts will make hardly any noise at all," said R. F. Crittenton, superintendent of the quarry, this mornsuperintendent of the quarry, this morning. "There won't be any such noise as that on Willamette heights. We will put 25 men to work; in fact they would have started this morning if this protest hadn't been made. That is good rock there. I spent two months looking over all the hills around Portland for good stene."

The remonstrance will be presented to the city engineer this week.

GOES AFTER AN ATTORNEY WITH HORSE WHIP

Jacob Sauer and Family Try to Assault Lawyer Strowbridge.

Diseatisfied over an investment of \$600 in DeForest Wireless Telegraph stock, Jacob Sauer, a saloonkeeper of 577 Milwaukie street, accompanied by his wife armed with a blacksnake whip, and M. Woxsmith, a friend, sought out Attorney Joseph A. Strowbridge Jr. in the latter's office in the Commercial building yesterday afternoon, to compel him to return the money invested at his solicitation.

Strowbridge had a strenuous en-

his solicitation.
Strowbridge had a strenuous encounter with the trio, during which Mrs.
Sauer endeavored to strike him with the horsewhip. Finally, in order to save himself from punishment, Strowbridge, filled out a check for the amount de-

After stopping payment on the check before his assailants could reach the bank, Strowbridge visited District At-torney Manning and swore to com-plaints against Sauer, his wife and Woxplaints against Sauer, his wife and Woxsmith on charges of assault and battery. An additional complaint was filed
against Sauer on a charge of threats
against life. Upon the issuance of warrants Mr. and Mra Sauer and Woxsmith
were arrested about 6 o'clock last evening and released upon \$1,390 bonds.

In the police court this morning Attorney Schnabel, representing the defendants, asked for a continuance until
Friday, which was granted. Sauer was Priday, which was granted. Sauer was present with the blacksnake, which Deputy District Attorney Haney char-acterized as a "dangerous toy." Haney asked that the court take some action to compel Sauer to remain away from Strowbridge until the case can be heard. Strowbridge until the case can be heard. Sauer thereupon promised Judge Cameron that he would keep the peace. Sauer was recently fined \$750 by Judge Frazer on a charge of allowing his minor son to remain about his saloon. Sauer was in the habit of allowing his wife to serve drinks in his resort until compelled by Captain Bruin to stop the practice. Some time ago the Sauers became engaged in a lawsuit with a neighboring family named Haywood over the chopping of a cherry tree and the case attracted much attenand the case attracted much atten-

ERNEST NARJOT HELD TO THE CIRCUIT COURT

Ernest Narjot, who was given a pre-liminary hearing before Judge Cameron last week on a charge of allowing and permitting his wife to remain an inmato of a house of ill fame, was bound over to the circuit court this morning. His bonds were fixed at \$1,500, in default of which he was remanded to the custody of the sheriff.

of the sheriff.

The couple has a child three years of age, which is now in the custody of the juvenile court. The testimony adduced showed that Narjot, although earning a good living by the sale of trusses and soliciting insurance, made no effort to restrain hig wife from leading a life of shame. He visited her on an average of twice a week during the time she was an inmate of the brothel and on two an inmate of the brothel and on two occasions accompanied her to visit the

Work of Sneak Thief. Mrs. Lamberson, 583 Washington street, reports that her room was entered last night by a sneak thief, who stole her purse, containing \$5. A young man was seen leaving the apartment shortly before the discovery of the crime, and is now being sought by the police.

Grabbed Double Engls. D. Tascon was arrested this afternoon by Detectives Price and Innsksep on a

W. A. Miller, the commercial traveler who flourished a gun in a threatening manner in the Pullman saloon, con-ducted by John Conrad on Alder street, last Saturday night, was fined \$20 this morning by Judge Cameron.