

# GOVERNOR TAKES PART IN WORDS OF RICHARD GOODING AND McPARLAND MAKE AFFIDAVITS IN GAS COMPANY DAMAGE SUIT UPON INFORMATION FURNISHED TO THEM BY SELF-CONFESSED ASSASSIN.

(Journal Special Service.)  
Boise, Idaho, June 11.—It developed in the Hayward case today that in connection with the damage suit brought by the owner of the state against the gas company that Orchard discussed the matter with Detective McParland and Governor Gooding. He knew that both the latter had made affidavits in favor of the gas company upon information furnished by him only a short time ago.

Orchard could not explain how the explosion could blow Bradley into the street when the bomb was outside and he set it off by opening the door. He thought this explained the matter. Orchard stuck to his original statement, again positively denying that counsel for the prosecution had told him his story.

When he got back to Denver he met Adams and went to his house to stay. Both were practically broke. They got money, however, from Hayward, who they needed it. He claimed he never reported to Hayward the success of his attempt on Bradley, and claimed Hayward was well pleased.

He said he lied because he wanted to, and admitted that he never cared much whether he told the truth or not.

Orchard declared he had not seen Mrs. Orchard No. 2 any more after leaving Cripple Creek, but insisted that when he departed he left her \$10. He declared Pettibone and Hayward promised to send her money, but learned that they had not. He didn't resent it, or denied having taken all her money, or

that he knew she had taken in washing to get money to live on.

He then took up his first attempt on June 10, 1935. He stuck closely to his original story.

Interrupting the regular procedure, Orchard asked if Canada Orchard had not went rowing with a man, and when the boat overturned he swam ashore and went to Toronto to try to collect the life insurance on his dead companion. Orchard said he had never heard of the matter before.

Revealing that Orchard had admitted that Pettibone advised him to go to Globeville to live. He insisted, however, that as soon as he told Hayward an attempt was to be made to blow up the hotel he told him he must not do it. He told him to go ahead and kill Judge Gooding and Frank Hearne. He tried, but was unsuccessful.

Here Hawley objected, claiming that the defense was trying to get improper testimony into the jury which should be introduced as evidence, but the judge overruled the objection. The line of examination then continued, but little new was learned. Orchard said he never saw Hearne. When asked where he got meat while living in Globeville he said he was then so poor he had to steal food. This line of questioning continued until adjournment was taken without anything especially sensational being developed.

# MAYOR OVERRULES COUNSEL'S OBJECTIONS AND ANSWERS HENRY'S QUESTIONS WHEN COURT COMMANDS HIM ANXIOUS TO TESTIFY.

(Journal Special Service.)  
San Francisco, June 11.—In answer to the first question asked him when he took the witness stand in his own behalf in his trial for extortion today, Mayor Schmitz said Police Commissioner Reagan talked about the French restaurants in 1934. He said Police Commissioner Hutton asked Reagan to oppose the French restaurants, and said against the restaurants should be taken without an investigation. He denied saying that all the French restaurants were bad, and that he had investigated that after the latter investigated the Pup he had gone at the wrong time.

He told Reagan he did right in voting against Toten's license, but denied that Reagan told him that a sack of \$25,000 had been raised to secure the license.

Long Argument Follows.  
"Did Ruef ever pay you your part of the \$5,000 he got from the French restaurants?"

His argument followed upon objection by the defense during which Mayor Schmitz smiled and bowed to a number of jurors. He finally ruled that he must answer, and Schmitz said he had not received the money.

He seemed anxious to answer, despite the efforts of his attorneys to prevent him. Counsel asked permission of the court to ask the Mayor Schmitz did not want to consult. He started to give the answer, but was stopped by the attorneys, who informed him that they unanimously advised him not to answer. The court ordered him, whereupon Schmitz received money. He never received any from Ruef. He never forwarded it in a chair and fairly buried his associate.

Disobeying Attorneys.  
Henry again asked Schmitz if Ruef had not given him \$25,000 in January, 1935. The defense objects and asks the Mayor not to repeat what he said. He said he did not receive any money. He also denied receiving half of the money, and said he was over the protest of his counsel.

Schmitz was excused after having denied that he had received money from Ruef. He said he had received money from Ruef, but he had not received it in a chair and fairly buried his associate.

While Scott was on the stand Henry took the witness and got from him an admission that he held a position under the administration of Mayor Schmitz. He admitted about unloading a number of restaurants and said the scheme was not to repeat what he said. He admitted going to the mayor's home twice before the war. He said he had to change his vote on the French restaurants.

# EXPRESS PACKAGE CAUSES COURT CASE

Suit for \$900 damages from the Portland hotel for failing to deliver an express package that is alleged to have been lost. The case was brought by the hotel last October when it was in the circuit court this morning by J. W. Hays, who is the plaintiff. The case promotes newspapers and their circulation, so he says, and the package contained samples with which the defendant was an expense of \$25 a day to him and the package was negligently lost. He said he had to change his vote on the French restaurants.

# RAILS REACH EUGENE FOR STREET SYSTEM

(Special Dispatch to The Journal.)  
Eugene, Or., June 11.—The city of Eugene today received the rails for the street railway system in this city have arrived and the work of laying them will commence this morning. The rails will be laid on the street between the city and the streetcar line. The work will be completed and when the track-laying begins the line will be rushed to completion. The work will be completed and when the track-laying begins the line will be rushed to completion.

# PAVING OF EUGENE TO BE EXTENDED

(Special Dispatch to The Journal.)  
Eugene, Or., June 11.—Now that the work of paving the streets in Eugene is under way, the city council has ordered that the paving of the streets in Eugene be extended to the city limits. The council has ordered that the paving of the streets in Eugene be extended to the city limits.

# OREGON EASTERN SURVEY RESUMED

(Special Dispatch to The Journal.)  
Eugene, Or., June 11.—The party of Southern Pacific surveyors left here yesterday for the Cascade mountains, east of here, to resume work on the Oregon Eastern survey, which was temporarily abandoned last winter when roads and trails became so muddy it was impossible for the survey party to proceed. The party consisted of eight men, and several more parties will start out within a few days. The entire force will consist of 40 or 50 men.

# IDAHOW NOW COLLECTS CORPORATION TAXES

(Special Dispatch to The Journal.)  
Boise, Idaho, June 11.—The first corporation tax has been levied in the state of Idaho has just been received at the state treasurer's office. It was for \$12,000 from the Western Railway company, sent in compliance with a law passed by the last session of the legislature. From now on taxes from Idaho corporations will be pouring into the state treasury.

# TRAINED NURSES WILL BE GRADUATED

(Special Dispatch to The Journal.)  
Dr. A. E. Mackay will deliver the graduating address tonight to the class of nurses who will be graduated from the Good Samaritan hospital. Bishop Scadding will present the diploma to the nurses. The exercises will be held at Twenty-first and Marshall streets.

# No Mesas at Brownsville

(Special Dispatch to The Journal.)  
Brownsville, Or., June 11.—The mesquite epidemic has left Brownsville. It was not so bad as at first reported, and now everything looks favorable for a large crowd at the pioneers' reunion, June 11, 12 and 14.

# ROSE TREE THAT SPREADS OUT LIKE HUGE UMBRELLA

This remarkable rose tree is in the garden of Charles Minter, 550 Vaughn street. It is a climbing sofrano for which has been built a supporting trellis of gas pipe. The tree is about seven feet high and has a spread of at least twelve feet. The top forms a huge floral umbrella in which the birds may easily build and find abundant shelter.

# HOODLUMS THREATEN WOMAN PROMISING TO USE DYNAMITE

Alleging that her neighbors contemplate wrecking her home with dynamite and that hoodlums in the vicinity attacked her grandson, inflicting an ugly scalp wound on his head, Mrs. Mary Estes of 225 Hibbard street, Monteville, appealed to Chief Gritzmacher yesterday for protection.

Mounted Patrolman Gustafson was detailed to make an investigation and secure evidence, if possible, against those who are annoying the woman. From the report submitted by the patrolman it appears that the whole bone of contention between Mrs. Estes and her neighbors is the fact that Pearl street is situated at the head of Pearl street

# PAINTER FALLS THREE STORIES AND HAS NO BONES BROKEN

Carl Kalkoff, the painter who was injured yesterday afternoon by falling from the third story of the Flatiron building at First and Vine streets, is reported to be resting in a few days. He was taken by a fellow-workman to the police immediately after the accident. Kalkoff with a fellow-workman was engaged in painting the walls of the building, when the scaffold collapsed, precipitating Kalkoff to the pavement.

# WILLAMETTE MUSIC CLASS GRADUATES

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—An excellent musical program was presented last night by the graduates from the Willamette university college of music. Those who received the degree of Bachelor of Music were: Marguerite Bowers of Eugene, piano; Marjorie Alberta Hug of Elgin, voice; Fieda Ethel Moser of Eugene, piano. The program consisted of recitations, Miss student Ellen Butler and Elizabeth Ethel Birdie, both in voice.

# CHANGE OF FRONT IN RIGHT OF WAY CASE

(Special Dispatch to The Journal.)  
Spokane, Wash., June 11.—Attorney Edward J. Cannon, counsel for the Northern Pacific and Portland & Seattle Railway, today announced that the latter road is considering another route to this city. It is thought the road will come in from the north and cross the contemplated elevated line. A great protest arose from the people of Spokane when the Portland & Seattle road wanted to enter the city by crossing the Fort Wright parade grounds. The result was that the matter was taken up with the secretary of War and now the road has asked the secretary to withhold his decision until it is ascertained if a more suitable route can be found. Cannon felt that the secretary would decide in favor of Spokane and not let the road cross the fort grounds.

# LAND FRAUD CASES TO JURY TOMORROW

(Special Dispatch to The Journal.)  
Moscow, Idaho, June 11.—District Attorney Tully consumed much time in his opening address to the jury, closing at 10:20 o'clock today. His address was without incident except when he attempted to discuss the value of the claims of entrymen acquired by defendants, when the latter's counsel objected and the speaker switched to other topics.

# STATISTIC HUNTERS AFTER PORTLAND

William M. Stewart, chief statistician for the bureau of commerce and labor, has arrived in Portland from California with a corps of assistants for the purpose of securing the criminal statistics for the city of Portland. Chief Stewart is at work in the police court this morning and is being given every courtesy by the officials.

# WASCO AND SHERMAN BLESSED WITH RAINS

(Special Dispatch to The Journal.)  
The Dalles, Or., June 11.—Rain fell generally in Wasco and Sherman today in this vicinity 15-100 of an inch fall, and in Sherman county 25-100 of an inch. The rain was much needed, as grain was not filling as it should. This will insure good crops in Wasco and Sherman.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# WIFE'S LOVE IS WORTH LITTLE TO JURYMEN

(Special Dispatch to The Journal.)  
Hammond, Ind., June 11.—The affection of Mrs. C. E. Coons, now in Tacoma, are worth little, according to the jury verdict rendered this morning in the case of Charles Coons, who sued William Parker, a wealthy contractor and a pillar of the Methodist church, for \$10,000 for alienating the affections of Mrs. Coons. Coons was foreman for Parker. The jury worked his employer failed his wife.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# UMATILLA CASE OF FORECLOSURE—RIGHT OF WAY AND LOGGING CASES.

(Special Dispatch to The Journal.)  
Salem, Or., June 11.—Supreme Court Commissioner King today reversed the decision of Judge W. R. Ellis of the circuit court for Umatilla county in the case of J. S. McLeod and Lena H. Sturgis, respondents, vs. I. E. Despain et al., appellants. This is a suit brought by respondents to foreclose mortgages given in 1882 to J. N. Tol for \$25,000 and afterwards assigned to C. B. Wade, trustee, to secure money advanced by respondents to respondents. The respondents claimed the full amount had been paid Wade as agent of plaintiffs and asked a cancellation of the mortgages and mortgages given. McLeod and Sturgis alleged Wade was defendants' agent and that while the entire amount had been paid Wade he having become insolvent and not paying full amount to holders of notes, that defendants were liable for the unpaid balance.

# CURTIS BUILT FENCE ON GOVERNMENT LAND

Eastern Oregon Man Must Serve Time in Multnomah Jail and Pay Fine.

William Curtis of Spray, Oregon, was sentenced to serve 24 hours in the Multnomah county jail and pay a fine of \$250 by Judge Charles E. Wolverson in the United States district court this morning for illegally fencing in government lands in The Dalles district.

Curtis was indicted by the federal grand jury, which adjourned last week, appeared in court this morning, and pleaded guilty to the charges in the indictment. He made a long statement to the court, in which he told of his actions, stating that he intended to construct his fence in such a way as to not violate the law. Assistant United States Attorney James Cojo stated that Curtis had been notified once before by the authorities for building fences around government land, and Curtis had torn them down. He had fenced about 440 acres.

# MAYOR REDDY SAYS MEDFORD IS GROWING

Dr. J. F. Reddy, mayor of Medford, Oregon, arrived in Portland this morning. When seen concerning business conditions in that section of the state he said:

"Medford is growing rapidly. We have had over 1,000 people come in to stay this spring and about 10 to 15 houses are going up. The Medford and Crater Lake railroad was sold to George Estes and associates about two weeks ago, and they began improvements the next day. It will cost a million dollars and will be completed in 1938. The line will be built from Medford to Butte Falls. The line will open up the finest belt of sugar pine timber on the Pacific coast. Things are booming in our section."

# ENGLAND DOES NOT BELIEVE WAR TALK

(Journal Special Service.)  
London, June 11.—England does not think war talk in the United States is important, and the Japanese seem to get sympathy here. The Globe says the Japanese have been treated with dignified patience and continues:

"A conciliatory attitude on the part of the states alone can avoid danger." The Fall Mail Gazette says: "No war to war over such a matter would be a catastrophe that ought to be unthinkable."

# FER DON IS SUED BY SKEPTICAL CUSTOMER

Fer Don, who is running an alleged sure cure establishment out towards the west end of Washington street, is sued for \$7 by Jacob F. Postell in the circuit court this morning. According to the story told by the plaintiff he went to Fer Don to cure his rheumatism. He deposited \$7 under the guarantee that Fer Don would bring back his cure. He now alleges that he received one bottle of medicine but neither cured his rheumatism nor returned his money. He seeks the aid of the court in securing his fee together with costs of the suit. E. Esterly is representing the plaintiff.

# STEAMER CAPTAIN THREATENS HIS WIFE

M. Kerwin of the river steamer Nellie, who was taken into custody last night at the foot of Jefferson street, is charged with threatening his wife. Judge Cameron this morning and sentenced to 30 days in jail. Kerwin has been in trouble before and last night threatened to slay his wife. In view of the prisoner's promise to reform upon his last appearance in court, Judge Cameron determined upon a jail sentence of 30 days, with the condition of curing Kerwin of his craving for liquor.

# RIGHT OF WAY CASE BEING ARGUED TODAY

The hearing in the case of the Pacific Railway & Navigation company against the estate of Snow & McCannally, the suit grows out of an effort made by the Astoria & Columbia company to throw its tracks across a strip of land already owned by the plaintiff company for a right of way. It is expected that Judge Burnett will complete the hearing today and take the matter under advisement.

# TRAINED NURSES WILL BE GRADUATED

Dr. A. E. Mackay will deliver the graduating address tonight to the class of nurses who will be graduated from the Good Samaritan hospital. Bishop Scadding will present the diploma to the nurses. The exercises will be held at Twenty-first and Marshall streets.

# No Mesas at Brownsville

(Special Dispatch to The Journal.)  
Brownsville, Or., June 11.—The mesquite epidemic has left Brownsville. It was not so bad as at first reported, and now everything looks favorable for a large crowd at the pioneers' reunion, June 11, 12 and 14.

**LION Clothing Co**  
Gas Kuhn Prop.  
Men's and Boys' Outfitters.  
164 and 165 Third St.  
Mohawk Building.

# RULES THAT GOVERN IN THE CHERRY FAIR

Committee Provides Full Directions for the Guidance of Exhibitors at Salem Show.