

# MULTNOMAH JUST PAY

## Failure on Part of County to Stop British Steamer Almond Branch Leaving the Port After Crashing Into Bridge Causes Loss.

Because the British steamer Almond Branch was allowed to leave port without question, Multnomah county must foot the bill of \$5,672 for repairing the damage done by the steamer when it crashed into the Morrison street bridge on February 19, 1901, while the steamer was attempting to pass through the draw. The supreme court yesterday afternoon denied the petition of the county for a rehearing of the suit against the Willamette & Columbia River Towing company and others, finally disposing of the suit.

The towing company was sued because the Almond Branch was being towed down the river by the company's tug Vulcan when the collision with the bridge occurred. It was charged that the accident was caused by the negligence of the captain of the tugboat, and the county sought to recover from the towing company \$5,672 that the repairs to the bridge cost.

The towing company alleged that the negligence was all on the part of the master of the Almond Branch and the suit was tried in local circuit court. The jury gave judgment for the full amount to the county, but Judge Sears set the verdict aside and ordered a new trial.

A change of venue was then secured, and the case was taken to Clackamas county for trial. The jury at Oregon City found against Multnomah county, and the county appealed to the supreme court, where a decision affirming the verdict of the Clackamas county jury was handed down. A rehearing was asked by Attorney R. R. Dunaway, who appeared as special counsel for the county, but the petition was denied yesterday afternoon.

The damage having been caused through the negligence of the British master of the Almond Branch, and no attachment having been levied against the vessel before it departed, the burden of repairing falls upon the county. W. M. Calk, who was county judge at the time of the collision and raised no objections to the departure of the Almond Branch from the port, has been one of the attorneys for the towing company in the suit brought at the direction of Judge Webster.

### ATTEMPT TO STEAL

(Continued from Page One.)

guards in the cemetery and a close watch will be kept until after the autopsy is held.

**Magill Conducted Inquest.**

Coroner Jones, who conducted the inquest which said Mrs. Magill committed suicide, declares he permitted Magill to practically conduct the inquest inquiry. He added:

"When I called at the Magill home, a letter written by Mrs. Magill was handed to me. She wrote that she had committed suicide, saying her husband's mother caused all the trouble.

"Magill feared that objectionable men would be selected as jurors. I directed my clerk to read the letter at the inquest in a low voice, as I wanted to save the family from notoriety; I would do differently now."

Attorney-General Stead is preparing an opinion on the question of exhuming the body. If the body is exhumed, the organs will be taken to Chicago for examination by Professor Haines of Rush Medical college.

Attorney Mitchell says the remains will show arsenic poisoning and not chloroform in the lungs.

Magill's fate depends on the autopsy. The mother and four widowed sons of Magill, with his sister, Mrs. O. M. Pond, representing \$1,000,000, decided at a council this morning that the banker is innocent and that he needs their financial support. It is reported that a leading member of his family declines to advance defense money.

Prosecutor Mitchell says he will prove that the quilt on Mrs. Magill's bed covered the whole of the bed and was tucked under the mattress on all sides when she died. Mitchell says it was impossible for Mrs. Magill to have done this herself.

### MISS SCHENCK RETURNS

(Continued from Page One.)

intervening six months she has floated on the top wave of high life in London as the wife of Wilson. She guided many of the Vanderbilt turnouts at the horse shows where his thoroughbreds carried off first honors. She mingled with the Vanderbilt set and drank the dregs of the cup of success in the social fast set. Then came the awakening. No more complicated romance has ever resulted from the misdirected shafts of Cupid.

### MARK TWAIN NEARLY WRECKED ON LINER

(Journal Special Service.)

London, July 17.—Mark Twain, aboard the Minnetonka for New York, today sent a wireless here that an unidentified bark, Monday, struck the Minnetonka, breaking the former's bowsprit. Prompt action by both crews prevented a disaster.

### COURT CAN SAY THAT BEER IS INTOXICATING

(Special Dispatch to The Journal.)

Olympia, Wash., July 17.—The supreme court today has affirmed the "blind pig" case of the state of Washington, Thomas Moran, et al, defendant, from Whatcom county. Moran was convicted on a charge of selling liquor without a license. Besides a technical exception to the validity of the statute the supreme court affirmed the right of the lower courts to make such an observation in a case of this kind.

**Nervous People Cured**  
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# KARL HAU IS ABRAIGED ON CHARGE OF MURDER

## Former Professor at George Washington University Is Placed on Trial in Germany for Alleged Killing of His Mother-in-Law, Frau Molitor.

(Journal Special Service.)

Karlsruhe, Germany, July 17.—Karl Hau, the young professor formerly attached to George Washington university, Washington, D. C., was arraigned here today for the alleged murder of his mother-in-law, Frau Molitor. The former high standing of the accused, the mystery surrounding the alleged crime and the recent suicide of Professor Hau's young wife have combined to attract widespread attention to the case and the trial will doubtless attract great attention throughout Europe and in America. Notwithstanding the fact that he has been formally examined and pronounced sane by experts, it is probable that mental irresponsibility will play a part in the defense of Professor Hau. He is represented by eminent counsel and it is evident that a hard fight will be made to save him from conviction.

Frau Molitor was the widow of the medical counselor, Dr. Molitor of Baden-Baden. On the evening of November 8 last she was called to the telephone in her home at Baden-Baden and received a request to go to the postoffice and get a parcel that was there for her. She started at once. When passing through a quiet street a shot was fired from behind her and Frau Molitor fell dead. The man who fired the shot was seen, but he escaped. It is stated that Frau Molitor had been long threatened, and that cunning plots were laid against her. The motive of the alleged crime appears to have been greed for money. Frau Molitor, who was wealthy, it is said, had arranged that she should inherit part of her fortune.

### Is Young Man.

Karl Hau, the accused man, is not yet 30 years of age. He is tall and slender, well educated and of refined appearance. He was just when he married Miss Molitor. It was an elopement, and the young couple began a restless, roving life. Hau had begun to study law at the University of Freiburg, but had discontinued his studies.

While the marriage itself, contracted against the mother's will, carried with it all the elements calculated to disturb the relations between the mother and her children, the continuous applications for money also did not contribute toward improving her relations with her son-in-law. Nevertheless she received the couple into her house upon their visits to Baden-Baden, and she sent

them money during their travels. The sums sent, however, were not so large as Hau demanded. Hence the life of the family was a very distressing story. It is probable, too, that Frau Molitor's harshness contributed toward increasing the disagreements in the family. At any rate, she sometimes made trouble for him, even abroad, by denouncing him as an anarchist to the authorities.

Hau was arrested in London a few weeks after the alleged murder. At the time of his arrest he denied all connection with the crime and has ever since stuck to his story, although it is said that he has made several damaging admissions. At his preliminary examination he admitted to the time when the murder occurred. It has been ascertained, moreover, that he wore a false beard in traveling from Baden-Baden to England. Frau Molitor's servant girl who answered the telephone on the fatal day asserted positively after the murder that she had recognized Hau's voice in the telephone.

### Wife Commits Suicide.

One of the pathetic features of the case was the suicide of Professor Hau's young wife. On June 8 she was seen to swim far out into a lake near Pfaffers, Switzerland, and then deliberately sank beneath the waters. Two days previous she had paid a visit to her husband in prison here. She left the prison in a state of the utmost depression and went back to Baden-Baden. A long farewell letter was found in her clothing after her suicide, in which she declared that it was impossible for her to any longer bear the sorrow of living with her husband, notwithstanding the charge brought against him. The governor of the prison informed Professor Hau of his wife's suicide, and a story was circulated at the time that the accused man had then confessed to the murder of his mother-in-law.

This story was subsequently found to be without foundation. Although greatly affected by his troubles and particularly by the loss of his wife, the accused man has continued to bear up well. He has received every reasonable consideration from the authorities and the prison officials. When arrested he had a large sum of money in his possession and this he was allowed to retain and to spend as he wished. In prison he has occupied a room by himself and has been permitted to have his meals sent from a nearby hotel. He is a Roman Catholic and has been comforted by frequent visits from priests of that faith. He enjoys unlimited reading matter and his only deprivation has been tobacco.

# COLORADO'S OLD WOES

## More About These in Concluding State's Rebuttal in the Haywood Case—Smuggler-Union Superintendent on the Stand.

(Special Dispatch to The Journal.)

Boise, Ida., July 17.—The state completed its rebuttal today and there is little left now but a week of arguments for state and defense.

A. M. Sackett, a superintendent of the Smuggler-Union mine at Telluride, Colorado, was the only witness during the morning. He testified to lawless conditions which prevailed before the militia came in July, 1904. Miners not members of the union were not permitted to work and a reign of terror was in vogue. On July 3, 1903, a riot occurred at the Smuggler-Union. A volley of shots was fired into the mine. The citizens then deported many members of the union whom they accused of inciting riot.

On cross-examination Sackett admitted that all miners and others were deported without warrant of law. They were undesirable citizens and not wanted. "Yes," said he, "we were the judges of 'who were dangerous and undesirable. There was no law," he continued, "and we considered we acted in self-defense."

In the afternoon Thomas M. Stewart, who was "slugged" at Cripple creek, told of the assault by union men. This was just before the troops were called out.

Copies of Denver papers showing the developments after Orchard's arrest in Caldwell were introduced. Haywood testified that his first information of Orchard's identity came from Denver newspapers.

Attorney Richardson of the defense announced this morning that he wanted Sheriff Egan of San Miguel county, Colorado; David C. Scott, detective of the Florence & Cripple Creek railway, and Willis Dewey held within the jurisdiction of the court. While no explanation was made, it is stated that the defense is investigating the evidence of starting perjury proceedings against them.

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# COUNCILMANIC RACE FOR LEADER NARROWS DOWN TO TWO MEMBERS

Will it be Rushlight or Willis? This afternoon in the council meeting a president will be elected, but who this important personage will be is a question. The race has narrowed down to two candidates—Councilmen A. G. Rushlight and A. N. Willis, with honors even.

The supporters of Willis maintain that Rushlight has been antagonistic to the Republicans in the council and they rely on his friendliness to the mayor to influence the big Republican majority to vote solidly for Willis.

On the other hand, the councilmen who desire that Rushlight be president of the body say that his efforts at conciliation between the mayor and council will gain him many friends, and that when the vote is cast Rushlight will be the victorious one.

Councilman Annand was heard to say that the race would be so close that he would hesitate to even bet a two-bit cigar on the result. Most of the councilmen feel the same way.

# YEAR'S RESIDENCE UNNECESSARY TO WORK IN STREET DEPARTMENT

Another victory was won by the civil service commission of Portland when the supreme court at Salem yesterday afternoon denied the petition of Thor C. Landwick for a rehearing in his suit against Mayor Lane and Civil Service Commissioners J. L. Willis, J. W. Blain and W. L. Brewster. The supreme court affirmed Judge Frazer's decision that a citizen of the United States is not required to live in Portland a year before he may be employed by the street cleaning department.

In his suit, by which he sought a mandamus against the civil service commission, Landwick alleged that he had passed the examination and his name was on the list of eligibles for a position in the street cleaning department. On December 26, 1905, he alleged, C. H. McNemes and George W. Snider applied

for examination, and answered in response to questions that they had not resided within the city a year.

They were permitted to take the examination and their names were placed on the eligible list. Landwick demanded that they be stricken from the list because they had not lived in the city a year, and when the civil service commission refused to bring suit in circuit court for a mandamus to compel the commission to strike the names of McNemes and Snider from the list of eligibles.

Judge Frazer granted a temporary writ, but when the question was argued he dismissed it. An appeal was taken by Landwick, but the supreme court yesterday denied Landwick's petition for a rehearing in the supreme court, finally deciding the case in favor of the civil service commission.

# WOULD REGULATE HOURS FOR SLUMBER DISTURBING DEVICES

Tired and weary mankind may sleep and dream in hotels and apartment houses to their hearts' content and have a prayer perchance, will be said for Councilman Frank Bennett, for that estimable gentleman will this afternoon introduce in city council an ordinance prohibiting the operating of phonographs, gramophones and other ear-appealing and slumber disturbing devices after 10 o'clock at night.

Prominent hotelkeepers and apartment house proprietors have long seen the necessity for such action and a number have requested Mr. Bennett to secure some relief for them. Relative to the proposed ordinance Mr. Bennett this morning said:

"In preparing the measure I have placed the hours in which the playing of the instruments are prohibited from 10 p. m. until 7 a. m. and for a basis of adjusting the restricted district I have named the fire limits. Of course the council may set a later hour and make narrower limits; that is for members to say.

"This is not intended to apply to the residence districts and is mainly for the purpose of eliminating the phonograph or gramophone in hotels, confectionery and cigar stores in the downtown districts, where people are trying to sleep but on the other hand, the music from these instruments usually closes at 10 o'clock at the latest and there is no need to legislate for these districts."

# PANTON ADMITS ASSAULT CHARGE

## Traction Company Surgeon Fined for Slapping Dr. Kelly's Face.

Dr. A. C. Panton, chief surgeon of the Portland Railway, Light & Power company and a member of the state board of medical examiners, was found guilty by Judge Cameron in the police court yesterday afternoon on a charge of assault and battery preferred by J. D. Kelly and fined \$15.

The fistful encounter which resulted in the arrest of Dr. Panton occurred last Friday afternoon in his offices in the Macleay building. Dr. J. D. Kelly, who had been associated with Ferdon, the medical examiner, for 10 days, called to interview Dr. Panton relative to the report that he would lose his license for his connection with the attack. In the discussion which followed Kelly was assaulted by his brother medic.

Kelly testified that immediately upon entering the office and introducing himself Dr. Panton became enraged and declared: "You cur. You should have kept your hands off me and I wish I had hold of the other end of the stick killing you." According to Kelly, Panton thereupon struck him a terrific blow on the head, felling him to the floor, and then proceeded to kick him. As the result of the encounter Kelly declared that he suffered a contusion on the head, a laceration of the cheek, a bruised shin and two lacerated fingers.

Mrs. Kelly, who was sitting in the reception room, testified that she had heard the language alleged to have been used by Dr. Panton, but did not witness the assault. She also described the condition of her husband after he came from the room.

Dr. Panton in his own behalf admitted on the stand that he had slapped Kelly's face after the latter had assumed a threatening attitude and announced that he would "fix him." The surgeon denied that he was enraged at any time and maintained that he had not used any "unparliamentary language" or brutally beat Kelly.

Fred Wise, the office assistant of Dr. Panton, corroborated his employer in every particular.

In view of Dr. Panton's admission that he had slapped Dr. Kelly in the face Judge Cameron found the defendant guilty and imposed a fine of \$15, which was promptly paid.

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