

TRUSTS NOT LEGAL IN THIS STATE

Judge Cleland Decides There Is No Oregon Law That Prohibits Combinations From Fixing Prices and Restricting Trade.

Also Rules That City Cannot Charge Flat Rate and Meter Rate for Water—Cameron Ordered to Pass Sentence on Burkhart.

Four important decisions were announced by Presiding Judge Cleland in the circuit court this morning. In the case of M. E. Thompson against the Gault company the court held that there is no law in this state that makes illegal a combination of plumbers to fix the price of supplies and to refuse to sell to any but licensed plumbers. That the city water board cannot at the same time charge a flat rate and a meter rate for water consumers was an important point settled in the case of W. Y. Masters against the city of Portland. A demurrer to the writ of mandamus was overruled in the case of H. G. Burkhart against Municipal Judge Cameron, which means that Cameron will have to pass sentence on Burkhart, who was convicted of resisting Patrolman Suttler. A new trial was granted in the case of James J. Brown against Pacific States Telephone & Telegraph company on the ground of error in the instructions of Judge Fraser, before whom the case was tried.

The lack of an anti-trust law in this state was pointed out by Judge Cleland in the suit brought by M. E. Thompson against the Gault company, and discovered, as he alleges, the defendant has combined with all the other wholesale plumbers in the city to control the prices of plumbers' supplies and to refuse to sell to any but licensed plumbers. Judge Cleland held that he failed to find such a combination is prohibited by the law of Oregon, and he did not think that in any event there was ground for relief when the work has actually been performed.

Taking up the case of W. Y. Masters against the city, involving the question of water rates, Judge Cleland held that because a small proportion of consumers have meters and a greater number have not, the city is not precluded from charging meter rates where the meters are in.

Takes Up Rates.

The court then spoke of the two rates of \$1.75 and \$2.75 and the case of the city that if under the meter rate the consumption of water did not exceed \$3.75 that amount should nevertheless be charged, without regard to the quantity of water consumed, while at the same time it is contended that the quantity of water consumed under the meter rate the meter rate should be charged for the amount in excess. The court expressed the opinion that there is a law in this reasoning—that either a flat rate should be charged, or a meter rate, and that these cannot be combined in the way that has been attempted by charging the flat rate where the amount used is less than \$3.75 under the meter rate and charging the meter rate on quantities consumed above that limit.

Judge Cleland said that while there are authorities to the effect that the nature of a contract, it is true that the city has assumed an obligation to charge only reasonable rates, and the consumer may complain if the rates are unreasonable. It will hardly do to say in a city that if the man does not like the rate he can dig his own well.

Must Pass Sentence.

A demurrer to the writ of mandamus asked for by attorneys of H. G. Burkhart against Municipal Judge Cameron was overruled, the court holding that Judge Cameron should have passed sentence on Burkhart after his conviction on the charge of resisting Patrolman Suttler. Burkhart has insisted on the sentence because he wants to appeal the case and to improve his chances of winning a \$10,000 damage suit against Suttler in the federal court. Cameron had suspended sentence and refused to pronounce judgment. Judge Cleland said he was well aware of the practice in the lower courts and sometimes in the circuit court of suspending sentence, and that this practice may in some instances be beneficial, but however beneficial the practice it is not warranted by law. The defendant has an absolute right to have judgment pronounced if he so desires. Judge Cleland said he had no disposition to suggest

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The recent National Epidemic Responsible for Many Prevalent Ailments. The grip poisons the blood, reduces the vitality, depresses the nervous system, and leaves many troubles behind it. It is infectious as well as contagious and has prevailed so generally this winter that it is responsible for many of the ailments from which thousands of people are suffering today. These ailments include weakness, that tired feeling, loss of appetite, general debility, and increased susceptibility to disease, and demand the great

Restorative Properties of Hood's Sarsaparilla, which purifies and revitalizes the blood and restores normal conditions. If a cathartic is needed, the best is Hood's Pills—the tonic cathartic, strengthening, not weakening, the system.

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to the lower court what its judgment should be. **Grants New Trial.** On the ground that the late Judge Fraser erred in instructing the jury that James J. Brown could recover damages from the Pacific States Telephone and Telegraph company for mental pain caused by contemplation of the injuries he had suffered by reason of a collision, a new trial was granted. Brown sued for \$15,000 for injuries caused by stumbling over a telephone pole at Sixth and Flanders streets, and on September 1st the jury awarded him \$1,750. Judge Cleland said that the point on which he granted the new trial was the late decision of the state supreme court, although it has been urged with considerable weight that the preparation of authority in other states is the other way. In the retrial the plaintiff will be limited to proving damages and suffering resulting directly from the accident. This is a fine legal distinction, and Judge Cleland remarked that he supposed the elimination of the error from the judge's instructions would have made no difference whatever with the jury that tried the case, but the state supreme court has established the doctrine in law that must be followed.

TO GET CHESTER THOMPSON OUT

Father of Judge Meade's Slayer Takes Steps to Establish Sanity.

(United Press Leased Wire.)
Walla Walla, Wash., Feb. 19.—Prosecutors looking to the release of Chester Thompson, who was acquitted of the murder of Judge George Meade Emery of Seattle and ordered detained in the hospital at the state penitentiary until he regained his sanity, were begun this morning. Attorney Will H. Thompson, father of the prisoner, this morning prepared a petition in behalf of Chester Thompson, asking for a hearing and release on the ground of his son having recovered his sanity. This petition must be recommended by T. L. Lane, the prison physician, and approved by Warden Reed. These officers have assured Mr. Thompson of their support. Mr. Thompson will then file the petition before Judge Shell of Pierce county, asking for a hearing and release of his son, as provided by the Graves law.

RAWHIDE TOWNSITE SOLD TO QUAKERS

Philadelphia Capitalists Put \$600,000 in New Nevada Mining Camp. (United Press Leased Wire.)
Reno, Nev., Feb. 19.—A large number of Reno capitalists have closed a deal, involving \$600,000, for the purchase of Nathaniel Prosky's option on the Nicholson group at Rawhide. M. W. Nicholson, who first arrived in the district a year ago, originally located the group when there were only five persons in the camp. It is reported that a few Philadelphia capitalists, attracted by the story that a big silver and gold strike had been made there, last night purchased from Van Dorn brothers the townsite of Rawhide for \$600,000.

ALLEGED HAYSTACK BURNER ACQUITTED

The Dalles, Or., Feb. 19.—After being out about 15 minutes, the jury returned a verdict of not guilty in the case of Mark Collins, charged with arson in an information filed by District Attorney Menefee. Collins, it was alleged, set fire to two stacks of grain belonging to a neighbor, the complaining witness, E. S. Doering. The parties in the suit lived in the Tygh valley neighborhood. The state's case was almost entirely based on circumstantial evidence. The defendant was represented by B. E. Huntington of this city. It appeared in the testimony that there is a sort of neighborhood feud among the people living in Tygh valley, and one faction assisted in Collins' prosecution.

ENGLISH ENGINEERS LEAVE SHIPYARDS

(United Press Leased Wire.)
London, Feb. 19.—Seven thousand engineers employed by the Tyne shipyards declared a strike today in sympathy with other employees who walked out recently. The employers fear that all the Tyne plants will be tied up by the end of the present week.

Women Appeal to Hughes.

(United Press Leased Wire.)
Albany, N. Y., Feb. 19.—A delegation of equal suffragists today made a direct appeal to the legislature and to Governor Hughes in behalf of a constitutional amendment granting suffrage to women. The delegation numbered several hundred women and was headed by Mrs. Harriet Stanton Blatch, daughter of Mrs. Elizabeth Cady Stanton, and president of the Equality League of Self-Supporting Women.

JACKSON MAY BE VICE-PRESIDENT

Hearst Selects New York Attorney-General to Represent Him in Race.

(United Press Leased Wire.)
Albany, N. Y., Feb. 19.—An agreement whereby Hearst is willing to be represented on Bryan's ticket by William Schuyler Jackson, attorney-general of New York state, as the Nebraskaan's running mate is said to have been agreed upon as the result of several conferences between the New York editor and the "Commoner." Report has it that Hearst will support Bryan's ticket with his papers if it carries Jackson as a candidate for the vice-presidency. Some of Bryan's closest advisers say that he is willing to accept Jackson as a mate and that he really favors him above any other timber that has been mentioned so far.

O'BRIEN GETS JAPAN'S REPLY

Mikado Confident United States Will Be Satisfied With His Stand.

(United Press Leased Wire.)
Tokyo, Feb. 19.—American Ambassador Thomas J. O'Brien was today handed Japan's reply to America's memorandum of January 24, which sought a settlement of the immigration question. The man sent by the American ambassador that he thought the reply would be satisfactory to the United States and that he hoped it would end the present controversy. It is conceded that it assures nearly everything the memorandum asked for, allowing for restrictions that will certainly prove very effective.

Washington, Feb. 19.—Attorney John B. Green of New York, who is an authority on diplomatic affairs, declares that the object of the Atlantic fleet's long cruise is to compel Japan to carry out its promise to evacuate Chinese territory in Manchuria. He added that the United States is bound to have trouble with the Mikado's government.

ROOSEVELT TO BOOST FRIEND

Captain Wainwright Slated to Succeed Admiral Evans in Command of Fleet.

(United Press Leased Wire.)
Washington, Feb. 19.—It is stated that in all probability Rear Admiral Evans will not preside over the destination of the battleship squadron in its journey across the Pacific after arriving at San Francisco. Admiral Evans will retire from the service on August 13 and as the war ship will not be ready to leave that date it is said he will turn over the command. It is reported in naval circles that the president has practically decided to elevate Captain Richard Wainwright to command.

SAYS HENEY WORKED GAME ON ABE RUEF

Attorney Murphy Accuses Prosecutor of Breaking Faith With Friends.

(United Press Leased Wire.)
San Francisco, Feb. 19.—When arguments to set aside the arraignment of Abe Ruef were resumed this morning Attorney Murphy asked to be allowed to file an affidavit showing that his efforts to secure depositions from certain persons had been unsuccessful. Judge Lawlor, however, refused to listen to the affidavit, stating that this time had been set aside exclusively for arguments. Murphy, in his argument which followed, laid great stress upon the point that the defense to the effect that the defendant had never received a true copy of the indictment. From the technical argument upon this point, Murphy switched to a scathing denunciation of the district attorney. He asserted that the district attorney's office should keep good faith and be consistent. Mr. Heney has traveled up and down the coast, his coat pockets bulging with immunity contracts which he has handed out lavishly and he has overruled his representative into court to declare that immunity contracts are unlawful and cannot be carried out," he said.

The recent illness of Horace Botes recalls to the older citizens of Iowa that the Iowa governor came to be nominated for president by the Democrats in 1896.

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Dr. Bull's Cough Syrup can be given with perfect safety to the youngest child. It is absolutely pure. Government Standard and the National Pure Food and Drugs Act serial No. 225.

HORSE MEAT IN CHEAP SAUSAGE

Chicago Heights Butcher Finds Carcasses on Dump and Stocks His Shop.

(United Press Leased Wire.)
Chicago, Feb. 19.—Sausage made from horse meat is a luxury that has for some time been furnished to residents of Chicago Heights by J. J. Schmidt, grocer and sausage manufacturer, according to charges on which Schmidt has been arrested and bound over to the grand jury. Suspicions of residents of the suburban town were aroused by evidence that flesh was being cut from carcasses on the dump near the place, and from the fact that Schmidt was selling sausage at retail for half the price that he would have to pay for meat at wholesale.

CATCHES THIEF, GIVES HIM MEAL

Kind Hearted Baker Sends Amateur Burglar Home With Bread.

(United Press Leased Wire.)
Cincinnati, Feb. 19.—A. P. Clifflor, a baker, who lives on Main street, discovered a man in his house at 1 o'clock this morning. Instead of turning him over to the police, Clifflor gave him several loaves of bread and sent him home. The intruder pleaded that his little ones at home were cold and starving and that he had not been able to secure work. "Please don't have me arrested, for I may not be able to secure work," he pleaded. The baker, whose establishment is a small one, but whose heart is big, permitted the man to go, loaded down with bread.

SENATORS BACKING TURNER FOR PRINTER


(Washington Bureau of The Journal.)
Washington, Feb. 19.—William B. Turner of Portland, who is now senate printing clerk and whom Senator Bourne tried to have removed that one of his friends might get his place, today sent to president letters from 19 senators recommending him to be public printer. Vice Stillings, removed in the midst of a scandal, Turner was a number of other senators in line, whose letters will go to the White House later today.

MILLS REELECTED BY RAILWAY AGENTS

(United Press Leased Wire.)
Los Angeles, Cal., Feb. 19.—W. H. Mills of Norwalk, Ohio, was unanimously reelected president of the National Association of Railway Agents, at the closing session of the convention of that organization which was held in the Hayward hotel last night. Other officers were also reelected and it was decided to hold the next convention in New Orleans at a date to be fixed later.

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We have in our safe, in a sealed and witnessed envelope, the last line of the "Limerick" which appears below. The line has six words and ends in one rhyming with "ale." We will give a half-pound Ghirardelli's Cocoa can full of silver dollars (.93) to the person who correctly supplies the missing line. One person may send as many solutions as they wish, there is no limit. The correct answer may be sent in any form, but we prefer that it be written upon the back of a label taken from any size can of Ghirardelli's Cocoa. Answers must be mailed on or before March 15, plainly addressed to GHIRARDELLI'S CONTEST DEPARTMENT, 20 MONTGOMERY STREET, SAN FRANCISCO. Here's the "Limerick":

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Tried to strengthen himself upon ale,
But a wise "College Widow"
Said, "Cut it out, Kidde,

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In the Basement Crockery Department tomorrow and Friday. Take advantage of these specials for supplying your table needs

Set consisting of Sugar Shell and Butter Knife—vintage pattern—16-pwt. silver—regular \$1.60 value—special, set.....\$1.00	Set of 6 Dessert Spoons—vintage pattern—16-pwt. silver—regular \$3.25 value—special.....\$2.75
Set of 6 Tea Spoons—vintage pattern—16-pwt. silver—regular \$1.75 value—special, set.....\$1.00	Gravy Ladle—gold bowl—regular \$3.50 value—special.....\$2.90
Gravy Ladle—silver bowl—regular \$2.00 value—special.....\$1.50	Set of 6 Table Spoons—vintage pattern—16-pwt. silver—regular \$3.50 value—special, set.....\$2.90
Set of Wallace's 1835 plain satin Knives and Forks—regular \$3.75 value—special, set.....\$2.75	Set of Knives and Forks—hollow handles—16-pwt. silver—regular \$10.00 value—special, set.....\$7.90

\$5.50 VALUES IN MOHAIR RUGS \$2.95

In a popular size—24 in. by 48 in.—curl centers and short pile borders—extra heavy—made from the very best Angora wool. Offered tomorrow only at the above special price—in the Carpet Department—sixth floor. Your choice of these in the red, green, rose, blue and white.

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This solid oak Pedestal in the weathered finish—thirty-six inches high—twelve-inch top and base. Regular \$2.25.

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