

### DEEDS OF ART SECOND TRIAL

#### Judge Cleland Finds No Substantial Errors Were Made by the State.

Edward H. Martin, convicted of manslaughter and sentenced to 15 years in the penitentiary for the killing of Nathan Wolff, was given a new trial by Judge Cleland in the circuit court this morning, completing another step in the slow progress of the case to the supreme court, where the defendant's claim to another trial will ultimately have to be decided.

Five days were allowed by the court in which to prepare and file a notice of appeal, and the judge indicated that not more than 10 days will be granted for the preparation of a bill of exceptions. This will carry the case to the supreme court early in the new year, but the Jack La Rose case, tried two weeks later, will reach the higher tribunal before the Martin case.

In the argument of the motion for new trial this morning Seneca Fouts appeared for the defense and Deputy District Attorney George Fouts for the state. Fouts based his argument on alleged errors of the court in ruling on testimony and on affidavits concerning the alleged statements made to jurors by Detectives Hellyer and Price at the time the jury was taken to view the pawnshop where Wolff was slain. It was charged that Martin was not present during part of this procedure and that the detectives had tampered with the jury without authority. These affidavits were met by counter affidavits from the other side. Judge Cleland says that all the talking he did to the jury was done by request of Seneca Fouts, and in which Price denies that he spoke to the jury.

Mr. Fouts this morning attempted to file a counter affidavit in which he deposes that he talked to the jury on the things, saying that his remark was intended to be a reproach to Hellyer for talking within hearing of three or four of the jurors. Judge Cleland, however, concluded from the record on motion of the deputy district attorney, as it had not been filed in time.

Judge Cleland in rendering his decision, commented briefly on the points raised, reaching the conclusion that no substantial error had been committed. The whole question now goes up for the action of the supreme court. Should a new trial be granted Martin could only be tried the next time for manslaughter, the verdict returned in September acting as an acquittal of all higher degrees of homicide.

### MUST SET EXAMPLE

(Continued From Page One.)

therefore much interested in the trend of political conditions in Oregon, particularly as to the extent to which the removal of political control from machine influences and place the power in the hands of the people.

#### Machine Owns Machine.

"Down in California," said Mr. Davis, "there is less buying and selling of votes perhaps than in any other legislature in the country. The fact that the Southern Pacific owns the organization. It does not have to buy senators or representatives. Everything is done there in the open. The Southern Pacific maintains a lobby at Sacramento and it is a matter of public knowledge that the company exercises the supervision of the legislation of the state.

"For 30 years," continued Mr. Davis, "we have been trying to shake the control of the machine. We have pointed to Oregon as being in the vanguard of states with anti-machine legislation. There is no doubt that Oregon has the best legislation as regards political control of any state in the Union. We have looked to Oregon as a leader.

"California is in better condition today to shake off machine control than it has ever been. It has a primary law drafted and it has a large number of members of the legislature pledged to its support. There is every probability that a primary law will be enacted at the coming session. It can be easily seen therefore that I am very much interested in seeing the Oregon law sustained. If it is not it will be a great disappointment to me and to every lover of good government.

#### Oregon Held to a Leader.

"Oregon cannot afford to repudiate its law in any way. The members of the legislature cannot afford to put their state in such a position. Through-out the country Oregon is looked upon as the leader in good governmental legislation. If it were to repudiate its own good government it would be little less than a national calamity.

"Oregon is not a question of Chamberlain, but it is not a question of the man. It is a question of the principles at stake. It is a question of law enforcement against disregard of law, of the fulfillment of a pledge against its nonfulfillment, of the upholding of truth and civic righteousness against fraud, deceit and chicanery.

"There is only one answer to the question of who should be elected senator from Oregon, and that answer is Chamberlain. Not because he is Chamberlain, or because he has made a good governor, but because he has been chosen for the place by the people of the state, and the members of the legislature or a majority of them have pledged themselves to follow the instructions of the people.

"I cannot conceive how any member of the legislature who has pledged himself on the senatorial question can violate that pledge. There is but one honorable course to pursue—to keep the pledge. Neither can I see how any man of honor and honesty can suggest or encourage any movement which, as its object broken pledges and dishonored promises.

#### Danger is Not Great.

"I do not believe," concluded Mr. Davis, "that there is any danger of the Oregon legislature killing its own law. I believe that civic ideals are too high in this state for that. I believe that Oregon men who pledge their word and honor to do a thing, do that thing.

"I believe that the people of Oregon have passed their laws because they believe in what they contain, that they will demand that these laws be enforced and that they would brook no interference with the course of these laws from any source.

"I do not think there is any danger of the people being thwarted. If such a condition should come to pass I would be greatly disappointed and it would be a disappointment and a discouragement to every lover of good government in the United States. Oregon cannot afford to give this discouragement to the nation.

#### ROYAL ARCH MASONS TO HOLD BANQUET

The whole top floor and reception parlors of the Commercial club on the seventh floor will be thrown open to the members of "Washington" chapter No. 15, Royal Arch Masons, at their annual banquet tonight. Covers will be laid for over 400 guests.

H. H. Parker, E. P. H. is the toastmaster for the evening and he has prepared a fine program of speeches and letters. Governor Chamberlain and H. W. Scott were to have spoken tonight, but owing to business in the east,

### CAMPAGN HOT IN MILWAUKEE

#### City Election Will Be Held in Suburban Town Monday Night.

Milwaukee is in the limelight once more. There will be a city election there Monday and the suburban town is buzzing with political excitement. William Shindler, present mayor and commonly referred to by his fellow townsmen as the "boss of Milwaukee," has announced his candidacy on an independent ticket in opposition to Philip Straub, the mayor designate of S. Matthews, a present member of the city council and a close friend of Mayor Shindler. He is also running on the independent ticket for reelection. These two make up the independent ticket.

Shindler for a long time has held control of Milwaukee politics in spite of all efforts to unseat him. The opposition is now making a united effort to defeat him, politically. It being contended that Shindler does not represent the progressive citizens of the municipality, it being cited as proof that he is in favor of allowing cows and horses, pigs and chickens to run at large in the streets.

At any rate every able-bodied man with a vote is going to stay home next Monday and help change conditions in Milwaukee. A mass meeting was held about two weeks ago at which the regular citizens ticket was put in the field. This ticket consists of the following candidates: For mayor, Phillip Straub; aldermen, Fred Lehman and Isaac Muller; city treasurer, E. T. Elmer; recorder, Arthur Dowling and Marshall Jesse Keck.

The citizens ticket is pledged to the abolition of the poll tax, the removal of the city limits, the Portland General Electric company shall furnish them at the same rate as is paid by the city of Portland. It wants to open new streets and to improve those now in use. It insists that the city should have more territory to adequate freight and passenger depot at Milwaukee. It insists that the right for a 6-cent fare between Portland and Milwaukee on the electric should be waged to a winning finish. It wants the stock at large law strictly enforced. It wants to annex more territory to the north of the city limits. It intends to maintain the present license system by which two saloons are allowed in the city.

In the past there have been pretty stiff fights waged against Mayor Shindler and the outcome of the present battle of ballots will be watched with interest. Tonight at the town hall a mass meeting will be held at which all candidates are expected to come to hear the issues discussed by the various candidates on the eve of the election.

### PENDLETONIANS GET HOMESTEADS

#### Roy and Bertha Alexander and R. R. Lewis Secure Valuable Holdings.

(Special Dispatch to The Journal.)  
Pendleton, Or., Dec. 5.—After standing in line all night to make claim on homesteads in the Hermiston project, three Pendleton people, Roy and Bertha Alexander, and R. R. Lewis, were allowed to enter tracts of 20 acres each at La Grande yesterday. Five other homesteads were opened. Frank J. Thomas, E. H. Bartlett, Charles Myers, James Scarborough and Samuel Landenslager of Hermiston being the other fortunate ones.

That the land was open to entry was a surprise to all, except the few upon the inside, although it was understood that an opening proclamation would be published today.

Even those who were fortunate enough to file were started to receive from La Grande Thursday evening a notification from the receiver that their filings had been refused on account of not having submitted their water filings to the land office at the time the land filing was made.

Applications for water were immediately made out at Hermiston by those interested and a second excursion to La Grande resulted, in which some of the original entrymen were fortunate enough to win out. Mr. Lewis, who received word from a friend in La Grande that his filing had been rejected, made an automobile trip to Hermiston where he made his water filing and returned to Pendleton late last night, catching No. 6 here for La Grande.

The middle came about through a ruling of the land office at Washington to the effect that it was necessary to have the water completed and the first installment of the cost paid before the homestead entry could be made.

### CHARGES MILNER PUT HIM ON JAW

#### Fellow-Roomer Says the ex-School Principal Knocked Him Down Stairs.

Edgar Milner, a former public school principal, and at present a teacher in the night school, was charged in a complaint sworn out in the municipal court this morning with assault and battery. The complaint was sworn out by J. H. Volts, a roomer in the Nickum house, 289 Sixth street, where Milner also lives. Milner is said to have assaulted Volts because he opened his house mail box.

Volts says that the landlady asked him to open the box and distribute the mail, and he did so. He found a letter for Milner in the box, and when he handed it to Milner the teacher questioned him as to how he got it. One word led to another, and Milner, so Volts says, struck him in the jaw and in the chest, knocking him half way down a flight of stairs. Milner will be heard in the police court Monday morning.

have sent letters which will be read. A full orchestra has been engaged for the occasion.

The program of speeches is as follows: "The River Route," Professor D. A. Grout; "The Symbolic Teachings of Masonry," E. G. Jones; "The Harvest Festival," H. B. Adams; "Song," Judge S. Bullock; "Masonic Building Material," Professor J. H. Ackerman; "The Spirit of Masonry," Dr. Norris R. Cox; "Masonry's Priesthood," Judge Charles E. Wolverton.

### FEAR CLANGING OF FIRE ENGINES BELLS

Residents in the vicinity of Twenty-fourth and Kearney streets have petitioned the council not to build a fire station in that neighborhood. They offer to buy back the lot purchased by the city for that purpose, agreeing to give \$4200, the purchase price for it.

Among the reasons set forth why the station should not be established are that the nerves of the sleepers in that select district would be distracted by the unusual noises incident to fire calls; that their peace and quiet would be disturbed and that property values would depreciate \$100,000. The petition was concluded with a prayer to the mayor to heed the golden rule.

### LIBRARY ASSEMBLY TO BE HELD WEDNESDAY

(Special Dispatch to The Journal.)  
Pendleton, Or., Dec. 5.—Next Wednesday evening the first public step in behalf of the new library will be taken when an assembly will be held at the armory. The affair will be under the auspices of the library campaign. It is promised to be a pleasant occasion.

Miss Cornelia Marvin, secretary of the state library commission, will be an honored guest. Miss Marvin is an enthusiastic friend of the public library idea and is also a charming speaker. During the evening she will tell of the need of an improved library in this city and in a general way will give local people the benefit of her experience.

According to the ladies the meeting Wednesday evening will not be in the nature of a "donation party." No requests whatever will be made of those who attend. The ladies have other plans for raising the money that is needed for the equipment of the library.

### DAVIS DEFENSE TO OPEN NEXT MONDAY

(United Press Leased Wire.)  
Omaha, Neb., Dec. 5.—But few were present at the morning session of the trial of Charles E. Davis, accused of having killed Dr. Frederick Rustin as part of a death pact entered into by them with Mrs. Abbie Rice. The conclusion of the testimony of Mrs. Rice left little of interest in the day's proceedings.

The defense will endeavor to establish an alibi. Davis will not take the stand, his attorneys declaring he told all he knew at the coroner's inquest.

Mrs. Rice is being held in jail to await the outcome of the trial. If there is a disagreement she will be held for the second trial as the prosecution's star witness.

An adjournment until Monday morning was taken at noon. Twenty witnesses have appeared on the stand. Seventeen are expected to testify on Monday. The case may go to the jury Tuesday night.

### ELKS' MEMORIAL SERVICE TOMORROW

Dr. Franklin Baker of Colorado Springs will deliver at the annual memorial service of the Portland lodge of Elks in the Taylor Street Methodist church at 2:30 tomorrow afternoon. The eulogy will be delivered by George L. Hutchins. All over the United States members of the order will hold memorial services tomorrow afternoon.

The officers who will have charge of the services in this city are John B. Coffey, exalted ruler; W. R. Apperson, esteemed leading knight; William Adams, esteemed lecturing knight; C. M. Ellis, secretary; E. W. Rova, treasurer; K. K. Kubli, equire; George L. Hutchins, chaplain; James Anderson, inside guard; E. E. Dowling, tyler.

Gus C. Moore will deliver the memorial address to the lodge at Heppner, while another Portland Elk, A. E. Clark, will speak to the Elks at Vancouver tomorrow.

According to army surgeons the mortality among the natives of Alaska is greater than among any other primitive race with which civilization has come in contact, due principally to tuberculosis, typhoid, and other infectious diseases.

### GREAT COLLIER PROMETHEUS LAUNCHED AT MARE ISLAND NAVY YARD.

#### Called on President With J. N. Teal—Guest of Commissioner Lane.

(United Press Leased Wire.)  
Vallejo, Cal., Dec. 5.—The huge government collier, the Prometheus, was launched at Mare Island navy yard today in the presence of a great throng who gathered from all parts of the state to witness the ceremony. Various excursion boats and trains were arriving all morning.

At 10 o'clock the 10 year old daughter of Naval Constructor Holden A. Evans, the builder of the ship, fell the honor of christening the collier. She occupied a conspicuous place on the platform with Captain Thomas S. Phelps, commandant of the navy yard, Governor Gillett and other dignitaries. Just before the ship slipped down the ways to make her maiden dip in the waves, the little girl tossed a decorated bottle of champagne against the sides of the boat, crying, "I christen thee Prometheus."

Following the launching brief exercises were held and addresses were delivered by a number of prominent speakers. Governor Gillett's subject was "California Interest in the Event." Naval Constructor Evans followed with an address on "Shipbuilding at Navy Yards." J. O. Harron, of the California Promotion committee, discussed "San Francisco's Relation to Mare Island Navy Yard," and Walter MacArthur spoke on "The Builders of Ships."

Following the exercises, lunches for 3000 guests was served by the civic organizations of Vallejo at the navy yard buildings. The visitors were then shown over the entire station.

**Good Record in Building.**  
The Prometheus and her sister ship, the Vestal, built at the New York yard, are the first two vessels ever built by the government. Each cost \$1,500,000. The keel of the Prometheus was laid on October 15, 1900 and the vessel is today 90 per cent finished. She is nearer actual completion than any other government vessel ever was at its time of launching.

The collier is 450 feet long, 60 feet wide and 35 feet deep. It has a cargo capacity of 6000 tons and 7000 of power, giving a speed of 16 knots when fully loaded. It will be armed with a battery of four three-inch rapid fire guns and will carry 11 officers and a crew of 152 men. It has been built particularly for use as an auxiliary vessel to accompany fleets on distant cruises.

Secretary of the Navy Truman H. Newberry sent to the launching exercises today the following telegram of congratulations:

The department takes this occasion upon the launching of the Prometheus to express its appreciation of the effort of the officers and men who by their intelligent and energetic work have contributed to the world the capacity and resources of the Mare Island navy yard.

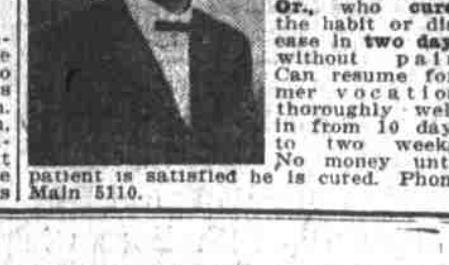
### CHAMBERLAIN AT WHITE HOUSE

#### Called on President With J. N. Teal—Guest of Commissioner Lane.

(Washington Bureau of The Journal.)  
Washington, Dec. 5.—Governor Chamberlain and J. N. Teal at the White House today paid their respects to President Roosevelt. Chamberlain has been the recipient of much attention. His daughter, Carrie Lee Chamberlain, is a student at Virginia college at Roanoke, Va. She arrived here last night and will remain several days as the guest of her father and several relatives.

### D. Boardman Griffin, M. D.

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## A Christmas Tree

Without decorative lights of some kind is like a rose bush without any blossoms. For that reason it has been the custom from olden times to adorn the Christmas tree, which is the center of the Christmas festivities, with sparkling lights to increase the brightness of that happy time.

Candles are a part of the gloomy inconveniences of the backwoods, and to cling to them were as sensible as to insist upon using the flint and steel of our forefathers. Avoid the dangerous, dingy, dripping candles, and over the green boughs hang sparkling electric lamps of any desired number of colors. Their cost is saved in one Christmas by avoiding the damage done to carpets and clothes by candle grease.

Complete Miniature Decorative Outfits suitable for this form of decoration may be obtained, which are simple, safe and flexible, and adaptable for decorating dinner tables, etc.

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