

STATE'S ATTORNEY ENDORSED BY ALL FOR GADSBY

Ministers of Nearly All Churches Speak Highly of Movement Launched Today to Acquaint Public With Their Own City.

Defense in Sensational Trial Asks Court to Direct Verdict of Acquittal Because Contention Is Not Proved—Testimony Ends.

With the indorsement of leading municipal officials, associations of various kinds and almost every public man in Portland, the Civic Institute will open in the chapel of the Unitarian church at Seventh and Yamhill streets this afternoon at 3:30 under circumstances that assure it a remarkable success.

Yesterday, the ministers of nearly every church in the city commented favorably on the institute and commended the work it has undertaken of teaching the people of Portland to know their own city and its practical workings and problems.

Some of the expressions made by ministers concerning the movement are:

Rev. Universalist. "It is sad to see the people perish for lack of knowledge. Therefore this movement, as it gives knowledge, will be a great benefit to the community.—C. W. Hays, Marshall Street Presbyterian.

Rev. Methodist. "I believe in it.—E. S. Baillinger, Highland Congregational.

Municipal government is a center of power and needs wise management. The Civic Institute will strengthen all that is good and weaken or destroy that which is wrong. Let its influence go far and wide.—D. A. Watters, Fatten Methodist Episcopal.

The institute cannot fail to do good and should receive the support of the churches of the city.—J. E. Snyder, Piedmont Presbyterian.

Most heartily indorse the work undertaken by the Civic Institute.—W. R. Jeffrey, Jr., University Park Methodist Episcopal.

It was my great pleasure to study and participate in the Civic Institute work in Seattle last spring, and from personal observation and experience can give it my most cordial indorsement. It will place a fund of information in the hands of our people that will be impelling and transforming.—Frank De Witt Findley, United Presbyterian.

Deserves attention and support of every good citizen of Portland.—A. E. Patch, Grace Baptist.

I look forward to this Civic Institute with great pleasure as meeting a real need.—Frank Sandifur, Methodist Episcopal of St. Johns.

A timely movement, deserving of the cooperation and support of all who are interested in the city's future.—R. Schvedler, Third Baptist.

Heartily commend the holding of such an institute.—J. W. McDougall, Mt. Taber Methodist Episcopal.

The fact that this movement sets itself out to inform rather than to reform makes a good point of departure and one that every intelligent citizen can occupy.—Henry Russell Talbot, St. David's Episcopal.

"We owe it to ourselves, we owe it to our city, to make this institute one of the biggest and best things that we have ever had. Let us do it."—Luther R. Dyott, First Congregational.

Afternoon Program. The program for this afternoon will be interesting and well balanced. On it appear George Baker, president of the council; Richard W. Montague and Dr. C. H. Chapman, as well as Mayor Simon, who will preside.

The program for tomorrow, which includes a special talk on the impure milk question, is as follows:

Public Health.—Afternoon session, 1:30, visit new city hospital; 3:30, chairman, Dr. Andrew C. Smith; "The Department of Public Health, Its Activities," Dr. Esther Pohl; "Market Inspection," Mrs. Sarah A. Evans, market inspector; "Our Hospitals," Dr. S. E. Joseph.

Evening session, 8:00, chairman, Dr. E. P. Geary; stereopticon, "The Fight Against Tuberculosis," Dr. E. A. Pierce; "The Portland Milk Supply," Dr. Alan Welch Smith; "Social Hygiene," Dr. L. W. Hyde.

New Corporations. (Salem Bureau of the Journal.)

Salem, Or., Nov. 8.—Articles of incorporation were filed in the office of the secretary of state today as follows: Federal Stamp company, limited; principal place of business, Astoria; capital stock, \$1000; incorporators, John M. Holt, Elizabeth A. Holt and Mary Foster.

Homestead Orchard company; principal place of business, Portland; capital stock, \$5000; incorporators, G. W. Patterson, Fred Patterson and E. V. Littlefield.

Union Bank & Trust company, principal place of business, Portland; capital stock, \$25,000; incorporators, Joseph G. Houston, Clarence H. Gilbert and William Moffatt.

Gold Strike in California.—Nevada City, Cal., Nov. 8.—Word was received here today that a rich strike had been made in the Omega mine at Forest, near here. Several pounds of nuggets have been taken from the gravel, one of which weighed 19½ ounces.

From the mines of New Jersey more than 400,000 tons of zinc ore were taken last year.

Breathe it in HYOMEI it is guaranteed to cure Catarrh

Complete instructions, including pocket inhaler, for treating catarrh, sinusitis, etc., are included in the Hyomei package. Price, 25c. Hyomei Co., Seattle, Wash., D. C.

COUGH, COLIC, CROUP, SORE THROAT and all diseases of the breathing system are cured by Hyomei. Price, 25c. Hyomei Co., Seattle, Wash., D. C.

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grandmother of Mrs. Beatrice Gadsby and was present at the wedding. She said she was introduced to Captain Gadsby and ate at the same table. This was to contradict Captain Gadsby, who had said that she was not there and he did not know that she existed.

Upon the alleged failure of the plaintiff to show that Captain Gadsby and his wife had any malicious intent, as well as a general denial that the testimony shows that they were guilty of any acts to separate Walter Gadsby from his wife, rests the hope of the defense for a favorable decision of the court that will prevent the jury from even having opportunity to award her damages for her wounded feelings. The motion was made upon several grounds, which were carefully read into the record.

In the first place it is claimed that the testimony fails to show the Walter's affections were alienated at all; that there is no showing of any act by the defendants in that direction; no testimony to show that the defendants were actuated by malice or convicted to destroy the domestic happiness of their daughter-in-law, and that the testimony, taken as a whole, is insufficient to sustain a verdict in any amount against the elder Gadsbys.

Gleason Explodes Occasionally. Except for two or three explosive passages between Gleason and the attorneys for Mrs. Gadsby, there was little out of the ordinary in the proceedings this morning. This quick closing of the testimony showed that each side was satisfied with the showing made as to the incident between Hill and Alice Gadsby at the beach, which the defendants allege was the real cause of the separation. No effort was made by either side to show in what this alleged misconduct of the plaintiff's father really consisted.

Alice Gadsby herself was in the courtroom at the time her foster mother told of the stormy scene between herself and Hill, but the defense did not desire to call her to the stand unless it became absolutely necessary. Walter Gadsby, also, was not called to the stand. He has been in the courtroom throughout the trial, and has been under a severe strain. Had he been called he could only have corroborated what was told by his father, mother and brother, and he would have been exposed to severe cross-fire as to the circumstances of the separation from his wife. To have blamed his wife for it might have hurt the case with the jury, and he had no other alternative, except to blame himself, which he would not be expected to do, in view of the fact that a divorce suit may be the sequel of the present sensational trial.

Smith Makes Argument. At 11:10 o'clock both sides announced that they were through with testimony, and I. N. Smith began the presentation of a motion for a directed verdict in favor of the defendants. In the hearing of this motion Judge Morrow called in Judge R. R. Butler, of Condon, who chanced to be in the city, and both judges will pass on the questions involved.

It is known that John F. Logan, whose nervous breakdown now holds him bedfast, had based high hopes for his clients on a motion for a directed verdict. Smith, who is arguing the motion, recently had been counsel in three similar cases in Idaho and has given the law on this point close study. His chief argument this morning was that in a case where the father and mother are charged with alienating the affections of their son from his wife, a greater degree of proof is required than in other cases, and that there must be absolute proof of a malicious intent, which he asserts is absent in this case.

This afternoon's session is expected to decide whether or not the case will go to the jury. Smith is fortified with many ponderous volumes, and he told the court that at least an hour and a half would be required for the argument. Judge Morrow excused the jurors until 3 o'clock this afternoon, as both sides were willing that they should go.

Fulton strenuously objected to an independent motion for a directed verdict, holding that this makes necessary two arguments and deprives the plaintiff of the right to the opening address. He did not question the right of the defense to ask any sort of instructions. In the final argument, but denied the right to move for a directed verdict before that time.

Fulton Is Overruled. Fulton's contention on this line was overruled by Judge Morrow after he had consulted with other judges. Had it been granted it would have marked a new departure, as it is contrary to the rule that has heretofore been followed.

The case was late in starting this morning. It was 10 o'clock before Presiding Judge Brofaugh was able to vacate the courtroom after attending to a mass of routine business. The little testimony that was taken added little to what has gone before.

Dr. H. C. Jafferds testified that he advised Walter M. Gadsby to leave the city last fall because he was in a bad nervous condition, crying and had not slept well. This testimony was to show that the defendants' Walter's parents, did not send Walter out of Portland because of any desire to take him away from his wife.

Dr. Jafferds said he also advised Captain Gadsby to send Walter away. He testified that he had treated Mrs. Gadsby senior soon after Walter went away, and several times since. An effort was made to show that the elder Gadsbys also sent Dr. Jafferds, their family physician, to see Beatrice and offer to care for her, but this testimony was ruled out.

Mrs. Daisy Belle Gadsby, wife of Ben Gadsby, was the last witness for the defense. She said she saw Beatrice at the Gadsby home many times, and Captain and Mrs. Gadsby always treated her with kindness and affection. Ex-Senator Fulton announced that he had no cross-examination, and James Gleason called back, "We rest."

Mrs. Gadsby Recalled. After a short recess C. M. Idleman recalled Mrs. Beatrice Gadsby and asked her if it were true that on one occasion at the beach she told her husband she did not love him and was sorry she had married him. She said that statement, made by both Captain Gadsby and his wife, was untrue.

Mrs. Gadsby likewise denied that she told her mother-in-law, "I know father was like that, but I did not think it would fall on little Alice," referring to George H. Hill's alleged misconduct toward Walter's 14-year-old sister. She further denied that Captain Gadsby danced with her at a party at the Gadsbys' home.

Referring to the time she left her husband's home at Twenty-fifth and Northrup streets, this witness said it was pitch dark and she took the car at Twenty-third and Northrup, the object being to show that it was impossible for her mother-in-law to have seen her board the car, as the latter testified.

Gleason then confronted the witness with her testimony on direct examination, in which she said that she boarded the car at Twenty-fourth and Northrup and asked her if she had so testified. She said yes, she must have done so if the reporter's notes read that way. Fulton sought to have her straighten the matter further by testifying to her recollection of what she said, but objection was made and she was excused.

Aged Woman Testifies. Mrs. Delilah Cason, 72 years of age, was called to the witness stand by George H. Hill. She testified that she is the great-

grandmother of Mrs. Beatrice Gadsby and was present at the wedding. She said she was introduced to Captain Gadsby and ate at the same table. This was to contradict Captain Gadsby, who had said that she was not there and he did not know that she existed.

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Mr. and Mrs. John A. O'Brien.

TOOK JUST EXACTLY ONE YEAR TO PREPARE FOR HAPPY EVENT

"Jack O'Brien"—John A. O'Brien it appears on the marriage records—was treasurer of the Grand theatre in Seattle, Wash., one year ago Saturday.

Miss Ethel M. Leake—"Mrs. J. A. O'Brien" it now appears, was visiting friends in Seattle one year ago Saturday, intending to return to her Portland home the following day.

So fate stepped in. And fate—or, perhaps it was Cupid—caused Miss Leake and a girl friend to attend the Saturday matinee at the Grand theatre. Peculiarly, fate selected Miss Leake to buy the tickets.

Looking out through the brass barred window, Mr. O'Brien saw and was conquered. Two hours later fate—again, perhaps it was Cupid—again intervened. Passing down the theatre steps, Miss Leake slipped and hurt her ankle. Rescuing her from the mob of theatre goers, Mr. O'Brien summoned medical assistance and had her removed to his office. All this happened about 5 o'clock in the afternoon.

Saturday brought the pretty romance to an end with an elopement. Coming from Seattle on the early morning train Saturday, Mr. O'Brien arranged to meet his bride in the afternoon.

Five o'clock in the afternoon saw the simple wedding ceremony at the home of Rev. William Hiram Foulkes. Only one friend was present. Remaining in Portland over Sunday, Mr. and Mrs. O'Brien left for a honeymoon over northern Washington and British Columbia early today.

Miss Leake is well known in Portland, where she has made her home. Mr. O'Brien, as manager of one of the

sales branches of the Cudahy Packing company, has made his headquarters in Portland for months past.

Most extraordinary of all features connected with the wedding was the fact that it occurred at 5 o'clock in the afternoon, to the day just one year after the meeting.

COLORADO REFUSES TO AID CONVICTS

Denver, Nov. 8.—Illinois cannot send convicts to Colorado to establish a farming colony.

The plans of Mrs. Mary Esther Ide and Mrs. Davis Ellsworth Lucas of Chicago for relief of the convicts of Illinois by transporting them to this state, where they should go on 4,000 acres of land in Cheyenne county, owned by Mrs. Lucas, will not avail.

"Immediately the convicts arrived in Colorado they would be free men," said Governor Shaferoth. "There is no comity among states that will permit one state to exercise supervision over the convicts of another state. Even though the Illinois legislature should pass a law granting to the prison warden the right to ship their convicts out here we could not cooperate with them."

"If Mrs. Lucas is interested in prison reform to the extent of appropriating 4,000 acres to the purpose let her give it to the Colorado penitentiary. We have some convicts down at Canon City who could be trusted on a farm, and to whom farm work would be a boon."

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MERRILL SELLS GALLON DRINKS

Twelve-Mile House Still Catering to Wants of Joy Riders.

Refused renewal of his license for retailing liquors by the county court, Fred Merrill, proprietor of the Twelve Mile house, the roadside which has acquired so much notoriety recently through disastrously ending joy rides between there and Portland, has found a way to circumvent his license troubles.

It is still possible to get a drink at the Twelve Mile house, say the joy riders, and it doesn't have to be pop or other innocuous compounds at that. It can be as strong as you wish, and it will be served you from your own gallon jar.

For while the county authorities were able to take away the retail license from Merrill's resort, he still holds a government permit for the sale of liquors in bulk—and as a purveyor of liquors in bulk, the Twelve Mile house is said to be doing a highly successful and remunerative business. This permit does not allow of the selling of liquor in less than gallon packages, however, and while it is said that some of the customers that journey over the Base Line road wouldn't be seized by a gallon jar, the majority prefer theirs in installments.

How to get around this problem, that would put a power in circumstances, seems to have been solved without difficulty by the proprietor of the Twelve Mile house. When the thirsty motorist orders a drink he either gets a foaming gallon of beer, a part of which is turned into his stein, or he orders a highball or a dry martini, he gets his glass filled from "his private jar," it being understood that he owns a gallon jar each of various kinds of drinks, which he has bought and paid for and from which his wants are being supplied.

In this way the Twelve Mile house is said to be doing a flourishing business with its old customers, and the boast of Merrill that his "enemies" would not be able to drive him out of business, even if he had to serve soft drinks across his bar, has been made good.

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