

IN RAILWAY CASE WHO HAS PASSES Attorney for Plaintiff in Damage Suit Against Traction Company Secures Dismissal of Talesman.

Veheement protest by Henry E. McGinn against a Juror in a street railway damage case who has ridden on passes, was once employed by the company, and now has a son in the company's employ, was made in Judge Brough's department of the circuit court yesterday afternoon and resulted in the excusing of T. J. Keenan, the man under fire, over the protest of W. W. Wilbur, attorney for the Portland Railway, Light & Power company.

"I feel that I would not be doing my duty to my client if I did not protest in the strongest way I can," McGinn exclaimed, and his voice was elevated as he spoke until people in the hallways and clerks from the offices flocked in to hear him voice his feelings.

"Nothing more tends to the spread of anarchy than distrust of juries. Your honor knows that the public press and the bar of this city have discussed charges that the street railway and the corporations have men on our juries. It is a matter of common notoriety that such things are said, and here, on the first day of the term and the first man examined for jury duty in this case, we find that it is true. No man who has ridden on passes given by this company, and no man who has a son whose advancement in the employ of the company may depend upon the verdict he gives in this case can act fairly in trying a suit of this kind. He has said that he can try the case fairly, but I submit that he is not such a juror as we are entitled to have in this case."

Judge Brough finally interrupted to say that he believed the juror would not want to serve after what had been said, and he should not be required to do so. Keenan asked the court to be excused, saying he did not want to serve. He was excused, Wilbur taking an exception to the court's action.

Wilbur had examined the juror first, and had failed to bring out that fact that Keenan had been an employe of the old Commercial street railway. McGinn, when it came his turn to bring this out, also learned that Keenan had used passes, and that his son is now a dispatcher in the office of the street railway. But Keenan declared that these facts would not influence him as a juror, and he did not want to be challenged for cause until after McGinn's stormy speech.

Two other men who were related in a business way to the street railway were excused before the jury was organized. This morning the taking of testimony by Judge Brough, in the testimony of a witness, was interrupted by a 14-year-old boy who lost a portion of one foot under a Fulton car at Elm and Madison streets in the city. The plaintiff is asking for \$25,000 damages.

Conley on the stand this morning admitted that soon after he was hurt, as he was being attended in a near by drug store, he had said that the accident was his own fault. He did not know why he said this, he stated. It is now charged that the negligence of the car crew in starting the car was responsible. The plaintiff called only two witnesses and this afternoon the defense is closing its testimony.

LOGGERS ARE MURDERED; OFFICERS ON TRAIL (Special Dispatch to The Journal.) Gold Beach, Or., Feb. 8.—The body of Albert Ryan, a logger from Del Norte county, California, was found in the brush on the Moore range, about five miles north of Clifton, yesterday. He had evidently been murdered. His throat was cut and there was a deep knife thrust above the heart. Officers are also after a man who left the logging camp with Ryan. They expect to arrest him tonight.

RAILROADS WANT STREETS VACATED Construction of New Bridge is Cited as Reason for the Petition.

The Oregon Railroad & Navigation company, Oregon & California Railroad company and the Northern Pacific Terminal company filed their petition this morning for the vacation of portions of Adams, E. Irving, Crosby, Oregon, Larabee and Pacific streets in Wheeler's addition. The description of the parts of the streets desired by the companies has been published heretofore in The Journal.

In the petition the signers state that they are the owners of practically all the property abutting upon the parts of streets for the vacation of which they are asking and that the written consent of other property owners owning property in the vicinity upon said parts of streets or fronting upon portions thereof has been secured.

The "property owners" referred to should have been written "property owners" for the only one whose signature is attached is Robert Wakefield who owns two lots in Wheeler's addition.

"Ostensible reasons for the petition of the railway companies are given at length but the principal one set forth by them is that they are about to construct a new bridge across the Willamette river, and that 'parts of the streets' they are asked for are needed for the abutment, of the structure. The petition does not state, however, that all of the vacations requested are necessary for the bridge abutments. In concluding the petitioners say:

"That the public convenience will be subserved by the construction of the said bridge and the proposed vacation of streets and the public will be greatly benefited thereby, and that the public interest will not be prejudiced by the vacation of the said parts of streets proposed to be vacated. The parts of streets proposed to be vacated are below the level of the remaining portions of streets not embraced within the proposed vacation and are inaccessible for any use by the public, the topography of the country being such that the said parts of streets proposed to be vacated cannot be used by the public in connection with the use by the public of the remaining parts of said streets."

Among the streets mentioned as being inaccessible is Larabee between Oregon street and Pacific street. A petition has already been filed by great majority of interested property owners living on Holladay avenue on both sides of Larabee street for several blocks for the opening and extension of the thoroughfare between the points named.

This petition, as well as that of the railroads, will come before the city council tomorrow morning.

WOMAN CHARGES W. L. CROWE WITH HAVING VICTIMIZED HER IN A BOGUS TRANSACTION. Traction Official Informs the Council Committee of Improvements Planned.

In the arrest last night of W. L. Crowe, a real estate broker, who has a suite of offices at No. 525 Board of Trade building, on a charge of fraud, Oliver M. Hickey, counsel for the complaining witness, believes another manipulator of the Davider stamp has been brought into notoriety.

Crowe was arrested on the complaint of Mrs. Annie Rhoades, and is now in the county jail. Evidence which has been obtained against him since may lead the postoffice inspectors to take charge of the case.

For about a year Crowe advertised as The Oregon company, and had offices splendidly fitted up in the Wells-Fargo building. Three or four weeks ago he changed the name of his firm to Crowe & Co., and opened offices in the Board of Trade building.

Mrs. Rhoades, in the criminal complaint she has filed through Attorney Hickey against Crowe, makes the allegation that the broker represented himself to be the owner of a large parcel of land in the city of Astoria, and that he had secured the title to it from the Oregon company, and that he had sold it to her for \$120,000. This was on October 22, 1909.

But further, the woman alleges that she discovered that the deed given her by Crowe, signed by himself, was void. Crowe, she says, did not own the land he pretended to sell her, and did not act as agent for the owners. However, he refused to return the money she paid him for the property.

Copies of the deed given the woman by Crowe bring a third person into the tangle—Miss A. A. Hughes, Crowe's stenographer. She witnessed the signing of the transfer and acted as notary. Miss Hughes could not be found.

Mr. Hickey says he represents other women to whom Crowe pretended to sell land. Crowe, he said today, seemed to make a specialty of getting women purchasers.

The broker is about 28 years old. He is separated from his wife, but is not yet divorced.

WITNESSES SAY DEFENDANT, WHO IS SUING FOR \$3000 SALARY, DID NOT MAKE LIVESTOCK A SUCCESS. Captains Say Mayor's Plan to Lower Stacks on Riverboats is Not Feasible—Engineers Follow Recommendations.

Mayor Simon, Dairy and Food Commissioner Bailey, Dr. Emmett Drake and Julius L. Meier, all directors of the Portland County Club & Livestock association, were the final witnesses called by the defense this morning in the case of W. H. Wehrung against the association for \$3000 salary, claimed to be due under contract as general manager of the show of 1909.

Mayor Simon told of drawing the contract from memorandum supplied by Wehrung. Bailey said that the stalls were not in condition to receive the livestock when the show opened. Drake told of unsatisfactory conditions, and Meier said that Wehrung had not given the show proper publicity until prodded by the directors, who sent him a hurry call to come from Seattle, where he was engaged as president of the Oregon commission to the A.-Y.-P. exposition.

Meier also attempted to tell of the meeting when Wehrung entered into a contract as manager of the Country Club. He started to make a statement that Wehrung had agreed to make no claim for services unless it could be paid by profits from the show. E. L. Thompson had previously made the same statement as to the agreement with Wehrung, but all testimony on this line was cut out of the case by Judge Cleland on the ground that it tends to contradict a written instrument.

Mayor Simon's testimony was to show that the contract drawn by him and afterward signed by Vice President H. C. Campbell and Secretary G. A. Wingate was a success. U. G. Brookings, also called in rebuttal, testified that the show was well advertised in the east, where he was traveling last spring and summer.

Testimony was brought out from Wehrung that he charged the state of Oregon \$300 per month, or full pay for services, for the vacation of the Oregon commission to the Seattle fair every month from October, 1908, to and including August, 1909. From this it is argued that he could not have been giving proper attention to the country club.

Wehrung testified that he had performed all services required, that he had received no complaints as to his management until about the time of the fair, that he had often worked nights on country club business and that he had been out from home all about the time of the fair. He came from Seattle on September 2, he said, and remained until September 29, after the fair was over, and filled his contract in every respect.

Testimony was finished before noon and the attorneys began their argument to the jury.

CHINESE TO CELEBRATE NEW YEAR'S TONIGHT Promptly at 12 o'clock tonight the Chinese of the city will begin the celebration of their new year. Fireworks, greetings and good cheer will prevail for two weeks, and the lion dances will be the scenes of many religious ceremonies.

The year marks the second year of the reign of the new emperor. For the next three days all Chinese business houses will be closed, and no admittance except to owners. Early Wednesday morning the religiously inclined will begin making calls upon one another in their homes, where the greeting of the new year will be extended. The lion dances will appear in each home and leave its blessing for the coming year. All will pay devotion to the new emperor.

WOMAN SAYS SHE IS VICTIM OF SHARKS. When arraigned in the municipal court this morning upon a charge of obtaining money under false pretenses, Amy E. Parker pleaded she was the victim of loan sharks. The woman was arrested at Tacoma. She admitted borrowing money on her household furniture, but said she understood she was giving a mortgage instead of a bill of sale, as has been exhibited by the Foulson-Radcliffe Realty company.

The woman further explains she borrowed \$200 and was charged \$14 a month interest. The furniture was used by herself and husband. He deserted her and she was without funds. The really people showed the woman had given two mortgages. Preliminary hearing was waived. The case will go before the grand jury.

The woman attracted the sympathy of all in the courtroom, as she recited her story of abandonment, and of her struggle to keep the wolf from the door. She would not leave her two small children to go out to work, and she would live in the home, and it was this which forced her to go to the loan sharks. When the youngest child came into the world, its chances to live were so small that it was placed in an incubator. The child grew and was later taken by the mother.

Mrs. Parker says she had to choose between leading a life of shame or mortgage her goods. She chose the latter. The interest on the first loan was so heavy she had to get the second loan from another firm. The first kept her little treasury depleted, and the sale was the final result.

Deputy District Attorney Fitzgerald roughly scored the money loaners for their part in pursuing the woman, and attempts to get her furniture.

SUES TO QUIET TITLE TO SELLWOOD LOTS Mrs. Elizabeth Campbell Wilson, widow of John P. Wilson, has begun suit in the district court to quiet title to two lots in Sellwood purchased by her from Jay H. Upton as trustee. The property was owned by Peter Fisher, who was for some time a ward of the county, the county being reimbursed when the property was sold after his death.

A small sum remaining after the claim of the county was paid, was sent to Mrs. Katherine Fisher, widow of Peter Fisher, who is now in Colorado. The object of the suit is to quiet title against all the heirs of Fisher.

SEATTLE VOTERS CAST BALLOTS Candidates Are Being Selected for City Election to Be Held on March 8.

Seattle, Wash., Feb. 8.—For the second time since the enactment of the direct primary law citizens of Seattle are voting to select their party candidates for city offices. The election will be held on March 8. Interest in the primary law has been keen and the different campaigns are carried on a vigorous and spirited campaign, which at times has been marked by extreme bitterness, especially with reference to the majority candidates.

The Republicans have three candidates in the race for mayor—A. V. Vouillon, H. C. Gilchrist and Ben R. Humes. The Democrats will make their choice between two candidates—O. T. Erickson and W. Hickman Moore. On the eve of the primary election the campaign managers gave out statements which indicated that they were confident of success.

WANT FEES FOR SETTLING ESTATE Another session on the question of fees of attorneys in the W. C. Noon estate was held before Judge Webster in the county court this morning. C. A. Dolph took the stand to give a history of the work involved in settling the affairs of the estate. He said his firm has received \$2000 as attorneys for the executors and \$2000 more is asked.

Notary F. K. Kirtup has asked \$4000 for their services, and the Oregon state railroad commission. Mr. Fogelman is from the Northern Pacific offices in Portland. Mr. Minier goes to Ashland to accept the position of court stenographer in the first judicial district, the former stenographer in that district, F. J. Calkins, having recently been appointed judge by Governor Beason to succeed H. K. Hanno, resigned.

C. E. Minier Goes to Ashland. (Salem Bureau of The Journal.) Salem, Or., Feb. 8.—Charles A. Fogelman yesterday succeeded C. E. Minier as official stenographer on the Oregon state railroad commission. Mr. Fogelman is from the Northern Pacific offices in Portland. Mr. Minier goes to Ashland to accept the position of court stenographer in the first judicial district, the former stenographer in that district, F. J. Calkins, having recently been appointed judge by Governor Beason to succeed H. K. Hanno, resigned.

TAKE CHARGE OF HOTEL. (Special Dispatch to The Journal.) Junction City, Or., Feb. 8.—F. E. Garret and wife of Los Angeles, expert hotel manager, have taken charge of the Junction City hotel.

Hard coughs are bad enough, to be sure. But it's often the little, hacking, tickling, persistent cough that means the most, especially when there is a history of weak lungs in the family. What should be done? Ask your doctor. He knows. Ask him about the formula on the label of every bottle of Ayer's Cherry Pectoral. Ask him if this medicine has his full approval for throat and lung troubles. Then do as he says.

BE WELL; BE STRONG. You cannot if your bowels are constipated. The best laxative is Ayer's Pills, all vegetable. Ask your doctor if he agrees with us. Do as he says.

CRISTAL DOMINO SUGAR WELCOMED IN MILLIONS OF HOMES. THERE IS NO STRONGER PROOF OF MERIT THAN CONTINUED AND INCREASING POPULARITY. BEST SUGAR FOR TEA AND COFFEE. - GROCERS EVERYWHERE.

Poor Appetite indicates weakness of the stomach nerves which control the desire for food. It is a sure sign that the digestive organs need the help of BEECHAM'S PILLS. Sold Everywhere. In boxes 10c. and 25c.

STEAMER CYCLOPS LOST IN RED SEA (United Press Leased Wire.) Seattle, Feb. 8.—The steamer Cyclops, bound from the orient to Seattle and Tacoma, has been wrecked in the Red Sea near Jidda, according to meager advice received by the Merchants' exchange here today. No details are obtainable. Seattle men are known to be included in the crew. The Cyclops passed Gibraltar January 27. She carried a cargo of general merchandise.

For Assay Office at Los Angeles. Washington, Feb. 8.—The senate has passed a bill providing for the establishment of an assay office at Los Angeles and appropriating \$20,000 for salaries of officers and employees. The house has not yet passed the measure.

Protect Yourself! AT SODA FOUNTAINS OR ELSEWHERE Get the Original and Genuine HORLICK'S Malted Milk. Others are Imitations! The Food Drink for All Ages. NICH MILK, MALT BRAIN EXTRACT, IN POWDER. Not in any Milk Trust! Insist on "HORLICK'S" Take a package home

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