

# FIREBUGS BUSY IN ESTACADA

## Second Fire Within 2 Months Attributed to Those Opposed to Liquor.

For the second time within about two months a building in Estacada leased by the Mount Hood Brewing company of Portland, and occupied by J. N. Foster as a supposed soft drink parlor on the first floor and utilized as a rooming house above, was burned between 11 and 1 o'clock this morning. The fire was of incendiary origin apparently. The building was owned by Frank Michaels of Gresham.

"This is the second time they have burned me out," he said this morning. "I suppose it was because of the suspicion that liquor was being sold. I leased the building to the Mount Hood Brewing company and I understand that it had a man running the place. He has been arrested for selling liquor and there has been hard feeling. The last time the building burned I had no insurance and lost \$500. This time I am partially insured, but I will again be the loser."

The Estacada volunteer fire department responded to the call after the fire had been discovered, but the flames had gained such a strong hold that the build could not be saved. It burned to the ground.

The upper floor was conducted as a rooming house by Floe Henderson from Portland. She was not at home at the time of the fire and the rooms at the time being were not occupied. Many persons in Estacada disliked the place and regarded it with suspicion.

The loss on this morning's fire was about \$2000.

# W. W. DEFIANCE HURLED AT FRESNO

## Truce Terminated and Notice of Purpose Served; City to Devise New Plan.

(United Press Special Wire.) Fresno, Cal., Dec. 20.—The truce between the civil authorities and members of the Industrial Workers of the World by which 74 industrialists in jail here for vagrancy were to be released pending the hearing of a test case was abruptly ended yesterday by officials of the workers, who notified the district attorney's office that the agreement was off. The announcement was made as a defiance and it was stated that the fight, which has filled Fresno's jail and clogged its court calendars all winter, will be renewed with increased zeal.

"We will flood your jails and cost the county a fortune to support us, but we will not compromise," was the substance of the information imparted to the district attorney.

The reason for the change in attitude is not known. Prior to the ultimatum the authorities believed the test case was satisfactory to all concerned and was an easy way out of a difficult situation.

## Fined for Speeding.

Another \$50 fine was assessed by Police Judge Caswell this morning for auto speeding. The victim was H. A. Cummings of the Portland Motor Car company. He was arrested yesterday by Officer Sims at Grand avenue and East Pine for speeding within the fire limits.

## THREE ARRESTED IN FIGHT

(Continued from Page One.) Each person is charged with conducting a disorderly house.

The statement has been made outside of court by three of the persons arrested that they propose to tell how they have been giving money to certain members of the police department. One lodging house keeper said that a member of the department called at his place regularly, drank a bottle of beer, and took money. Another keeper said it was routine to support us, but to be given the policeman, when the officer came into the place. Still other lodging house keepers say they are afraid to tell of graft for fear they will have no rest from police persecution.

As the 13 people arrested are only a small fraction of the number engaged in questionable lodging house business, and other places well recognized as disorderly houses, the December grand jury is to continue the investigation. Houses are running openly on Seventh street, in the vicinity of Park and Morrison streets, and at other places uptown. Chief of Police Cox has stated that they have all been notified to close, but the proprietors declare they have received no such word.

## SUPREME COURT MAKES RULING ON NEW AMENDMENT

(Continued from Page One.) incident to a denial of the writ; third, whether the petitioner has any plain, speedy, adequate remedy in the circuit court; and fourth, whether he has a remedy by appeal.

"As to the first, it is well known that, at the present time, the docket of this court is greatly congested, and it follows that, if we take jurisdiction of this matter and proceed with a hearing, other criminal cases equally meritorious, some involving the question of life and death, and nearly all involving the present imprisonment of the parties concerned, will have to be postponed to the consideration of the case of these petitioners who are confessedly guilty of some crime, the particulars of which do not appear.

Other Remedies Suggested. "It does appear from the imperfect record that they appeared in court, pleaded guilty to an offense against the laws of this state, and craved the immediate sentence of the court therefor, and that thereupon the court sentenced them to an indeterminate term in the penitentiary. So far the proceedings seem to have been regular, but the law makes it the duty of the clerk to enter in the judgment the crime for which the defendant was sentenced, and this he has failed to do; so that Roberto and Martinez are in danger of remaining indefinitely in the battle unless this in-

advertence is corrected. But these gentlemen have several plain, speedy and adequate remedies. An obvious one is to apply to the court to require the clerk to correct the judgment entry to correspond with the facts. Another is to appeal to this court in the regular way and have the judgment of the circuit court reversed or amended. And a third is to apply for a writ of habeas corpus before a judge of the circuit court, and find their redress. With all these remedies in other courts open to them, we do not think this is a case wherein this court should exercise the extraordinary jurisdiction conferred by the recent amendment to the detriment of other and more meritorious business. "The petition is denied."

Justice Bakin in his concurring opinion reviewed at length the decisions illustrating the exercise of a court's discretion and said: "The conclusion is irresistible, that the new jurisdictional provision contemplates that the application to the supreme court for any of these writs should only be entertained in case there is some good reason why it cannot be issued and heard by the circuit or county court, which does not appear in this case."

Justice King dissents. Justice King took strong exception to the opinions of his colleagues. "The object of this amendment in my judgment," said Justice King, "was to reach such cases as the one before us and thereby avoid the delays incident to an appeal from the county and circuit courts to this court. These delays often work to the prejudice of the state and at other times occasion great injustice to those unlawfully held in custody. . . . Manifestly the amendment had some purpose in view when it gave to the people affected the right to apply to this court for a writ of habeas corpus, and this cause, it appears to me, clearly comes within the class of cases thereby contemplated. The argument that it may impose additional burdens upon a long suffering and overworked court should have no weight. It is not for the courts to say what should be thrust upon them by the law making department; that is a legislative and not a

judicial matter. . . . The holding to the effect that these prisoners may apply to the trial court for a correction of the record to conform to the facts is novel and new in its application. It is not within our province to assume any state of facts not disclosed by the record before us, nor can we legally do so without first granting the writ and procuring a return thereof."

Result is Step Backward. Justice King's opinion concludes as follows: "I deem the result announced by my associates a long stride towards a suspension of the writ of habeas corpus. It is a step backward in the progress of the law, and I think clearly inconsistent with the reason and spirit of the habeas corpus provision of the judicial amendment to our constitution. The writ should be issued and the final outcome be determined upon the showing made thereby."

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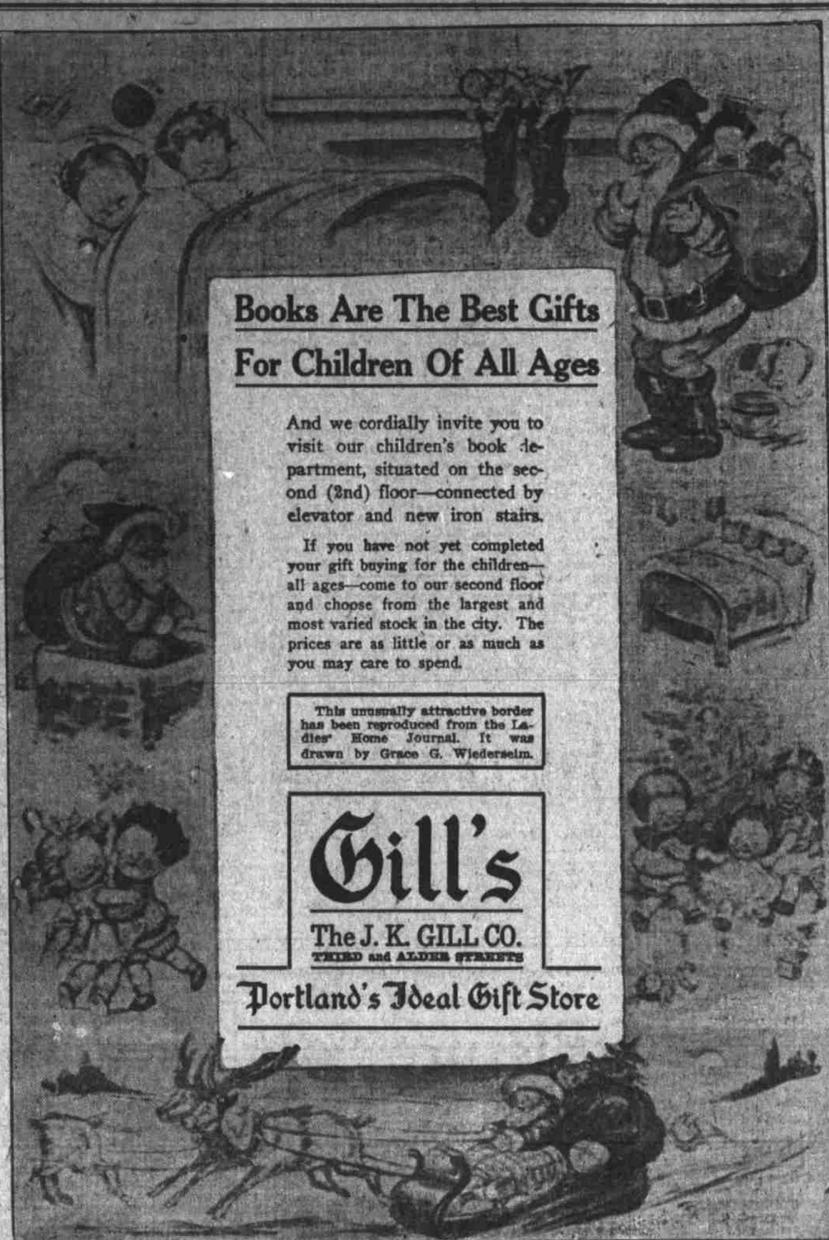
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