

REFERENDUM CASE MUST WAIT UNTIL COURT HAS TIME

Judge Galloway Promises an Opinion Before Holidays—Arguments Go to Source of Opposition to State U.

(Salem Bureau of The Journal.)
Salem, Or., Dec. 6.—At the close of the arguments in the university referendum case yesterday afternoon, Judge Galloway promised a ruling before the Christmas holidays. He said that he had never been so busy since he had been on the bench and that it would be 10 days before he would have time to take up the university case.

A feature of the latter part of the afternoon's arguments was the story of the alleged origin of the movement to invoke the referendum as told by Judge Martin L. Pipes, associated with Judge Slater in opposition to the referendum.

Opposition Under Cover.
"Where is our antagonist?" asked Judge Pipes. "Where is his head hidden? Who are the parties to this suit and what are the issues? Friendly and Oicott, plaintiff and defendant, respectively, are acting purely in their representative capacities. We are here to represent the people of the state in seeing that the laws are honestly applied and that they must be honestly applied or not at all. Surely neither Secretary Oicott nor Attorney General Crawford would oppose us in this view. "Fraud vitiate everything. Parallel to every case there is the moral issue standing up before all parties like the ghost that will not down. This referendum against the university was immoral in its inception and is immoral up to this minute. It came out of a local fight between two villages. It was not instituted for the purpose of using the referendum power for the interests of the whole people."

County Fight Involved.
"The movement was started by parties who made up a purse to fight the university that they might compel Eugene to quit fighting the county of Nesmith. I think Cottage Grove is now ashamed of her part in this business and is trying to make her part in it good."

"Their first move was to employ Parkison, who held no honest views of opposition to the university. He went into it to make a little money. He

FAMOUS SHORTSTOP MAKES HIT ON STAGE



Joe Tinker, famous shortstop of Chicago Cubs, who is "catching" laughs before footlights at Empress theatre this week.

then went into the dives of the north end in Portland and employed crooks no more fitting place could be found to employ men to fight education. If other interests are backing him all are equally guilty."

Petitions Are Bad Yet.
Judge Pipes took up the legal points covered by Judge Slater yesterday forenoon and reinforced them with strong argument. Among the points made was one in which he showed by reading from the court records that the girls in Clerk Fields' office who made out the lists of names under the headings "good," "suspected" and "bad," declared on the stand that numerous names in the "suspected" list should be in the "bad" list but they had not the time to make a second checking of the names.

Colonel C. E. S. Wood argued that the court had no jurisdiction, as the secretary of state was the final tribunal in passing upon the fitness of the petitions for filing; that fraud must be shown clear, positive and convincing; that the alleged bad names should have been segregated; that the argument regarding the improper attachment of forms of the bill to the petition sheets was a technicality, and that sufficient good names were attached to sustain in the referendum. He defended Matthews and declared the giving of the appropriation would not be looked upon with favor by the people of the state as it would be building up two great schools side by side for the same purpose.

Rogers Declared Guilty.
(United Press Leased Wire.)
San Francisco, Dec. 6.—John Rogers was yesterday afternoon declared guilty by the coroner's jury of the murder of Benjamin A. Goodman, who was robbed of \$5000 and killed in the basement of the San Francisco Produce company. Opposite the prisoner, smiling and chattering, sat Hazel Smith, his consort, the woman who betrayed him to the police and whom the detectives declare was indirectly responsible for the crime. They say it was that she might wear diamonds that Rogers killed Goodman.

OPERA THAIS SANG FOR THIRD TIME

Lambardi Company Artists Receive Another Ovation From Big Audience.

By J. L. W.
Meditation, the quiet and dainty intermezzo that Massenet inserted in his lyric opera "Thais" gives promise of much popularity in Portland for some time now that it has been so favorably introduced by the orchestra of the Lambardi Grand Opera company. Last night the audience that practically packed the Helig insisted on having it repeated, and Concert Master J. W. Lewis, who played the solo, was the recipient of quite an ovation. And it is the theme of this little composition that runs through the subsequent scenes of the opera and insists on lingering in the memory no matter what impression may have been made by the interpreters of the leading roles.

Sung for Third Time.
It was for the third time during the present engagement that the Lambardi artists sang the intensely interesting opera last night and enthusiasm seemed even greater than at the first presentation. The cast was the same, with Deanette Alvina in the title role, Giuseppe Maggi as Athanasi, Alceste Marco as Palemon, and Manuel Salazar as Nicias. Their acting was fully as powerful as before. Thais was impetuous, fervid and daring and in as good voice as in the performance of Friday and Sunday evenings. Giuseppe Maggi is quite a wonderful portrayal of the part of Athanasi and he has the voice, many declaring that they have never heard the part sung better nor acted more dramatically and yet so consistently. In this connection it might be pardonable to mention that while "Thais" is being produced here this season for the first time it was created some 17 years ago, if memory fails not, for Simon.

Rendered in French.
Salazar as Nicias had little opportunity to shine, but filled his part very satisfactorily. Adalgisa Gianna as Crobyla and Emilia Prati as Myrtle sang well and looked and acted their parts admirably, as did Lisa Bandoli as Albina, a minor part in the closing scenes. Alvina sings "Thais" in French, but this makes little difference to the listener who does not understand Italian; those who understand French enjoyed it and to those who understand neither French nor Italian it made no material difference. The fact remains that she sang and sang well. The duet between Thais and Athanasi just before the curtain on the first scene in the second act was so splendidly rendered that a letter recalls they had to repeat it. "Madame Butterfly," by Puccini, is the bill this afternoon, with Elvira Bossetti in the title role. Tonight's bill is Bizet's "Carmen" with Miss Bossetti as Carmen, Lidia Levi as Micaela, Scariotti as Don Jose.

The engagement will close tomorrow night with Puccini's "La Boheme" with Miss Alvina and Manuel Salazar as principals. The orchestra under the direction of Chevalier Fulgionzi Guerrieri did excellent work last night.

GOLDS CAUSE HEADACHE.
LAXATIVE BROMO QUININE, the world wide Cold and Grip remedy removes cause. See signature E. W. GROVE, 25c.

DENIES HE GARBLED POLICE COURT RECORDS

"Any assertion by the chief of police or anyone else that I, as clerk of the municipal court, garbled the records in the cases of Walter Perry and Dell Nash, who were fined by Acting Judge Cohen \$200 each and sentenced to 90 days on the rockpile on a disorderly conduct charge, is not a true statement of facts, and I refer to the records to back my statement," said Clerk of the Municipal Court Nick Buetgen, this morning, in connection with the declaration made by Chief of Police Slover last week that the appeal granted the two men was irregular.

"It is true that two men were given five days to appeal in, but the records plainly show that in spite of the fact that they filed the appeal, it was granted them because the fine and sentence were excessive. Acting Judge Max Cohen tried the case. When the case was up to the circuit court, it was decided there that the sentence was more than the circumstances justified," he explained.

"The attorney who told Chief Slover that I dated the records ahead in order to make their appeal possible is the attorney who defended them in court and who did not make satisfactory settlement with them. He had absolutely no grounds on which to make any such assertion."

Chief Slover, in speaking of the assertions he made Saturday, said: "I did not charge that Buetgen changed dates. I merely reported what was told me, without comment, and I am satisfied that the records were not garbled."

Physical Wreck Restored to Health by Great Kidney Remedy

I feel it my duty to furnish you with my testimonial as to what your remedy Swamp-Root did for me when I was a physical wreck from kidney and bladder trouble.

Some years ago I was not able to do any work and could only just creep around and am satisfied that had it not been for Dr. Kilmer's Swamp-Root I would not have lived. After using the preparation for one month I was able to work some and when I had used \$8.00 worth of Swamp-Root I could do a good day's work. I used about \$10.00 worth altogether and would not take \$10,000 for the good that it did me. I consider it a God-send to suffering humanity for the diseases for which you recommend it and have recommended it to many sufferers.

Personally appeared before me this 20th of September, 1909, N. L. Huggins, who subscribed the above statement and made oath that the same is true in substance and in fact.

W. A. PAGE, J. P.

Letter to Dr. Kilmer & Co., Binghamton, N. Y.

Prove What Swamp-Root Will Do For You
Send to Dr. Kilmer & Co., Binghamton, N. Y., for a sample bottle. It will convince anyone. You will also receive a booklet of valuable information, telling all about the kidneys and bladder. When writing, be sure and mention The Portland Daily Journal. Regular fifty-cent and one-dollar size bottles for sale at all drug stores.

SENTENCE AGAINST SLEUTHS SUSPENDED

Sentence was suspended yesterday afternoon in the case against City Detectives Maloney and Mallett, who were charged with contempt of the circuit court in kidnaping Leo Martin, the young man wanted in Denver for assaulting his wife. There are two further charges against the policemen, and Judge Gatens said he did not wish to prejudice either case by his decision. One is an indictment for kidnaping. The other charge is in the police commission, wherein they are accused of improper conduct as policemen. The hearing yesterday afternoon was postponed from several days ago. Martin gave his testimony on the previous hearing. The kidnaping charge will be heard January 12, at the close of which Judge Gatens will pass upon the contempt case.

MAN WHO WAS HURT STRANGELY MISSING

Following a blow on the head received November 12, while working for the March Lumber company as a carpenter, G. Rickwies, 37 years old, left his home in University Park after breakfast, November 22, and has not been heard from since. It is supposed that the blow affected his brain. He is bald, with light mustache, tinged with gray, 5 feet 7 inches in height, heavy set, and wore dark gray trousers and a plaid coat. He is a man who spent most of his spare time at his home and had never left home before.

HIS "COMPELLING EYES" TO GAZE ON PRISON BARS

(United Press Leased Wire.)
San Bernardino, Cal., Dec. 5.—Dr. A. W. McDavit, the local dentist convicted here of keeping Miss Jessie McDonald in captivity at his apartments for several months, was yesterday sentenced to one year's imprisonment. The girl said McDavit's eyes "compelled" her to do as he wished.
Pianos rented \$2, \$4 per month, free drayage. Kohler & Chase, 375 Washington st.

Abscesses

"I should feel guilty of ingratitude if I did not tell of the benefits I have derived from Hood's Sarsaparilla. Five ugly and painful abscesses formed in the lower part of my abdomen. I was confined to my bed thirteen weeks, and the pain was almost unbearable. A neighbor suggested that I try Hood's Sarsaparilla, which I did. I began to improve immediately, the abscesses began to heal, and I took the medicine until I was well." John Wallace, Field Sec., Y. M. C. A., Pittston, Pa.
Get it today. In usual liquid form or chocolate tablets called Sarsatabs.

Wholesale and Retail

Personally appeared before me this 20th of September, 1909, N. L. Huggins, who subscribed the above statement and made oath that the same is true in substance and in fact.

Open Evenings Until Christmas

Wholesale and Retail
Sherman Clay & Co
Morrison at Sixth Streets

Steinway and Other Pianos

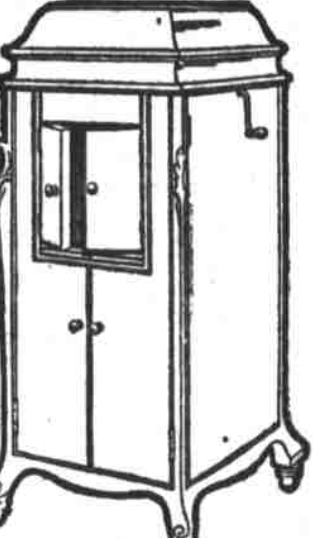
Wholesale and Retail
Sherman Clay & Co
Morrison at Sixth Streets



Victor-Victrola VIII \$40

\$15, \$25, \$40, \$50, \$75, \$100, \$150, \$200, \$250.

Victor-Victrola XVI \$200 and \$250



No matter how much or how little you want to pay for a Christmas gift, you won't get anything that will give so much pleasure as a Victor or a Victor-Victrola. There's one of these instruments at a price to suit every purse and we'll arrange easy terms if desired. Stop in any time and we'll gladly play any Victor music you want to hear.

Open Evenings Until Christmas



Victor I \$25

\$10, \$17.50, \$25, \$32.50, \$40, \$50, \$60, \$100.



All Is Brightness and Cheerfulness Inside the Store--the Christmas Spirit Is in the Air--the Magic of Economy Permeates the Very Atmosphere

The Great HOLIDAY REMOVAL SALE Is Now at Its Very Best--Come Tomorrow

For Your Eastern Relatives and Friends--A Navajo Rug, an Indian Blanket, Chinese Embroideries, Chinese Serving Trays, Oregon Grape Pillows Japanese Reed Baskets for Fruit, Nuts, Cakes, Candies, Flowers--Dainty Art Embroideries, Souvenirs of Portland and Oregon

RED CROSS STAMPS

For Sale Here
Booth in Charge of Mrs. Henry Metzger
Assistants tomorrow morning, Mrs. I. N. Fleischer, and Mrs. Edward Cookingham.
In the afternoon, Miss Louise Baughn, Mrs. I. N. Fleischer and Mrs. Edward Cookingham.
Red Cross Stamps are 4¢ each and should be used on all your gift packages and letters.

Merchandise Orders

For Gloves and Merchandise are issued in any amount.
—These orders are good throughout the store, and go further here than elsewhere, for you enjoy the deep reductions of this great Removal Sale.
—Merchandise orders are sensible Xmas gifts and are being utilized more and more each season.

3000 Pictures Holiday Removal Half Price

—Framed etchings, water colors, pastels, gravures, artotypes and carbons, in walnut, mahogany, gilt, oak and hardwood frames.
—Manufacturers' samples, scarcely two alike in the entire collection.

Buy Your Xmas Victor Talking Machine

50c Down, 50c Week

Xmas Box Papers

—Our stationary buyer secured about 1800 boxes of holiday papereries. They were the surplus of some special boxes made for a New York retailer, whose contract called for the exclusive control of these fancy boxes.
—They consist of the latest society papers in the newest sizes, as follows:

At 28c
—Fancy holiday cabinet box in three designs, contains 48 sheets and 48 envelopes of fine linen paper in two sizes.

At 48c
—Holiday poinsettia box with a hinge cover containing 24 sheets and envelopes of fine linen paper with gold border.

At 68c
—Holiday cretonne covered boxes in rose designs, containing 48 sheets and 48 new cut envelopes of fine linen finished paper.

At 78c
—Fancy holiday cretonne box containing 48 sheets and 48 envelopes of finest linen paper in two sizes, ribbon tied, makes a dainty dresser box.

At \$1.38
—Hand-made boxes in two shapes with hinged covers and covered with imported figured cretonne, containing 3½ quires of finest linen paper and envelopes to match.

Holiday Removal Sale Our Entire Jewelry Stock Two Gifts for the Price of One

—You pay manufacturers' prices only in this great Removal Sale.
—Determined to dispose of our entire stock of holiday jewelry, we have reduced every article in this section.
—No half-hearted methods, but a progressive, enthusiastic, determined spirit back of this great jewelry sale, offering a thousand and one gleaming, attractive Xmas gifts at Half Price and Less Than Half.
—Solid gold — gold-filled — Sterling silver — silver plated and novelty jewelry—rich American cut glass —opera glasses—clocks—watches—gifts for every member of the family.
—Not alone attractive gifts, but removal prices on every piece of jewelry in our store is sold with our guarantee behind each sale.

Now Is the Time to Visit Our Great Store of Leather Goods

—Leather goods are gifts which please every one. It matters not whether the gift be simple or elaborate.
—Here will be found thousands of articles at every range of price ready to buy and lay aside now for Xmas gifts.
—Naturally the immense variety must be subdivided into sections so that the customer may find quickly gifts they seek.
—Experienced saleswomen will assist you in your quest for appropriate gifts.
—THE MEN'S SECTION displays wallets, bill folds, cigar and cigarette cases, pocketbooks, coin purses, memorandum and telephone pads, card cases, playing card cases, collar and cuff bags, flasks, drinking cups, necktie holders.
—THE TOURISTS' SECTION includes dressing cases, medicine cases, coat hangers, flat brushes in leather cases, fitted baskets, traveling clocks.
—THE SECTION FOR STATIONERY AND SUNDRIES includes writing cases, folios, jewel boxes, sewing baskets and boxes, address books, visiting books.

As for Bags

—Our present collection is the largest and most distinguished we have ever shown. Everything that is new and novel in leather, velvet, suede, tapestry, tinsel, beaded and novelty bags is to be found at Removal prices.

Xmas Handkerchiefs at Removal Prices Gift Box Handkerchiefs, Removal \$1.48

—A box of sheer linen handkerchiefs with a hand embroidered initial in one corner, enhanced with pretty hand embroidered floral design. Comes in three different designs in the box.

Sun Spun Handkerchiefs, Removal 73c

—Sun Spun, Erindale and Alpine hand embroidered hemstitched narrow hem handkerchiefs, exquisitely wrought in many designs. A limited number at this price.

Handmade Handkerchiefs, Removal 98c

—At this price are many daintily and elaborately hand embroidered, one-corner effect handkerchiefs.

Lipman, Wolfe & Co.

Merchandise of Merit Only