

DIRECTED VERDICT IN BARNES CASE FULLY JUSTIFIED

Oregon Supreme Court Decision Holds That Holding Over of Accused Constitutes Probable Cause.

There is a great deal of comment pro and con over the directed verdict in the case of Barnes versus Silverfield in Judge Davis' court, Wednesday. A fact generally lost sight of in the comment is that there is a decision of the Oregon supreme court which holds that the holding over to the grand jury by a magistrate of the accused is a sufficient fact to constitute probable cause. It was on this decision that the directed verdict of Judge Davis was based, and many lawyers familiar with all the circumstances insist that Judge Davis was entirely within his province in directing the verdict. It has also become known that a firm of lawyers other than Coiller & Stott was originally asked to take the case. The members of that firm looked into the law and the facts and when they encountered the decision of the state supreme court relative to probable cause they declined to go farther. Members of this firm insist that in the original prosecution there was not sufficient testimony for reasonable expectation of a conviction of Barnes, but hold that the decision of the state supreme court left no alternative before Judge Davis but to direct the verdict. In the original prosecution the hearing of the charge against Barnes was before Justice Bell. In announcing his decision the justice said he did not think there was sufficient evidence to expect a conviction, but that it would probably be best to hold Barnes to the grand jury. The grand jury promptly returned a not true bill, and the suit for damages by Barnes against Silverfield was the outcome. The supreme court decision says that the binding over to the grand jury of a defendant is conclusive evidence of probable cause, except in case of fraud or undue influence be shown. The decision was on an appeal from Grant county about four years ago, and was on a suit for damages similar to the present case.

METHODS, NOT MEN, SUBJECT OF CRITICISM

Portland, Or., June 27.—To the Editor of The Journal—Certain interviews concerning county affairs which I have given having been reported with some inaccuracy, I desire to make the following statement so that my attitude on county affairs may be understood. In calling attention to the condition of Multnomah county affairs and the lack of method in transacting county business existing when I assumed my duties as a commissioner of the county, it is not in the spirit of fault finding, nor do I question the character, honor or integrity of any man, but with the idea of calling attention to these conditions in the spirit expressed by President Woodrow Wilson of "lifting the light from the dark places," and concerning the method rather than the man, and with the idea of suggesting what remedies I am able to devise with the assistance of what experts I am acquainted with in each particular line of endeavor. Inasmuch as the transacting of county business is a public proposition, it is my theory that the people should at all times be advised regarding same even to the minutest details, and I am endeavoring to install records and methods which will bring about these results, and trust that particularly the different clubs and leagues whose excuse for existence is an interest in public affairs will investigate the different institutions of Multnomah county and will become acquainted with the needs of the various institutions and become well informed upon county affairs, so that when it comes time to work out a budget of county affairs for next year, the board of county commissioners may have the intelligent advice and assistance of well informed and capable persons and that a just and sensible tax be levied for county expenditures. RUFUS C. HOLMAN.

HANSEN AND DOLPHY IN CITY SERVICE AGAIN

The city civil service commission has approved the markings of examination papers written by applicants for the position of curator of the city museum. The appointment of a curator will be announced soon. Henry Hansen, a former policeman, was reinstated on the eligible list by unanimous vote of the commission and on the recommendation of Chief of Police Slover. Hansen was wounded in a fight with highwaymen when he was in the service of the city some years ago. A. W. Dolphy was reinstated to duty in the fire department. The fireman was dismissed recently for having participated in a brawl with his fellows.

Crowd Leaves Tomorrow for Michigan

Two special sleepers carrying home-going Michiganders will leave Portland Union Depot via the O-W. R. & N. tonight at 8 o'clock. Those who have not already procured tickets can still do so by applying to City Ticket Office, Third and Washington streets. Phone Marshall 4500, A-6121.

The Sunday Luncheon

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CORRECTING ERROR MADE LONG AGO

City Relaying Water Main Which Proved Defective; Many Breaks Occur.

At a cost of approximately \$50,000, the city is at present relaying an iron water main in Fourth street to rectify a mistake made 22 years ago. The pipe was laid about 1890. Almost from the start it proved defective. Though no apparent reason could be discovered, there were numerous breaks in it, which caused disastrous floods in the street wherever they took place. It broke unaccountably and at places far removed from each other. On account of these breaks which at different times have involved the city in damage suits, and have been costly in repairs the pipe has been in partial service only for a number of years.

Other Breaks Occur. For the last two years, since a bad break at Fourth and Ash streets, and another one near Burnside, it has been out of service altogether. The Ash street break involved the city in two damage suits, one brought by the Pacific Paper Co., the other by the Blake-McFall Co. There was no question in court as to the damage done by the water, but only as to the city's liability for defects in the pipe. One verdict was for and the other against the city, but both were appealed and are now before the supreme court. Other breaks at different times have occurred in front of the court house and at Yamhill street. There have been two or three others, according to Engineer Clark of the water department. Examination of the pipe has showed it to be seemingly in the best of condition, the defect appearing to have been in the laying. One theory was that the jar from passing railroad trains was responsible for the many breaks.

Main 18 Blocks Long. On this account, the new pipe line is being laid four feet deep, half a foot deeper than the old one. The size of the new main is the same as that of the old one, 24 inches. The new main would not have been laid at this time had it not been for the relaying of Fourth street in the near future. It was decided by the water board that as the main would have to be relaid in a few years, being useless as it was, it should be put down before the new pavement is in place so that it would have to be torn up again. In tearing up the old main, the pipe has had to be cut so that it will be practically worthless except as junk. The main is 18 blocks long, extending from Jefferson to Davis street.

PARCEL POST C. O. D. EFFECTIVE TUESDAY

Beginning July 1, next Tuesday, the C. O. D. feature of the parcel post will go into practice in the postoffice service of the United States. After that date, for a fee of 13 cents, payable in stamps to be affixed on the package, the postoffice department will collect on any sum, not exceeding \$100. The C. O. D. stamps will also serve to insure the package for the full value of its contents, not to exceed \$50. With the new system only five days distant, postoffice authorities in Portland admit that their minds are practically blank on the new system. Not a supply of any kind to be used in this business and only a very few scraps of incited information has been received regarding the operation of the innovation. Postoffice officials complain that while they wait for the information and supplies, the eastern offices are equipped. One of the instructions is that the service for the present will not extend to the Philippines or to the Panama canal zone. Carriers, both city and rural, will accept the packages from senders along their routes, and receipts will be mailed from the main offices. The parcels will be registered like registered mail of the first class.

DISPLAY OF TEMPER COST PUTMAN \$10

Ruffling the judicial dignity of Judge Jones of the district court yesterday morning by calling another man a liar cost L. L. Putman \$10. The fine for contempt was assessed by Judge Jones after he had decided a case against Putman and was about to leave the bench. Putman had been sued for \$14.70 by Frank Masson, a cement dealer, who alleged that he had received a telephone message regarding the delivery of several sacks of cement and had delivered them to the Putman residence. Masson said that Putman had used it in building a house, but had refused to pay for it. After hearing the evidence Judge Jones decided that Masson was entitled to the money and gave judgment for the amount. Just as the court was about to leave the bench, Putman became angry and told Masson that he had never ordered the stuff. "Well, if you didn't, your wife did," replied Masson. "You are a ——— liar," retorted Putman. "Mr. Putman, you are fined \$10 for contempt," intercepted Judge Jones. Putman was given time in which to pay the fine assessed against him. Journal Want Ads bring results.

TEST 10 HOUR LAW IN SUPREME COURT

Manager of Salem Canning Co. Fined for Working Girls Overtime.

(Salem Bureau of The Journal.) Salem, Or., June 27.—E. C. Quinn, manager of the Salem Canning company, which is a branch of the Oregon Packing company, of Portland, was fined \$25 in Justice of the Peace Webster's court yesterday afternoon for working girls over 10 hours a day. It is expected Mr. Quinn will appeal to the higher courts in order to test the question as to whether the general 10-hour law enacted by the last legislature repealed the specific 10-hour law for women employees, enacted previously. The complaint against the canning company was made by Labor Commissioner Hoff. The facts in the case were stipulated yesterday afternoon. It was admitted that the company employed girls and women 11 hours a day, that because of the presence of the fruit necessity existed, that the company paid the women time and a half pay for overtime, and that the company believed they were legally acting under the new law. The attorneys for Quinn demurred to the complaint on the ground that the old law was repealed, and Judge Webster overruled the demurrer.

ROOSEVELT AND W. J. BRYAN RECIPIENTS OF WASHINGTON CHERRIES

(Special to The Journal.) Kennewick, Wash., June 27.—Two of Kennewick's citizens are elated today because of the letters just received from Theodore Roosevelt and William Jennings Bryan acknowledging the receipt of a shipment of cherries to them from this place. Two weeks ago when cherries in this section were at their best a half crate of choicest Bings was shipped to each of these men by R. L. Banta and Miss Stella Hanson, cherry growers of this valley. The letters stated that the fruit was in fairly good condition, which is evidence that Washington fruit can be shipped to almost any section of the United States successfully. Mr. Roosevelt received his cherries at Oyster Bay, while the secretary of state acknowledged the receipt of his from Washington, D. C.

Requisition Papers Issued.

(Salem Bureau of The Journal.) Salem, Or., June 27.—At the request of District Attorney Walter H. Evans, of Multnomah county, Governor West yesterday issued a requisition for A. B. Conley, of La Grande, who is under arrest in Boise and is wanted in Portland on the charge of contributing to the delinquency of a minor on November 8, 1908. The extradition of Clarence Ambery, wanted in Wyoming for larceny, was granted.

Salem Petitions for Depot.

(Salem Bureau of The Journal.) Salem, Or., June 27.—Citizens of West Salem have petitioned the railroad commission to order the P. E. & E. Railroad company to provide a depot at the corner of Johnson and Second streets. The petition states that the company has two depots in West Salem and neither one is near the center of population.

JUVENILE POLICE RULES ARE MADE

Boy Judge and Prosecuting Attorney to Be Named in Each School.

With the student body government of the Stephens school as a model, the judicial and legal side of the junior police is to be arranged. A boy judge and prosecuting attorney will be named in each school to take care of all troubles between boys and girls which are not of such a serious nature as to require the attention of adults. The qualifications for membership in the junior police are as follows: Captains must be 18 years old or older, sergeants 14 years or over, patrolmen 14 to 18 years. Approval of parents is necessary before a boy can become a member and the recommendation of the principal of the school or of five reputable citizens. A list of the names, ages, addresses, telephone numbers and rank of officers of each district must be made and a copy sent to Chief Probation Officer McIntosh and one to the chief of police. A captain will be elected by the boys of each school. He will appoint all sergeants needed, and one sergeant must have under him at least 40 boys. The rules under which the junior police will work are as follows: Boys will work under supervision of their school principal. All official reports must be made in writing to their captain. Captains must send all reports pertaining to minors to the juvenile court and report all offenders over 18 years of age to the chief of police. Complaints must contain full name, age and address plainly written, giving full statement of trouble. Boys under age must be kept off street after hours. Officers must observe the curfew law. Officers disobeying the above rule are subject to having their badge and commission taken from them. Report boys under 21 years of age who smoke cigarettes or use liquor. Report all boys who commit petty larceny or use bad language in the presence of girls. Officers must not work outside their school district unless otherwise ordered by their superiors. Officers should assist in keeping yards clean and notify persons dumping dirt in streets that it is unlawful. Auto drivers should be notified if their lights are out after dark. Keep persons riding bicycles off sidewalks. Report inhumane treatment to animals to Humane society.

CLARK WANTS HARMONY IN POLICE DEPARTMENT

Harmony in the police department will be one of the first things Chief-elect Clark will tell members of the department he wants. In his talks Tuesday and Wednesday afternoons with Chief Slover, the newly appointed chief strongly emphasized the need of harmony. From casual observation the last few days, the new chief says he thinks there is room for improvement in this line. This applies to detectives, uniform men, plain clothes officers, the harbor police and department of safety for girls. The new chief believes the police department should work like a football team. There should be concerted action, harmony, good will, confidence and obedience, says the new official, who will be the friend of all patrolmen who carry out these ideas in police work. Every marriageable woman believes that a ring on her finger beats two at the door.

The Last Saturday Before the 4th

Tomorrow's the last Saturday before Independence Day — the day both you and Moyer will celebrate. Come tomorrow to Moyer's celebrated sale—buy a suit at a saving. Everything's reduced—suits, hats, shoes, underwear, furnishings. The most for your money or your money's yours.

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- Boys' \$2.95 Knicker Suits Now \$1.90
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