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THEY CANNOT STOP THE WORK

EVERY EFFORT MADE TO DO SO

United Railways Bound to Reach Hillsboro in Spite of the Old Oregon Traction Co.

A surprise awaited the construction crew on the United Railway company's lines when they reached the scene of operations last Saturday, says the Portland Oregonian. They were prevented from going to work, as the result of attachment proceeding brought by L. Y. Keady and stockholders of the old Oregon Traction company in a suit to recover about \$46,000, the amount of claims as the result of the United Railways company's purchase of the Oregon Traction company's lines a year ago.

W. L. Benham, president of the United Railways company quickly called a meeting of officials at the office of the company's attorney, A. C. Emmons, and arrangements were made to furnish a bond and release the attachment. The bond for the full amount of the claim was signed by the United Railway corporation, Herman Wittenberg and Walter H. Moore, as principals. The party then called on Sheriff Stevens, filed the bond with him, and secured the release of the attachment. The construction work was continued after noon.

President Benham says the attachment was spite work on the part of persons who do not want his company to build the road. The track has been completed from the southern terminus at Hamilton avenue on Macadam road to Wood street, and on Walter street from Moody to Columbia street. At the northerly terminal on Front street the line is completed from the steel bridge to a point near Ash street. All the necessary rails and material are on the ground, and they were marked with notices of attachment.

L. Y. Keady was one of the original promoters of the Oregon Traction company, which secured a franchise over several streets of the city, which were to be used as terminals for an interurban line to Hillsboro. A portion of the track was laid but discontinued on account of financial reverses. The franchise and property was turned over to the United Railways company.

Suit was brought by Keady a short time ago to collect money he claimed due him as assignee of the stockholders of the Oregon Traction company. The case is set for trial May 27, Mr. Keady said Saturday night.

"The claims represented in my suit against the United Railways company are for money owed Eastern people who hold sight drafts in the form of notes for money due. In addition to these claims there are debts amounting to \$36,000 and supposed to be covered by a certified check at the Merchants National bank, issued to W. J. Muir as trustee for the Oregon Traction company at the time that the company's property was sold to the United Railways company on the Courthouse steps a year ago.

"Although this money was due immediately and payable on the certified check, it has never been paid, and the debts are still owing. These creditors include the Portland Railroad company, the Hibernia Savings Bank, Ashley & Rumelin, Merchants National Bank, Anderson & Duniway, Irwin-Hodson company, W. T. Muir, Dr. J. T. Walls and W. J. Walls."

PRESIDENT BENHAM'S STATEMENT.

W. L. Benham, president of the United Railways company Saturday night made the following statement:

"The construction and certainty of early completion of the lines of the United Railways company has developed strong opposition from the existing railway interests. The methods pursued in attempting to

defeat the plans of the United Railways company and in endeavoring to prevent the construction within the time allowed by the franchises have been, to say the least, very questionable, and every effort has been made to discredit the company in order that the allied interests may control the traction situation in and outside of the city. The remarkable spectacle was recently presented by a representative of the 'allied interests' standing before the City Council, requesting them to force the Independent line to turn over its line to them, because, as he termed it, 'it was essential to their enterprise.'

"In view of the tactics that will doubtless be pursued, as our lines are being constructed and the representations that have been and may be made, the public should know what has been done and what is proposed by the United Railways company, for we feel that the public believes in fair play, and does not intend that any independent line which is willing to demonstrate its good faith by spending its money in actual construction and in developing a good and efficient traction system in and around Portland should be throttled.

"The front-street line is nearing completion and will be finished within 30 days. This will give the United Railways five miles of track within the city limits.

Overhead material is arriving and it is expected the new locomotives will be in operation for handling freight over this line within 60 days.

"The first shipment of rails for the Flanders-street line has arrived, having been delayed over three months, and construction on this line will begin at an early date. This will connect between Twelfth and Front streets. The Twelfth and Pettygrove-street lines will be repaired, and connection will be made down Stark street as rapidly as the steel arrives. The engineering crews for interurban work will be placed in the field to complete location preparatory to continuing work on the Hillsboro line as soon as the weather is settled. We believe that the construction and policy of the United Railways during the coming season will amply demonstrate to the people of Portland that this company is acting in entire good faith, and we furthermore believe that the people of Portland will meet us half way and refuse to sanction any tactics of aggrandizement or monopoly on the part of those who have already secured from the city, without price, inestimable public privileges."

Chas. B. Sternberg, the young lawyer, returned to Portland this morning. Mr. Sternberg for some time has been helping to secure rights of way on the Lytle road running from Hillsboro to Tillamook, nearly all secured. Work has already begun at Hillsboro and several miles built, so that it is a sure thing and will eventually reach Tillamook. Mr. Sternberg doesn't believe the Hill road down the coast will ever be built, at least on the survey. One place through the mountains on the survey is said to be impracticable, and five miles would take nearly five years, and it looks like a bluff game somewhere. —Albany Democrat.

"Jim" Hill makes no bluffs, but will build the road down the coast. That you can depend on.

Four years ago a Yamhill county man invested \$60 in sheep. During that period he has slaughtered 18 for mutton, sold \$400 worth of mutton and wool, and still has \$256 worth of sheep left, or a total of \$656.—West Side Enterprise.

The Heppner Commercial club has 85 members, many living out of town; has a \$5000 building; has distributed 10,000 circulars, and is doing much good for that town and Morrow county.

There is a cry going up from the hop men in this vicinity for more men for the hop fields. We have a report of over one hundred acres suffering because help cannot be had to cultivate it.—Independence Enterprise.

OTHER SIDE OF THE CASE

OF HENRY WINTZINGERODE.

Who Was Recently Pardoned by the Governor, Written by Ed Mendenhall to The Oregonian.

The following is taken from The Oregonian of Monday morning, and is a statement of the facts in the Wintzingerode murder case. He was tried and convicted of murdering Jacob Swanger in 1880, and all arrangements were made for the execution, when a reprieve was received. His sentence to the penitentiary for life followed:

"To the Editor of the Oregonian:—In this morning's Oregonian there is published a news report dated from Hillsboro, Or., relating to the trial, conviction and pardon of Henry Wintzingerode, who was indicted in June, 1880, for the murder of Jacob Swanger.

This report was evidently written by one unfamiliar with much of the trial and records therefore and misinformed. When Mr. Wintzingerode was arrested for the crime Mr. Hadley and another attorney volunteered to defend him. After this, a few days before the trial, the father of the prisoner retained me in the case, and I at once went to work in preparing for the defense and succeeded in obtaining at the trial the presence and testimony of the late Dr. Hawthorne and others as experts on insanity. At the trial there appeared with District Attorney John F. Caples and the late Thomas Tongue for the prosecution, the late Marion F. Mulkey, a very able lawyer whose son has recently been United States Senator. Mr. Handley and I appeared for the defense.

During the introduction of evidence by the state, it offered as part of its case a confession of the defendant admitting his guilt to which the defense objected, on the ground that it had been induced by the influence of hope applied to the prisoner's mind by Officer Mead, in whose custody he was. The court thought that the evidence did not warrant this objection, overruled it and allowed the confession in evidence. This left as a defense simply the statement of our client, as later related by him on the witness stand showing a lesser, if any, crime and the insanity plea. A conviction resulted as stated and the governor having informed me that he could not see his way clear to commute the sentence to life imprisonment, the prisoner's father so desiring, the case was taken to the supreme court, which gave a reversal and a new trial on the ground that Judge Bellinger erred in allowing the confession named in evidence. This decision of the supreme court of Oregon is found in 9 Oregon Reports page 153. In order to prepare for this appeal, as we had no stenographers in those days, I was obliged to write the bill of exception for the Judge to sign. As the Judge was not in Washington or his country when I had this bill ready for him to sign, but was at Astoria and the time set for hanging the prisoner was near at hand, I went to Governor Thayer's office in his city and got him to rephrase the prisoner—as the records show—for a few days in order to allow time to perfect the appeal and secure from Judge Bellinger a certificate of probable cause staying execution of the death warrant.

It stated, the case was reversed by the supreme court and is found reprinted in 9 Oregon at page 153. In the archives of the state show the Governor Thayer never did commute the prisoner's sentence and that he did not do more than to get the requested reprieve. After the reversal of the case, it was again set for trial and when the preparations for trial were nearly complete the attorneys for the state realized that the chances to again secure a conviction of murder in the first degree were not good, as according to the supreme court's decision in reversing the case the prisoner's confession could not be introduced in evidence by the state. Mr. Mulkey sent the late Robert Imbrie to me to see whether the case could be adjusted without trial by the defendant entering a plea of guilty to the lesser crime, which it is asserted, existed according to the prisoner's own testimony.

After consultation with the prisoner's father and being satisfied that the evidence probably warranted it, the prisoner entered a plea of guilty to the second degree and was sentenced to the penitentiary, where he has since remained a model prisoner and by his reformation became entitled to the pardon just given him.

I have now given the record facts in the case and believe that those connected with it are entitled to the correction above stated.

ED MENDENHALL.

FIVE THOUSAND EVERY DAY

COMING TO THIS COUNTRY.

April Immigration Reached 133,452 Mostly from Southern Europe—More Expected in May.

New York, May 12.—The flooding tide of immigration to American shores runs ceaselessly on, and new high-water marks for the influx of Europe's migratory hordes are being recorded every month in the port of New York.

Already May bids fair to outstrip the April record, when 133,452 immigrants poured through the gateway of New York into the country. Five transatlantic liners brought in over 5000 last Saturday, and officials at Ellis Island say that there are no signs of cessation of this European invasion.

The well-spring of this human stream lies principally in Southern and Middle Europe, while another but lesser current has its source in the Scandinavian and German states. Italy, Austria-Hungary and the Lower Russians now supply more than one-half of all the immigrants seeking homes in this country. Every fourth alien examined at Ellis Island is Italian, while every fifth newcomer is from the Austrias.

A score of years ago the headwaters of foreign immigration were in Ireland and Germany. But now the source has entirely changed. The industrial fields of the United States still absorb the greater part of the foreign outpour, and several states—Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Illinois and Ohio—find homes for 70 per cent of the total number.

Efforts to deflect this stream to agricultural channels have been largely futile. The movement is toward the industries and not agriculture.

Approximately 91,520 acres of land adjacent to Siskiyou and Ashland National forests in Curry, Josephine and Jackson counties, Oregon, have been released from temporary withdrawal at the request of the Forest Service. Areas which have been released will be subject to settlement on July 23 next, not to entry, filing or selection until August 22, 1907.

For a good square meal go to the City Restaurant. Beds, single and double, at reasonable prices. Everything is first-class, neat, clean and inviting. Just step in and try a meal.

A new graft has arisen, and some grocers have fallen victims in a few cities. It is a pretty good graft system. Several grocers have been approached by men claiming to be United States inspectors, who demanded a number of samples for inspection. There are no government food inspectors in the field yet, and any man who occupies that position should be able to show proper credentials. It has been the custom for food inspectors to buy what they want for inspecting purposes, and this is proper and best. Frequently food inspectors do not expose their identity when choosing their samples. Watch for these petty thieves.—Tradesman.

Spokane grocers are so well satisfied with early closing that they are considering a proposition for extending the movement so as to clip off an hour or two from the long grind of Saturday. A department store in that city has announced that it intends to close at 6 o'clock on Saturday, and the grocers' association has drafted an agreement for signatures by retailers including meat dealers, to close at 8 o'clock. Thus time honored practices are discontinued one by one as the fact that push and enterprise are real elements of success, and mere grind and drudgery are not so important. —Tradesman.

Who does not love the month of May Where many roses bloom so gay Though this to all is quite a treat, We cannot live unless we eat. And when you need a luxury, Besides just the necessity, Good things you'll find for sad and merry At "Palmette's Confectionery." L. J. PALMETTE.

Have R. Lee Sears fix that broke umbrella. At the Cyclery.

Building Material

Shingles, Lime, Brick, Fire Brick, Cement, Gravel, Fibred and Unfibred Plaster. Sand.

Will meet Portland prices At all times.

Climax Milling Co.

There's a lot of Satisfaction

in a shoe which after month's of wear, needs only polish to "Look like new." You'll find comfort, ease and profit in the

Hamilton-Brown Shoes

—your children—

will want something pretty and good. Come and see us

School Shoes

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Our line of

GROCERIES

is the finest in the county.

Everything usually carried by an up-to-date Grocery House. On immense sales make it possible for us to carry strictly fresh goods. Not a shop worn article in the establishment.

JOHN DENNIS.

The old Reliable Corner Grocery and Shoe Store

HAMILTON-BROWN SHOE CO'S. COLT SKIN SHOE.

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