

## JUDGE P. R. KELLY IS SUSTAINED

Supreme Court Decides That There Was No Error in Trial of Jake Bilyeu.

### LOCAL OPTION NOTICES ARE HELD REGULAR

District Attorney Hill Appeared for State Before Higher Court.

Continued from Wednesday, Feb. 12.

Declaring that a jury does not usually convict an old citizen of a crime without strong proof of his guilt, the supreme court of Oregon yesterday afternoon handed down a decision in which Judge Percy R. Kelly is sustained in the case of the State of Oregon vs. Jake Bilyeu which was taken to the supreme court on appeal from Linn county.

The defendant Jake Bilyeu was convicted in the justice court for a violation of the local option law and appealed from a judgment of conviction to the circuit court, where he was again convicted. Judge Kelly fined him \$350.00 and sentenced him to 30 days in jail. He then appealed to the supreme court of the state and the case has been under advisement by that court for several weeks.

In addition to the claim that the complaint charges more than one offense, the defendant contended that the notices posted for the local option election were insufficient, but the higher court held that all proceedings in connection with the election were in strict accordance with the statutes covering this subject.

The question as to the introduction of certain evidence in regard to the use of a mug in dispensing the liquor was also attacked by the defense, and in passing upon this question the court spoke in part as follows:

"The state introduced in evidence a mug, and it was claimed by a witness for the prosecution that the whiskey which he bought was served therein. On cross-examination the witness was interrogated as to whether or not it was the custom of other establishments selling sodawater and soft drinks to serve the same in similar mugs. The questions directed to this point were objected to by the state, and, to the ruling of the court sustaining the objection, the defendant excepted, and assigns error here. The fact that other dealers used similar mugs for dispensing soft drinks had no tendency to prove that defendant had not used it to deal out whiskey. The mug is an exhibit in the case, and seems a rather needless affair, which might be used indiscriminately to contain sodawater, beer, whiskey, or milk for babies. The fact that other people use similar mugs to contain sodawater, milk, or water would not have the slightest tendency to show that the defendant did not use it to hold whiskey."

### EGG LAYING HEREDITARY SAYS O. A. C. PROFESSOR

Experiment Station Completed Investigation Which Proves Claim Long Made.

Oregon Agricultural College, Corvallis, Ore., Feb. 12.—That egg-laying is a hereditary characteristic has been conclusively proven by the initial work of the State Agricultural Experiment Station in the breeding of egg-laying strains of poultry. Dr. James Withycombe, director, in his biennial report gives some interesting information on this point arguing strongly for the advisability and necessity of establishing a poultry breeding farm in connection with the agricultural college.

"Experiments have also shown that there is a very wide range in egg production among hens of the same breed," says Dr. Withycombe. "For example, in a pen of Plymouth Rocks receiving identically the same care and feed, the range of production was from 12 to 239 eggs in one year. It would seem, therefore, that if a breeding plant could be established for supplying to farmers, on a large scale, cockerels bred from heavy laying strains, it would be of tremendous financial interest to the state. The poultry industry is becoming rapidly very important, and if the average egg production per hen can be increased materially, it would mean, of course, much greater financial returns."

### ELECTRIC TRAIN RESPECTS PASSING FUNERAL CORTAGE

In respect to a funeral procession which was passing up fifth street yesterday afternoon enroute to the cemetery, an Oregon Electric passenger train stopped until the procession had passed by, before proceeding on its way.

The courteous act was witnessed by many who were going to the funeral and elicited much favorable comment.

### ONE DOLLAR BILL SENT TO COLORADO BY PARCELS POST

Albany Man Sends Money to Son in Colorado; Not Enclosed in Envelope.

A one-dollar bill to which was attached a card bearing the name and address and a 2-cent stamp, was the most unique package that has yet been mailed out of the local post-office by the parcel post.

The bill was sent by H. S. Logan, ticket agent at the passenger station of the Oregon Electric railway at this city, to his 14-year-old son, Carlton Logan, a junior in the high school at Fort Morgan, Colorado.

Carlton is a prominent student at the high school in Fort Morgan and is a member of the school band which is among the best school bands in Colorado. He is also endowed with considerable dramatic ability and only recently took a leading part in a class play which met with much success.

Some of the other men offered to make a wager with Mr. Logan that the bill would not pass safely through the mail unless it was enclosed in an envelope. However, Logan simply attached a card to the bill, bearing a stamp and the address of his son, and the money is now enroute to its destination.

### COUNTY CLERK RECEIVES LETTER BEARING NEW STAMP

Stickers Issued by Government to Commemorate Finish of Panama Canal.

Probably the first one of the new Panama postage stamps which were recently issued by the United States postoffice department, to appear in Albany, was attached to a letter received here yesterday by County Clerk Marks from Oneida, New York.

The stamp which was of the 2-cent denomination is rectangular shaped instead of square like the ordinary stamp, and bears a picture of the Panama canal with an ocean liner passing through.

Several thousand dollars worth of these new postage stamps commemorating the completion of the Panama canal were issued several months ago. These stamps had a picture of a certain falls in the canal zone upon them with the name of the falls beneath the picture.

After the stamps were issued, it was found that the engraver had made a mistake in the name of the falls, so they were all recalled and the series bearing the picture of the canal and steamship were issued.

### MAY CONSOLIDATE ALL DENOMINATIONAL SCHOOLS

Albany College May Send a Representative to Meeting on Feb. 21.

Declaring that the trustees of Albany College will be glad to accept an invitation from the commissioners from the United Evangelical association and the United Brethren of Oregon and Washington to confer on the matter of the consolidation of the denominational school of the Pacific coast, President Crooks this afternoon gave out a statement to the Democrat in which he explained the position of the local college board on the proposal contained in this morning's Oregonian.

"We would of course be glad to confer with the commissioners if we receive an invitation direct from the board to send a representative to the conference," said Dr. Crooks. "I may add, however, that before any definite action could be taken by the college, the entire matter would be referred to the Presbyterian Synod."

"Two weeks ago Bishop Bell called upon me in Albany and suggested that the educational interests of the state and Pacific coast might be promoted by the union of all denominational schools. I told Bishop Bell that Albany College could hardly make a definite proposition at this time, but would be glad to confer at any time with the commissioners."

### HARRISBURG GIRL MARRIED

Polk County Man Claims Popular Young Woman of Linn County as Bride.

Married at the home of Mr. and Mrs. Robert Evans, Wyalburg, Ore., Sunday evening, Feb. 9, Daniel F. Burge and Rose A. Birtly, W. S. Gordon, pastor of the Methodist church, officiating.

Mr. Burge is a highly respected citizen of Polk county, and the proprietor of the Oak Lawn Stock Farm, where he has received many prizes and medals in his Jersey cattle and thoroughbred Percheron horses.

Miss Birtly is from Harrisburg but has been one of the teachers in the public schools of Linn county for the past three years, and has many friends in Albany and vicinity, who wish the worthy young lady the greatest possible happiness in her new home at the farm near Dallas.

Mr. Burge has resided there for the past two years, since forming a partnership with Mr. Evans in the stock business.

Beside those mentioned, the following guests were present: Mr. B. R. Rice, of Salem, who played the wedding march; E. G. Gardner, of Dallas; Miss Louanna Evans, Mrs. May Durant, and Mrs. W. S. Gordon.

### ALBANY MAN APPOINTED U. S. CONSUL TO SANTIAGO

Fred D. Fisher, Son of Mrs. E. T. Fisher Will Represent This Country in Cuba.

Fred D. Fisher, a son of Mrs. E. T. Fisher of this city, and for many years U. S. Consul to Mukden, Nagasaki, Formosa, Harbin, and other parts of the Orient, has been appointed United States consul to Santiago, Cuba.

Mr. Fisher has been spending the winter in Oregon on a six months' leave of absence and was visiting in Albany for several weeks with his mother and brothers and sister.

His brothers are W. E. Fisher of Millersburg, Earl Fisher, county assessor of Linn county, and ex-City Engineer Hugh Fisher, of Albany; and Ralph Fisher of Portland. Mrs. O. E. Perry of Albany is a sister.

Mr. Fisher served in the Philippines during the Spanish-American war and after being discharged from the army, began his work in connection with the consular service in Nagasaki, Japan, and was later advanced to the vice-consulate in that office. After leaving Nagasaki he was consul to Formosa, Harbin, and Mukden, successively. His many friends in Albany and Linn county are pleased to hear of his appointment to Cuba.

### TANGENT MAN CLAIMS ALBANY GIRL AS BRIDE

County Clerk Willard Marks issued a marriage license late Saturday evening to Wayne Cooper of Tangent and Miss Maxie Briggs of Albany.

The groom is a prosperous farmer living in the vicinity of Tangent and a well and favorably known in Linn county.

The bride is a daughter of M. P. Briggs, one of the leading citizens of the Edman district and is a young woman of charming personality.

The matrimonial union with her many friends in extending congratulations.

### COME ON AND BRING A FRIEND TO SEE SNYDER DRAW OUT YOUR PLOW-LAY

Don't fail to see our NEW POWER HAMMER

404 East Second St. Albany

### MAKE US PROVE THIS!

Overworked, tired-out, nervous, irritable, ailing people are earnestly invited to use Rexall Nerve Tablets.

People whose nerve issues are being too rapidly destroyed by disease or overwork, can find no permanent relief in the use of stimulants. On the contrary, stimulants are detrimental in all cases of nerve exhaustion, aggravating the trouble rather than promoting a cure.

Wisdom demands a remedy that will restore the nerves to health—a remedy that contains ingredients essential to build up the starved nerve cells, to relieve the tension on your nerves and make you better natured, to enrich the blood and thereby to repair the run-down system and give it health and strength. Such a remedy we believe Rexall Nerve Tablets to be, and we guarantee them to satisfy you in each and every one of our respects—our money back.

Prices, 50 cents and \$1. Sold in the community only at our store—The Rexall Store, F11

### 15-ACRE YOUNG FRUIT ORCHARD

set to English or French walnuts, 8 years ago, and then filled out to fruit and berries. Choice place, 2 1/2 miles of city of Albany, a city of over 7000 inhabitants. Over 40 passenger trains daily. Will take \$3500 for the place. Worth \$5000. Must sell. Alvin J. Carothers, No. 531 Lafayette St., Albany, Oregon. (Copied from San Jose Mercury and San Jose Herald.) F11-wkly14\*

FOR SALE—1000 bushels of white seed oats (Three grain), at 45 cents per bushel. Address: R. Olson, Tangent, Oregon, R. F. D. 2, J30-F1 Dly-17-14-2-Wkly\*

FOR SALE—Six head fine work horses weighing from 1200 to 1500 pounds. Young and sound. Price reasonable and terms to suit buyer. Address A. D. Galkins, Albany, Ore., or Home Phone 2455. F1-Mar1 dly-17-14-21-wkly\*

FOR SALE—Brush Runabout, with canopy top, in good condition, cost new \$550. Will take \$150.00 if taken by the 10th inst. Car is at Philomath. For particulars address W. W. Pritchett, Newberg, Ore. F44-wklyF14\*

HOUSEHOLD GOODS of every description for sale cheap. P. S. Ware, Home Phone 7202. F33-4-wklyF14

WHO WANTS a new \$35.00 piano for \$180.00? Call Home Phone 7202. F33-4-wklyF14

ELEGANT LARGE Roll Top Desk for sale cheap. New. Home Phone 7202. F3-4-wklyF14

OLIVER TYPEWRITER, nearly new, for sale cheap. Call Home Phone 7202. F4-3-wklyF14

### S. P. AGENT AT TANGENT CLAIMS HIS BRIDE TODAY

Miss Dunn of Shedd's and S. P. Halerson Were Married at 11:30 This Morning.

A quiet wedding ceremony was performed at the Methodist parsonage at 11:30 today when Carl Halerson of Tangent claimed as his bride Miss Cecilia Dunn, of Shedd's.

The young people were accompanied to the parsonage by Mr. and Mrs. W. D. Porter and the ceremony was performed by Rev. D. H. Leech.

The bride is a young woman and accomplished young woman and has a large circle of friends in Shedd's and other parts of the county.

The groom is a young man of high attainments and for several years has held the position as ticket agent for the Southern Pacific at Tangent, where the newly married couple will make their future home.

### WORKMEN UNCOVER OLD WELL ON MEYERS CORNER TODAY

Was Constructed Over Thirty-Years ago for Use of Conrad Meyer.

While the excavation work was progressing at the Meyers corner this afternoon on the site to be occupied by the new Bligh theatre and the Paulus building, an old well over twenty feet deep was uncovered.

The walls of the well were of brick and in remarkably fine condition. The well is located nearly in the center of the lot and was dug over thirty-five years ago for the use of Conrad Meyer whose residence was located there at that time.

The fire engine was taken to the lot this afternoon and the well is being pumped dry prior to excavating for the new buildings which will soon occupy the ground.

### CHANGES HIS TEETH TO HIDE HIS IDENTITY

Substitutes 18 Gold Molars, Grows Beard and Mustache, but Is Caught.

Chicago, Feb. 12.—Adolph Fisher's attempt to evade the police by having eighteen of his teeth extracted and gold teeth inserted in their place proved a failure. He had also grown a mustache and a heavy beard.

Fisher was arrested in New York on charges of bigamy and burglary, and on the way to Chicago today confessed, according to Sergt. John O'Connor, to the theft of \$1,000 from a vault of Cluett, Peabody & Co. last August. Fisher was employed by the company as a watchman.

Fisher married Hilda Goldsmith in New York in March, 1901. Six years later he deserted her and their five children and came to Chicago. A year ago last spring he married Ida Fein-schein. Following the theft he deserted her and their seven-months-old child and fled to New York, returning to live with his first wife.

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\$190 buys a good, new, durable piano of us guaranteed for 10 years

Exchangeable in two years if not satisfactory on a Weber, Knabe, Fischer, Vose & Sons, Decker Bros. and other high-grade pianos for which we are exclusive dealers in Albany and vicinity.

### Pianola Pianos

are sold only by us in Albany and include the Steinway, Weber, Steck, Wheelock and Stuyveant pianolas.

Some big bargains in new and used pianos.

Pianos rented, tuned, repaired. Organs taken in exchange.

### Davenport Music House

Third and Lyon Sts. Phones: Main 41, Bell 263-R.

### Nemo Corsets Are Fitted at YOUR OWN HOME

by an Experienced Fitter and Fit Guaranteed. No Extra Charge

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\$190 buys a good, new, durable piano of us guaranteed for 10 years

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### Models for All Figures

There is a Nemo model for every type of stout figure; and great care should be taken to secure exactly the right model, in the right size, and to have the corset properly fitted and adjusted.

In addition to the "Self-Reducing" Corsets, there are other Nemo models especially designed for slender and medium figures.

These models, also, are hygienic in construction and render valuable special service to women of slight or medium form.

The remarkable comfort of all Nemo Corsets is largely due to the use of those two patented fabrics, Laski-kops Webbing and Lastikops Cloth.

These new fabrics have revolutionized corset-making, as they produce results long desired but never before possible.

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