

DEMURRER IN SCIO CASE IS HEARD

Case Set for Trial Next Tuesday by Judge Galloway; Answer to Complaint Stands.

F. H. COLPITTS IS GRANTED A DIVORCE YESTERDAY

Judgement of \$1050 Is Given Against one Defendant in H. C. Jackson's Case.

Continued from Friday, February 14.

Overruling two demurrers filed in the case of T. A. Richardson and others vs. the City of Scio and fixing Tuesday, February 18th, as the date for the trial of the case was the event of the short term of court held in this city yesterday afternoon by Judge Wm. Galloway.

Officials of the town of Scio and others who are directly or indirectly interested in the Richardson case were in court when the judge announced his decision and the defendants immediately filed their answer to the complaint. The plaintiff then made a motion to strike out a portion of the answer but the same was overruled, and the case set for trial next Tuesday. This is the case which was filed several days ago, the plaintiff objecting to the extension of the city limits of Scio.

Judge Galloway also granted a divorce to F. H. Colpitts of Gates. In his complaint the plaintiff alleged desertion, John Hink being named as an affiant of the defendant.

The case of H. C. Jackson vs. Hugh Cummings and Glen Ireland was also disposed of by the court, the complaint being dismissed as to Cummings but a judgement of \$1050 being entered against Glen Ireland. This case was tried about two weeks ago and taken under advisement by the court. It grew out of a dispute over the ownership of the stallion "Col. Oak."

AN IDAHO CITY SENDS POTATOES TO EDITORS

"Bake me—bake me—eat me." This is the inscription contained on a package received this week by every newspaper man on the Pacific Coast from the Commercial Club of Twin Falls, Idaho.

The package is sent by parcel post and contains a large potato raised in the irrigated section of southern Idaho.

This is a part of the publicity campaign being conducted by the Commercial club of that city.

A SWEET HOME MAN CLAIMS LEBANON BRIDE

A quiet wedding ceremony was performed at the court house this morning when Geo. McClure of Sweet Home claimed as his bride Miss Maud Sumner of Lebanon. The ceremony was performed by County Judge Duncan and was witnessed by only the immediate friends of the contracting parties.

The bride is a popular young woman of Lebanon and the groom is a prosperous young farmer residing in the vicinity of Sweet Home.

ALBANY POPCORN KING SELLS WAGON TO BROWNSVILLE MAN

T. J. Kaniff Will Take Trip to Southern California and Will Also Visit in Chicago.

T. J. Kaniff, the local "popcorn king," has sold his wagon and other paraphernalia to R. A. Robinson, a well known resident of Brownsville, who has taken possession and will hereafter conduct the business at First and Ferry streets, opposite the St. Francis hotel.

Kaniff, the former proprietor, who came to Albany in April 1911 from Chicago, was familiarly known in that city as "Peanut Slim," and several of his Albany friends frequently address him by that title.

Since coming to the Hub City, Kaniff has enjoyed a liberal patronage, and his up-to-date wagon which for several months has been located at First and Ferry streets, has been the mecca for both old and young, who seldom could pass his place without purchasing a bag of nicely roasted peanuts or snowy white popcorn, covered with pure butter. Kaniff always treated the public courteously and has made many friends here who will regret that he is to leave this city.

During the time that Kaniff has conducted his popcorn wagon in Albany he has used 950 rolls of 1000 pounds of butter, all of which with the exception of 25 pounds of country butter, was pure creamery butter manufactured by the Albany Creamery Assn. During the same period, Kaniff roasted and sold five tons of popcorn and twelve tons of peanuts. During the Christmas holidays last year he sold 800 pounds of roasted peanuts in six days.

To a Democrat representative this morning Kaniff said:

"I want to thank the people of Albany for their liberal patronage during my stay in Albany for which I am very grateful and I hope my successor is accorded the same patronage. I am going to take a trip to California and Chicago but eventually I will return, I think, for Albany and the Willamette Valley has 'got my goat.'"

NO DIVORCE FOR HER IF HUSBAND IS OLD

Judge Graham Says That Mrs. Schaffer Must Support Him Unless He Can Shift for Self.

San Francisco, Cal., Feb. 14.—If L. Dorr Schaffer is too old and feeble to support himself, then his wife, Emily Schaffer, 1654 Taylor street, cannot divorce him and will have to continue to support him, declared Superior Judge Graham yesterday. Mrs. Schaffer wants a divorce on grounds of failure to provide.

The Schaffers were married in New York in 1897. Schaffer, according to his wife, was educated in Paris as a portrait painter. Shortly after their marriage she inherited a fortune from her mother and her husband put aside his brush and "lette and has never touched them since.

"Is he an aged and feeble man?" asked the judge.

"No, he is an able bodied man and could support himself if he wanted to," replied Mrs. Schaffer.

"I will continue the case until Saturday when you can bring Mr. Schaffer into court," said the judge. "If he is old and infirm and you are wealthy, I guess you will have to keep on supporting him."

Barrett Bros. received this morning a 1913 Studebaker 35. This year's model is a beauty, being electric lighted and electric self-starter. This is one of the most popular cars in the automobile world.

MONKEY FITTED WITH JOINT OF DIAMONDS

Dr. Milton F. Clark Substitutes Silver and Gems for Ball and Socket of Bone.

San Francisco, Cal., Feb. 14.—Preliminary to performing a similar operation on a man, Dr. Milton Francis Clark yesterday introduced a novelty in surgery by fitting a monkey with a ball and socket joint of silver and diamonds.

The operation was performed at the office of Dr. Clark, 603 Golden Gate avenue, and on its completion the monkey was able to wiggle its left forearm with all the freedom that it had prior to the substitution of the jeweled ball and socket for the natural joint.

Surgeons regard the result of the experiment with considerable interest, for the reason that both flexion and rotation were assured to the limb of the monkey.

This is said to be the first time that a similar operation in mechanical surgery has been attended with such surprising success.

Dr. Clark recently succeeded in fitting a dog with an artificial leg joint of silver and gems, but his experiment with the monkey accomplished much more finished results.

From the freedom displayed by the monkey in using the limb operated upon, it seemed to have perfect control of it.

"This operation was merely preliminary to that I propose to perform on a patient afflicted with ankylosis of one of his arms," said Dr. Clark.

"There is no reason, in my opinion, why this operation cannot be performed just as successfully on a man as on a monkey.

"It is a mistake to believe that this operation is only within reach of the wealthy. I cannot understand why that impression appears to prevail."

News Beginning With This Head Is From Daily Issue of SATURDAY, FEBRUARY 15.

EUGENE AND ALBANY WILL PLAY BASKETBALL TONIGHT

Students Here Held Big Rally Last Evening; Parading the Streets in Comic Attire.

Albany people are urged not to forget the fact that a big game of basketball will be played this evening at the Y. M. C. A. gym between the teams of the Albany and Eugene High schools. This will be the last game of the season and it will be called at 8 o'clock sharp.

The high school students held a big rally last evening and paraded the streets of the business section attired in comical makeup. The parade was witnessed by a large number of people who lined the streets of the business section.

PORTLAND WOMAN LOANS HAND PAINTED TAPESTRIES

Several beautiful hand-painted tapestries were received today by Mrs. J. C. Hammel from her friend, Mrs. Laura B. Doolittle of Portland who sent them to Albany for use at the opening of the handsome new hostelry which opens soon.

The tapestries are a work of art and will be placed on the walls of the spacious dining room of the hotel. The kindness of Mrs. Doolittle in loaning these beautiful decorations for use at the opening of the New Hammel is greatly appreciated, and the tapestries will undoubtedly attract much attention.

Fred Holmes, a prominent farmer residing in North Albany, left on the electric this morning for Salem, where he will look after business matters today.

William Polock of this city left this morning for Independence, where he will spend the day looking after business matters.

Phil Bates, editor of the Pacific Northwest, one of the leading agricultural papers on the Pacific Coast and one of Oregon's most prominent newspaper men, arrived in Albany this morning to attend the meeting of the Willamette Valley Press Ass'n.

Miss Katherine Kirkpatrick of Waldo Hall, O. A. C. is in the city on a visit, the guest of Miss Josephine Hall.

Mr. Carlton E. Sox's Bible class of young men of the United Presbyterian Sabbath school gave a supper at 8 o'clock last evening to which about 40 guests were invited.

Advertised Letter List.

The following letters remain un-called for at the Albany, Oregon, post-office February 13, 1913: C. E. Beters, Chas. Buhler, Mrs. Chet Deitrich, G. A. Detrow, Mrs. L. H. Fisher, Mrs. Mary Hart, J. F. Huggins, Clyde Hall, T. J. Luper, Geo. Lee, H. L. March, G. L. Mendall, Nerdal Bros., K. P. Ogden, H. N. Oidstrom, Peckerman (2), Mrs. Fannie Parsons, Clyde Plymire, J. Sreed, P. L. Shay, G. G. Snyder, James Smith, John Smith, C. W. Smith, Cecelia Temple, E. P. Taylor, John Tramontin, Clay Taylor, David West.

J. S. VAN WINKLE, P. M.

GOV. OSWALD WEST FIGHTS REPORTER

Chief Executive Mixed With Frank L. Perkins at State Capitol Last Night.

ONE ROUND MELEE HALTED BY PROMINENT LEGISLATORS

Combatants Roll on Floor of Corridor; Perkins Is Game Warden at Albany.

State Capitol, Salem, Or., Feb. 14.—Tumbling on the tile floor of the lower corridor in the state capitol building tonight Governor West, with his hands clutched on the throat of Frank L. Perkins, a newspaper reporter, threw Perkins and in a wild confusion of flying feet and arms a battle royal was carried on between the state executive and the reporter.

They were separated by Senator Bean and Representative Spencer. Spencer held Perkins in a corner. The governor had been attending a meeting in the rooms of the educational committee, and Perkins with Senator Bean was coming to the capitol from their dinner.

According to the story told by bystanders, as the governor emerged from the room, Perkins, who was talking to Bean as he entered the corridor, passed by the governor. Perkins said something to Bean.

"Did you speak to me?" said the governor, according to the bystanders. "I don't want any dirty, lying crook to speak to me," he continued.

"I haven't lied about you," Perkins is quoted as having responded.

At that the governor jumped at Perkins, clutched him by the throat and into a heap they fell, the governor on top and Perkins beneath. Perkins was kicking the governor's stomach frantically and the governor was pushing down on Perkins' throat when intervention halted the battle.

It just happened, as the pair were rolling on the floor, that the door of the corridor opened and in came a flock of legislators and others, including President Maloney, Senator Thompson, Senator Burgess, Senator Moser, John McCue and Lot Swetland. Spencer stepped onto the scene from a committee room nearby.

As Spencer was holding Perkins back in the corner the latter struggled to free himself and remove his overcoat, which he was wearing when attacked by the governor.

"I don't care if you are governor of the state, come back at me, if they let me loose, and I will give you something to think about," shouted Perkins at the governor.

The bystanders kept them separated and they moved away.

The governor said tonight that he was at a meeting at which President Kerr, of the Agricultural College, and others were present when he left the committee room.

"Perkins passed by and spoke to me," said the governor. "There were some words and I hit him. We went down on the floor together and then we were separated and that is about all there is to tell."

Perkins tonight returned to Senator Bean as the one to tell the story, and Bean said to "forget it."

Never before has excitement been so high about the state capitol as it has been tonight. This is the first time of record here that a similar scene has been enacted at the capitol, and it practically caused a cessation of committee work.

"I was just returning from dinner," said President Maloney. "Senator Burgess walked into the corridor ahead of me, followed by Senators Thompson, Moser, Lot Swetland, John McCue and myself. When I got inside I saw two men on the floor, their feet flying and in a close clutch."

"When they were pulled apart and stood on their feet, behind there was Governor West and Frank Perkins. It was a good fight as much as I saw of it, but I failed to see the start."

The fight is the result of bad blood that has developed between the governor and Perkins for some time.

Perkins, who had been working for the state fish and game commission, in coming here to report the legislative session, vowed vengeance against the governor for an incident which he said occurred when he had secured evidence against two men who had violated the game law. As soon as they were convicted the executive extended clemency to them, he said.

The governor has been incensed by newspaper attacks upon him supposedly coming from Perkins, and the tension between the two has been at a straining point. As a result of the melee the governor had a small red mark on his left cheek, supposedly the result of violent contact with Perkins' head when the two struck the floor. Perkins had no visible marks.

The encounter was so short and so quickly ended that it would have bothered even an expert referee to have given a decision on points.

Frank L. Perkins, who engaged in the fist fight with Governor West at the state capitol last evening, is the district game warden for Linn county and for several weeks prior to the opening of the present session of the legislature made his headquarters in this city. He formerly was employed as a reporter on the Portland Telegram and for several years has reported the legislature proceedings for that paper.

He secured a leave of absence from his duties as deputy state game warden in order to report the legislature for the Telegram. It is said that Perkins, when he went to Salem prior to the opening of the legislature, vowed vengeance on Governor West because that official had extended clemency to two men whom he had secured evidence against for violation of the game laws.

LOCAL HIGH SCHOOL HAS WELL EQUIPPED CONCERT BAND

Will Furnish Music for Many Different School Affairs; 25 Pieces in Band.

The Albany High school now has a 25-piece band. The members are all students. Several have had musical experience and now play some instrument, but about 20 are beginners. This organization will be a great help to the football games and other student affairs.

The boys are starting out with much enthusiasm and inspiring strains may be heard in the near future.

The different sections are well balanced. The instrumentation is modern—consisting of six clarinets, five cornets, three alto's, three slide trombones, two baritone's, one bass, two drums and three saxophones. These latter will be featured.

Mr. Hudson, who has charge of the manual training department, is to instruct the band. Mr. Hudson played with the O. A. C. band for several years and has had good experience in band work.

Many of the boys purchased new instruments. These were all supplied by the Seiberling-Lucas Music Co. of Portland, northwest distributors of the famous Holton & Buescher hand instruments.

Ed Wetmore, former student band director of the O. A. C. and now traveling representative of the Seiberling-Lucas company, organized the high school band and placed the new instruments.

SOCIETY.

Miss Rhoda Stalnaker, Society Editor. Bell Phone 553-J.

The Valentine season is always favored by those who are planning to entertain. The day itself suggests a spirit of love and friendliness which is back of all social gatherings, and February the fourteenth is often chosen as a time for special events. Perhaps another reason this time of year is in red letters in the social calendar is that a Valentine party is so easy to arrange. A string of hearts and a mock postoffice is all the amusement required for a children's party, while the older folks, becoming young again with the thought of what Valentine day meant to their childish hearts, adapt themselves to just as simple entertainment.

An affair of more than usual importance was the Valentine Bridge party given yesterday afternoon by Mrs. William Fortmiller at her home at 220 West Seventh street. The decorations were very beautiful, gorgeous red carnations and tulips being used in addition to red hearts. The Valentine idea was carried out also in the refreshments, the sandwiches and cakes being heart shaped, and the ice cream bearing heart designs. The hostess was assisted by Miss Louise Wieder, Kate Stewart, Greta Fortmiller and Rhoda Stalnaker. Little Miss Florence Fortmiller opened the door for the guests as they arrived. The winners were won by Mrs. R. C. Hunt and Mrs. R. E. Mason. The out-of-town guests were Mrs. Martha E. Watson of Eugene, Mrs. Small of Salem and Mrs. Kubin of Michigan. Others invited were: Mrs. S. S. Taylor, Mrs. I. K. Weatherford, Mrs. J. H. Ralston, Mrs. Owen Beam, Mrs. H. B. Cusick, Mrs. John M. Ralston, Mrs. H. A. Nelson, Mrs. E. D. Cusick, Mrs. R. C. Hunt, Mrs. P. A. Young, Mrs. Chas. H. Stewart, Mrs. Mark Weatherford, Mrs. C. H. Cusick, Mrs. R. E. Mason, Mrs. W. C. Tweedale, Mrs. T. G. Hopkins, Mrs. J. LeRoy Wood, Mrs. J. R. Pfeim, Mrs. Wm. A. Barrett, Mrs. Fred Dawson, Mrs. George Taylor, Mrs. J. K. Hight, Miss Flora Mason, Mrs. Mable Simpson, Mrs. J. M. Jackson, Mrs. W. H. Davis, Mrs. J. H. Simpson, Mrs. H. H. Hewitt, Mrs. C. E. Pugh, Mrs. G. M. Pugh, Mrs. E. Z. Kidd, Mrs. George Paxin, Mrs. J. L. Wieder, Mrs. Fred Fortmiller, Mrs. W. B. Stevens, Mrs. Chas. H. Wieder, Mrs. W. F. Pfeiffer, Mrs. J. H. Fish, Mrs. F. H. Pfeiffer, Mrs. Edw. J. Anderson, Mrs. A. W. Bowersom, Mrs. Kate Barrett, Mrs. Virginia Lewyans, Mrs. Cecil Cather, Mrs. Edw. J. Gray, Mrs. John P. Hulbert, Mrs. Dan Johnston, Mrs. B. R. Wallace, Mrs. Hans Flo.

Mrs. J. A. Wilfred Gardiner was hostess at a delightful afternoon on Wednesday given in honor of her aunt, Mrs. E. E. Baker, and her cousin, Mrs. Sherran Hayes, of Newport. The Gardiner home was prettily decorated, the color scheme being red and green. The guests were entertained with a unique contest, the prizes for which were won by Mrs. E. B. Brandeberry and Mrs. J. W. Swank. A dainty lunch completed the entertainment. Among those present were Miss Kate Barrett, Mrs. John Barrett, Mrs. A. D. Beckley, Mrs. E. B. Brandeberry, Mrs. C. C. Bryant, Mrs. David Froman, Mrs. G. T. Hockensmith, Mrs. R. W. Knotts, Mrs. C. H. Wieder, Mrs. J. W. Swank, Mrs. W. A. Barrett, Mrs. J. Pugh, Mrs. Reagan, Mrs. Watson, Mrs. Kavanagh, Mrs. Hopkins, Mrs. Gilman, Mrs. R. C. Hunt, Mrs. Woodcock, Mrs. Barker, Mrs. Haughton, Mrs. A. C. Schmitt, Miss Anna Katherine Barrett.

Miss Pearl Hawthorne, a popular society girl of Eugene, is expected to arrive in Albany tomorrow for a week's visit with her friend, Miss Eulah Lee Wright.

The Modern Travelers are in session this afternoon at the home of Mrs. William Bain. Two talks were to be given: "Up-to-date Mexico," by Mrs. C. C. Bryant, and "American Scenery—the Grand Canyon of the Colorado," by Mrs. C. B. Winn.

Mrs. Earl D. Walker (nee Miss Francis Reed) of Portland is the guest of Miss Mable Schultz.

HART IS FINED \$500 BY JUDGE L. L. SWAN

Defendant Must Also Serve 30 Days in County Jail; Miller Gets \$400 and 20 Days.

BOTH MEN APPEAL CASES TO THE SUPREME COURT

Appeal Bonds Fixed at \$1000 by Court and Both Furnish Them Immediately.

Jack Miller who was placed on trial at 8 o'clock this morning in the circuit court room at the courthouse on charge of selling intoxicating liquor on Saturday, February 1, to R. B. Leabo, in violation of the local option law, was found guilty this morning by Judge Swan, who sentenced him to pay a fine of \$400 and serve 20 days in the county jail.

Miller through his attorneys C. E. Ross of Silverton and M. V. Weatherford of Albany, immediately gave notice of appeal to the supreme court. In view of the recent bond-jumping fiasco in this city, Judge Swan fixed the appeal bonds at \$1000, which was furnished by Miller.

R. Goldblatt, a second-hand dealer of this city, was the only witness who testified for Miller. He testified that he had purchased a bottle of liquor from R. B. Leabo, one of the two men who have been securing evidence for the state, against local bootleggers.

He said that he made the purchase at the "Smoochhouse," a cigar store located on First street between Lyon and Baker and admitted that he had bought liquor from Leabo but once. He also said he bought liquor in Portland but when District Attorney Hill fired a direct question at him and asked him if he had ever sold any liquor himself, he hesitated nearly a minute before replying that he had not.

R. B. Leabo and J. D. Leabo testified in behalf of the state in both the Miller case and the Hart case this morning and District Attorney Gale S. Hill and Deputy Dan Johnston ably represented the interests of the state.

No evidence was introduced in behalf of the defendant in the case of Oregon vs. Jim Hart and he was sentenced by Judge Swan to pay a fine of \$500 and serve 30 days in the county jail. He immediately gave notice of appeal to the supreme court and furnished an appeal bond for \$1000 signed by J. K. P. Tate and Charles Thompson.

Both Hart and Miller were arrested this week upon complaints signed by Sheriff Bodine, private prosecutor, charging them with selling intoxicating liquor in violation of the local option law, to R. B. Leabo. Both men plead "not guilty" and are each out on \$500.

An interesting and instructive musicale was given at Tremont Hall on Tuesday evening by the teachers of the Albany College Conservatory of Music. The evening was devoted to the old-fashioned music and the performers were dressed in costumes like those of the by-gone days. After Mrs. Hans Flo gave a comprehensive talk on the old folk songs, she was assisted by Miss Blanche Hammel and Miss Ina Hansen in singing "Summer is i-cum-in' in," the oldest song on record. Mrs. Flo sang two other folk songs: "Isle of Beauty" and "Polly Oliver." Miss Wilma Waggener gave a talk showing the merits of the fugue as a musical composition. She illustrated by playing Bach's D Major Fugue. Miss Alice Clement played C Minor Fugue, another from Bach, after which Mrs. Flo sang "Bid Me Discourse." Then Miss Clement told of Bach's musical career and of the inestimable value of his work for musical art. The last part of the program was devoted to dance forms, the following selections being rendered:

being rendered: "Loure," Bach; "Gavotte," Corelli; "The Lass with the Delicate Air," "Toccatto," Paderini; "Capriccio," Scarlatti; Aria from "Rosalinda," Veracini; "Gavotte," Brahms; "Minuet," Stavenhagen. Before the guests departed they were shown into the red room where chocolate and wafers were served by the college girls.

A number of the teachers and students of the Albany College Conservatory of Music went to Salem on Wednesday evening to hear Nordica, the famous singer. Those in the party were Mr. and Mrs. Hans Flo, Misses Wilhelma Garvin, Wilma Waggener, Blanche Hammel, Bernice Hackleman, Johanna Irvine, Mary Irvine, Eva Wallace, Isabelle Young, Ina Hansen, Helen Hansen, Lavelle Epperly (Lebanon), Mr. Ray Cleaver, Mrs. Martin, Mrs. C. E. Sox, Mrs. H. B. Cusick, Mrs. Chas. Cusick, Miss Kidwell.

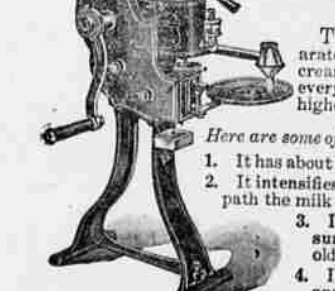
Misses Mae and Claire Tillman entertained a club to which they belong with a sewing party last night. Those present were Misses Kate Stewart, Christine Pipe, Louise Wieder, Johlah Wright, Mable and Anita Schultz, Greta Fortmiller, Volena Smith, Stella Dorgan, Mrs. E. D. Walker and Miss Rhoda Stalnaker.

Miss Pearl Hawthorne, a popular society girl of Eugene, is expected to arrive in Albany tomorrow for a week's visit with her friend, Miss Eulah Lee Wright.

The Modern Travelers are in session this afternoon at the home of Mrs. William Bain. Two talks were to be given: "Up-to-date Mexico," by Mrs. C. C. Bryant, and "American Scenery—the Grand Canyon of the Colorado," by Mrs. C. B. Winn.

Mrs. Earl D. Walker (nee Miss Francis Reed) of Portland is the guest of Miss Mable Schultz.

DON'T CONFUSE the INTERLOCKING Style of UNITED STATES CREAM SEPARATOR with older models.



The U. S. Interlocking Cream Separator represents the highest attainment in cream separator construction and possesses every essential separator requirement in the highest known degree.

Here are some of its special advantages.

1. It has about half the bowl diameter of older models.
2. It intensifies the centrifugal force and prolongs the path the milk must travel.
3. It gives practically double the skimming surface and does about twice the work of older models.
4. It keeps the milk and cream entirely apart and affords a protected path for the cream.
5. It is operated with about half the power of older models.
6. It is easiest and quickest washed by the same centrifugal force which skimmed the milk.
7. It skims cleanest. For clean skimming the U. S. holds the World's Record.

We do not ask you to accept the above statements as final. All we ask is that you give us the opportunity to prove them.

VERMONT FARM MACHINE CO. Bellows Falls, Vt.

Distributing Warehouses in every dairy section of the country.

STEWART & SOX HDW. CO. ALBANY, AGENTS

321 West Second Street