

# The Semi-Weekly Democrat

VOL. XLVIII.

ALBANY, LINN COUNTY, OREGON, TUESDAY, JULY 1, 1913.

No. 70.

## PRECEDENT HAS BEEN ESTABLISHED

For First Time in History of Circuit Court, Judge Waives Instructions.

## ATTORNEYS ON BOTH SIDES WAIVE ARGUMENT

## Case of Lois Bates Against the Oregon Electric Terminates in Favor of Defendants.

For the first time in the history of the circuit court, the court's instructions to the jury were waived yesterday afternoon at 5:30 o'clock in Circuit Judge Kelly's court, when the taking of testimony in the case of Bates against the Oregon Electric Railway Co. was completed after attorneys on both sides had waived argument.

The case was a damage suit filed against the railway company by Lois Bates, of near Tangent, in which it was alleged that the company in constructing its lines had injured a private road leading to plaintiff's property to the extent of \$1000 damages. The case went to the jury at 5:30 o'clock and a verdict was returned within 15 minutes in favor of the defendant railroad company. Attorneys Weatherford and Weatherford represented the plaintiff and attorneys Gale S. Hill, Cary and Kerr the defendants.

The case was the last one to come up in the present term of Judge Kelly's court and had occupied its attention all day. As it was getting late and the attorneys feeling the effects of a steady grind of court business for nearly two weeks, the attorneys on both sides waived argument.

Judge Kelly remarked that he supposed that they would not be averse to his waiving instructions to the jury and to his surprise they took him up. The jurors appeared to accept this termination of the trial with much favor. They were accordingly excused, to bring in a verdict within 15 minutes after retiring.

Judge Kelly stated this morning that in the 20 years he has been a member of the Oregon bar, he has never before heard of such a precedent being established.

The jurors who heard the testimony in the case are as follows:

M. L. Forster, Tangent; C. N. McKee, Albany; H. D. Haight, Knox; R. S. Acheson, Sheild; I. W. Prickett, Lebanon; Perry Parker, Plainville; J. B. Morris, Lebanon; W. F. Pfeiffer, Albany; H. R. Sherrill, Harrisburg; Henry Dittmer, Tangent; W. M. Abbott, Seio; R. B. Miller, Albany.

## 420 ACCIDENTS IN MAY IN OREGON INDUSTRIES

## Mishaps Happen in Nearly Every Kind of Vocation Throughout State.

Salem, Ore., June 26.—Accidents in the industries of the state for the month of May totaled 420, nine of which were fatal, according to a report made public today by Labor Commissioner Hoff. The industries in which the accidents occurred and the number in each are: Carpenters, 21; electric, 12; 2 fatal; logging, 31; 6 fatal; machine foundries, 52; paper mills, 47; railroad yards, 31; railroad trainmen, 24; sawmill yards, 9; saw, planing, shingle mills, 74; teaming, 11; warehouse, 12; miscellaneous, 48; total, 420.

Statements are again being mailed to subscribers who are believed more than one year on their subscription. No one has intentionally been overlooked and the editor assures delinquent subscribers that he will not be obliged to check or money order is sent by return mail. This date to which your subscription expires is now clearly stamped on the wrapper of your paper.

News on This Page is From Daily Issue of THURSDAY, JUNE 26.

## O. A. C. PROFESSOR WILL GIVE INTERESTING ADDRESS

Prof. Peck, Landscape Artist, Will Speak on Improvement of Fifth Avenue.

Of great interest to Albany people generally will be the address of Prof. Peck, of the O. A. C., at the United Presbyterian church tomorrow (Friday) night, at 8 o'clock on civic improvement, a subject of vital concern to the people of the city just now.

Prof. Peck will arrive tomorrow noon and will go over Fifth street carefully, in his address making some special suggestions; but the body of the address will be along general lines, with a series of fine pictures, which will be thrown on the canvas at the church. It is desired that every body in the city, if possible, attend. Prof. Peck is said to be one of the best students of civic improvement in the country, and our people besides being instructed will be given entertainment of a higher order. Admission free.

## CRACK SHOTS TAKE TURN AT BLUE ROCKS

They Arrived This Morning from Portland and Spent an Hour at Gun Club Grounds.

J. E. Reid, representing the Peters company of San Francisco, California, and J. M. Fisher of the Selby Smelting & Lead Company, arrived this morning from Portland and took a few shots at the blue rocks on the grounds of the Albany Gun Club. They were conveyed to the grounds by W. A. Ballack and J. R. Baltimore, E. P. Nutting acting as score keeper. Bolt Reid and Fisher are crack shots and made a good showing at the traps.

## PERSONAL MENTION.

R. S. Roberts of Peoria was a visitor here yesterday.

George Nessler, of Dallas, transacted business here yesterday.

Mr. and Mrs. J. A. Carey, who were married here Monday afternoon, left yesterday for their home at Shelburn.

O. T. Larsen, of Independence, transacted business here yesterday.

Mrs. Ada Durrin, of Mill City, passed through the city yesterday afternoon on her way home after visiting with friends at Portland.

Mrs. L. H. Townes, of Lyons, visited friends here yesterday.

J. M. Brown, of Seio, was a business visitor here yesterday afternoon.

Miss Mary Swann, of Mill City, visited friends here yesterday.

C. W. Clifford, of Lyons, attended business matters here yesterday.

L. R. Ray, of Mill City, was a visitor in the city yesterday morning.

J. A. Townner of Brownsville, passed through the city yesterday noon on his way to Portland.

Miss Beatrice Hanke, who has been the guest of her sister, Mrs. L. L. Potts returned yesterday afternoon to her home at Thomas.

Mr. and Mrs. A. T. Humphrey left yesterday for Granite Mountain where they will spend a portion of the summer.

F. P. Devaney returned last evening from Lebanon where he attended business matters.

Miss Mary Parker is in Eugene where she will visit for several weeks with friends.

W. B. Chance left yesterday for Berlin where he will attend to business matters.

## COURT HOUSE NOTES.

### Warranty Deed.

M. M. Gilbert and wife to Minnie J. Hart, Lots in block 5 in Beard's Add. to town of Tangent, \$450.

G. M. Missall et al to H. E. McKenney, 80 acres in Sec. 23, Tp. 12, S. R. 3 west, \$10.

John G. Brown, and wife to John Gosser and wife, 99 acres in Tp. 16, S. R. 4 west, Feby. 9th, 1912 \$1.

E. K. Lyman to Clara P. Pool, June 17th, 1913. Lands in Sec. 19, Tp. 13, 4 west, \$1.

Harry Shannon to Della A. Edwards, March 31st, 1913. Lands in block 22, J. B. Raleigh's add. to Lebanon, \$10.

T. E. Grimes to Eli Baker and wife, Feby. 8th, 1913. 180 acres in Sec. 18, Tp. 15, 3 east, \$10,000.

### Marriage License.

John W. Schmitt, age 23, and Anna L. Bussar, age 19, both of Seio.

Louis Fox and Ethel E. Morgan, age 23, both of Gosh, Oregon.

## CASE OVER DOG WAS DISMISSED

A. Goldblatt Promised to Dispose of Canine and Hereafter Observe Ordinance.

## DISPUTE SETTLED IN MUNICIPAL COURT THIS MORNING

## City Attorney Swan Admitted That Observance of Ordinance Was Only Desired.

Coming up in the municipal court this morning for trial, the case charging A. Goldblatt with violation of the dog ordinance was dismissed after the defendant had stated that he had made arrangements to dispose of the dog and after City Attorney L. L. Swan admitted that the observation by dog owners of the ordinance was what is desired by city officers.

Goldblatt, who conducts the place of business called the Blue Front Exchange under the name of R. Goldblatt, a seven year old son of his, was charged with allowing his dog to run at large contrary to the late ordinance. Goldblatt had previously employed Johnston to attack the sufficiency of the ordinance. Mr. Johnston had looked into the matter and advised Mr. Goldblatt that the ordinance could not be successfully attacked and Mr. Goldblatt in open court admitted he had permitted his dog to run at large in violation of the ordinance, stated that he had arranged to dispose of the dog, that it would be removed from the city this afternoon and that henceforth he would observe the ordinance.

In consideration of these matters, City Attorney Swan admitted that observance of the ordinance was what was desired and stated that it was not the desire to impose punishment upon the people who would observe the ordinance and moved that the case be dismissed, which was granted by the court.

Goldblatt was arrested late last week by Policeman King on complaint of people in the neighborhood of the Albany High School.

## BOWERSOX WILL ATTEND GRAND LODGE AT ROCHESTER

Left This Afternoon at 3 o'Clock Accompanied by His Wife for Seattle.

To represent Albany Lodge B. P. O. E. No. 359, as a delegate at the grand lodge of Elks which will convene at Rochester, N. Y., July 7 and last one week, A. W. Bowersox, past exalted ruler of the local lodge of Elks, accompanied by his wife will leave this afternoon at 3 o'clock for Seattle to join the special train which will convey the Pacific Coast delegates to the East.

The grand lodge is to be attended by one delegate from every lodge in America and Mr. Bowersox is the recipient of a rare honor in being chosen as a delegate. The special train which was chartered for the convenience of the Elks will leave Seattle Saturday afternoon at 5:30 o'clock. Mr. and Mrs. Bowersox will spend the Fourth of July in Washington, D. C., where they will visit President Wilson, for because of the absence of Mayor Gilbreath the purpose of commending him on his free sugar and wool policy.

## SHERIFF BODINE CAPTURED BRIDE LAST EVENING

Miss Lola R. Jordan, of Indiana Wedded to Albany Man, Who Aids Another Pair.

Don H. Bodine, sheriff of Linn county, was married last night in Portland by Rev. Benjamin Young, pastor of the First Methodist Episcopal church, at Dr. Young's residence, 221 Eleventh street. The bride was Miss Lola Reid Jordan, who arrived in Portland quite recently from Morris town, Ind. Sheriff Bodine also figured in another wedding, as Charles J. Randall and Lydia Rhode were at Dr. Young's home to be married at the same time.

The two couples acted as witnesses for each other.

T. G. Anderson, of Harrisburg, was a business visitor in the city this morning.

## HART FARTHER INTO CUSTODY

It Will Require Bonds in the Sum of \$5000 to Secure His Release.

## BONDSMEN WITHDRAW SECURITIES FURNISHED

## Prisoner is Now Serving Time in County Jail Pending Outcome of Appeal.

Charles Thompson and J. K. E. Tate this afternoon withdrew the bonds furnished by them of \$1000 each in behalf of James Hart, who was indicted by the grand jury in March on two separate individual counts, of violation of the provisions of the local option liquor law. Since being indicted Hart has been out on bonds. The cases pending against him are still on Judge Kelly's bar docket and will not probably be tried until the next term of court.

This action on the part of the bondsmen caused Hart to go further into the custody of the sheriff, as he is at the present time serving time in the county jail for the failure to produce bonds of \$1500, imposed upon him by Judge Kelly this week as the result of an appeal taken in the two cases in which the defendant was convicted jointly with J. D. Kennedy last week. In order to have secured his freedom in these cases, Hart would have been required to furnish bonds in the sum of \$3000. Hart is now confined in the county jail with \$5000 against him necessary to secure his release, pending the outcome of his appealed cases and the indictments against him.

It is believed that if Hart is content to remain in jail until the outcome of the appeal, as it appears improbable that he will be able to furnish bail, he will have served several months, for which he will not get credit on the original sentence. However it is the belief that if he is successful in securing bonds within the next two or three days, he will have the appeal dismissed.

## FORMER ALBANY GIRL IS WEDDED TO PORTLAND MAN

Miss Tressa Acheson Became Wife of George A. Perret Last Evening.

The marriage of Mr. George A. Perret and Miss Tressa Acheson occurred last evening at 8 o'clock in Portland at the home of the bride's parents, Mr. and Mrs. George S. Acheson. Rev. W. A. Spaulding of the Third Presbyterian church performed the ceremony in the presence of 45 friends and relatives. The ring ceremony was used.

The home was prettily decorated with marguerites, syringa, pink roses, sweet peas and ferns. Following the wedding an elaborate collation was served the guests.

Miss Acheson is a former Albany young lady and is a graduate of the local high school. She has many friends here and for the past seven years she has made her home in Portland. The groom is a well and favorably known young man of the Rose City. He is employed as a collector for the Damascus Creamery Co.

## COMPANY UNABLE TO SUPPLY DEMAND FOR AUTO'S

Demand for Cars Indicates Wonderful Improvement in Financial Situation.

That business conditions are improving throughout the country is indicated by a letter received yesterday by J. A. Howard, local representative for the Rambler automobile company.

According to the letter the company is occupied with orders and can not see definite time at which they will be able to make shipment of cars. The company shows a net increase in business of 80 per cent over that of the preceding year, according to the statement made by the management.

W. Wilson, of Shelburn, returned to his home this morning after spending the last 10 days as jurymen in Judge Kelly's court.

## KNIGHTS OF PYTHIAS TO INITIATE CLASS ON MOUNT

Eagle Cap Mountain Is to Be Scene According to Word Received by W. L. Marks.

That a class will be initiated into the order of the Knights of Pythias this summer on the top of Eagle Cap Mountain, the highest point in the Willowa range was the information received today by Willard L. Marks, of Albany, chairman of the publicity committee of the grand lodge, from I. H. Gwynn, of Bendleton, grand chancellor of Oregon.

The initiation will be conducted by Kinsmen Lodge, No. 87, Knights of Pythias, of Wallawa. The date for the initiation has not been fixed yet nor have the details of the matter been developed but it is planned to confer all three ranks of Pythian knighthood on the summit of the mountain. The ceremony will be the first of its kind on the Pacific Coast and probably in the entire country.

## RAINS COSTS FRUIT GROWERS ASSOCIATION \$1000 PER DAY

It Is Wondered If They Have Been That Much Benefit to the Farmers.

"The late rains have cost us about \$1000 a day," says Manager Hob, of the Eugene Fruit Growers' association. "Whether they have been that much benefit to the grain farmers in this section of the country is hard to determine. They have played havoc with our berries and the chances for cherries grow less every day that passes in which as much rain has fallen as has in each of the last 10 days. It insures us a good vegetable crop, however, and we may have all the more beets, beans, tomatoes and other vegetables to can."—Eugene Register.

## PERSONAL MENTION.

John Robson and family will leave today for Newport where they expect to spend a months outing.

Dennis Merrill left this morning for Eugene on a brief business errand.

S. N. Braden, of the Fisher, Braden Furniture Co., left this afternoon for Minneapolis, where he will visit for a portion of the summer with relatives.

C. W. Clark, a business man of Corvallis, is registered at the St. Francis.

W. T. Newman, a night clerk of the Hotel Multnomah, Portland, visited in the city this morning. He left this noon for Salem.

Fred Looney, of Jefferson, was a visitor here this morning.

John Gallagher and family of Lebanon were visiting with friends in this city this afternoon.

R. Shelton, a justice of the peace of Seio, is transacting business here this afternoon.

H. R. Sherrill, of Harrisburg, returned to his home this noon after spending the last 10 days here as a jurymen before Judge Kelly's bar.

H. D. Haight, who has served on the jury for the last 10 days in the circuit court, returned this morning to his home near Knox Butte.

M. L. Forster, of Tangent, after serving on the jury in the circuit court here for the last 10 days returned to his home this morning.

Hon. Gus C. Mosier, an attorney of Portland, was in the city yesterday on business. He was registered at the Hammel.

J. W. Miller returned this morning to his home at Halfey after serving as a jurymen in Judge Kelly's court.

R. S. Acheson, returned this morning to his home at Sheild.

J. R. Morris, a jurymen during the recent term of the circuit court, returned to his home at Lebanon this noon.

J. W. Prickett, of Lebanon, returned home this noon.

M. Kelly, of Shelburn, returned to his home this morning.

Mrs. B. B. Roles left yesterday for Mill City where she will be the guest of friends.

Irvine Acheson returned last evening from a short visit at Sheild's yesterday afternoon.

Mark Westchford returned last evening from a short business trip to Salem.

## Children's Playground.

According to a statement given out this afternoon by J. S. Van Winkle of the Charitables board, the children's playground will be a feature at the grounds again this year. The children's department will be under competent management.

Frank Cleveland, a former Albany resident, is the guest of Mrs. Ruth Bodine in the city this week.

Sheild, who has been in the city for some time, will return home the end of the week.

## NEWMAN TAKEN TO NEBRASKA

Sheriff John A. Jones Arrived Yesterday Afternoon for Prisoner.

## HE IS WANTED THERE ON CHARGE OF FORGERY

## Chief of Police Austin Arrested Fugitive from Justice Here Saturday Afternoon.

After securing requisition papers from Governor West yesterday afternoon, Sheriff John A. Jones, arrived here on the 5:45 o'clock Oregon Electric, and left at 6:30 o'clock with Charles T. Newman, alias Charles Freeman, for Nelsonville, Nebraska, where the prisoner is wanted on a charge of forgery.

After eluding justice for 1 year and 5 months, Newman was captured here last Saturday by Chief of Police Austin, upon information furnished him by the authorities at Nelsonville.

The crime which Newman is charged with was perpetrated January 31, 1912, and shortly after it was committed, Newman skipped out. He was traced west by the authorities, who discovered that he was located in Washington. However, before he was intercepted, he left the state and came to Oregon. He has been residing here for the last three months and has been employed as a laborer.

After receiving the information concerning the man, Chief of Police Austin conducted a quiet investigation for several days, which resulted in his arresting the man Saturday afternoon. Chief Austin was armed with only meagre description of the fugitive, who upon his arrest was placed in the county jail where he has since been confined.

When arrested he was inclined to plead ignorance of the charge against him, but later admitted his guilt. Newman admitted to Chief Austin that he has been going under an assumed name while here and that he has been travelling about the country to escape detection.

Upon arriving here, Sheriff Jones fully identified the prisoner. The sheriff made a quick trip after the man, spending only 55 minutes here, leaving at 6:30 o'clock on through passage for Nebraska.

## NO. THE CHILD WAS NOT FOR SALE ACCORDING TO PAPER

Mistake Made by Foreman of Lebanon Paper Brings Pertinent Query.

Lebanon, Ore., June 26.—In his hurry to get to press with the issue of "The Lebanon Express" on May 16, the foreman inserted a birth notice under the "For Sale" head on the classified advertising page.

Recently a letter was received from Oshkosh, Wis., asking the publisher to find out what the price of the child was and asking further if the sale of surplus children was a common practice in Oregon.

## CYRUS WALKER WAS ELECTED OVER HIS PROTEST

That his recent election for a third time as grand commander of the Indian War veterans of Oregon came without any solicitation from him and in fact over his protest, was the statement today by a Democrat representative by Cyrus Walker, who recently returned from the state meeting of war veterans at Portland.

A prominent member of the organization from Portland was placed in nomination against the Albany veteran but received only six votes, as against fifty for Cyrus Walker.

## New Arrivals Expected Soon.

It was learned this afternoon that W. T. Cooke and family, recent arrivals to Oregon from Peoria, Ill., will come to Albany to locate. They are expected here from Portland some time in the end of the week. Mr. Cooke will take over the fuel yard of George Dunley and Sons and will conduct the business as heretofore.

Frank Cleveland, a former Albany resident, is the guest of Mrs. Ruth Bodine in the city this week.