

JUDGE SEARS IS REVERSED

Supreme Court Points Out Errors in Trial of Durphy

WAS CONVICTED OF POLYGAMY IN MULTNOMAH COUNTY—WILL HAVE NEW HEARING—BURNETT IS AFFIRMED IN THE DAVIS DE-FALCATION CASE.

The Supreme Court handed down two opinions in seven important cases yesterday, in four of which the lower courts were affirmed, while the other three were reversed and remanded for a new trial. The cases in brief, follow.

State of Oregon, respondent, vs. Bradley F. Durphy, appellant; appeal from Multnomah county, Alfred F. Sears, Jr., judge; reversed. Opinion by Justice Wolverson.

The district attorney filed an information against Durphy, on May 6th, 1901, charging him with the crime of polygamy, and upon trial he was convicted and sentenced to eight months in the county jail. The information charged that Durphy was married in Massachusetts in March, 1874, to one S. S. Bosworth, and that, while she was still his wife, he was married, in July, 1887, at Chicago, to one Margaret Ryan, that he afterward moved to Portland, Oregon, and that on August 15, 1898, and for a long time prior thereto he unlawfully lived and cohabited with said Margaret Ryan as his wife, the other wife being then alive.

Defendant insisted in lower court that the indictment attempted to charge two crimes—the unlawful and felonious marrying in Illinois, and the living and cohabiting with one woman as his wife in Portland while his other wife was alive, also that the information really charged no crime, because it did not state that Durphy knew when he married Margaret Ryan that his first wife was living. The lower court overruled his demurrer and motion and then allowed the introduction of a copy of memorandum of the marriage record from Massachusetts to prove the first marriage. These and other facts are alleged in taking the appeal.

J. E. Collison, respondent, vs. Downing, Hopkins & Co., appellants; appeal from Multnomah county; Hon. Alfred F. Sears, judge; reversed. Opinion by Chief Justice Moore.

F. L. Quince and J. E. Coates, partners, as the Manufacturers' Advertising Co., appellants, vs. W. H. Eggleston, respondent; appeal from Multnomah county; Hon. M. C. George, judge; reversed and remanded. Opinion by Justice Bean.

State of Oregon, respondent, vs. Geo. W. Davis, E. P. McCormack and Geo. G. Binham, respondents; appeal from Multnomah county; Hon. Geo. H. Burnett, judge; affirmed. Opinion by Justice Bean.

M. T. York, respondent, vs. J. T. E. Naab, appellant; appeal from Jackson county; Hon. H. K. Hannace, judge; affirmed. Opinion by Justice Bean.

Flora Hubert, et al., respondents, vs. The Washington National Building Loan & Investment Association, appellant; appeal from Multnomah county; Hon. Arthur L. Prager, judge; affirmed. Opinion by Chief Justice Moore.

Laura Dean Cox, a minor, by J. P. Finley, respondent, vs. The Royal Tribe of Joseph, appellant; appeal from Multnomah county; Hon. M. C. George

judge; affirmed. Opinion by Justice Wolverson.

STRIKERS ARE VICIOUS

ATTEMPT TO BLOW UP POWDER HOUSE AND TO ASSASSINATE DEPUTY.

(From Sunday's Daily.)

ASHLAND, Or., Jan. 10.—There is evidence of a vicious element among the striking smeltermen and miners of the Mountain Copper Company, which has put the company's officials charged with guarding the property to extreme vigilance. Recently there was plainly an attempt to blow up the powder house, though the crime could not be legally established against any one. Sunday night an attempt was made to assassinate Deputy Sheriff Irons, who was on duty guarding the property under the orders of the sheriff. About 10:30 o'clock at night, while Irons was at his usual post, he heard a noise close by, as if some person was stealthily moving over the leaves and branches. He arose and looked in the direction of the noise, he saw distinctly three men creeping toward him through the darkness. They had no sooner perceived that Irons had discovered them than they began firing at him. They fired three shots. Irons says one bullet came within an inch of reaching him. He raised his rifle and fired at the figures, who immediately retreated and were quickly lost in the darkness.

An investigation of the ground next morning disclosed the trail of the assassins, and it is claimed that blood spots were found indicating that some of the deputy's shots took effect. Irons had formerly been in the employ of the Iron Mountain Copper Company, and when the strike was called refused to join it. Later he was appointed a special deputy by the sheriff, to assist in patrolling the company's property during the strike. This incident and the attempted destruction of the powder house have caused the company to double the guards this week and to install another searchlight to be thrown over the mining and smelting plant nightly.

Irons beat at the time of the attempt to waylay him was near the powder house. There are a large number of idle men about Keswick, and a sullen and reckless spirit of lawlessness exists with some of them, who will not hesitate to work some revenge upon the Iron Mountain Company, which will not treat with the strikers as to any conditions of employment and will consent to no kind of recognition of the workmen's organization.

The men out of work appear to be helpless to remedy their situation, except by unconditional surrender. But the company appears to be in no hurry to resume work, though some preparations, such as deliveries of coke, point to resumption. It is not thought that the union organization in any way countenances the attempts against the property or the lives of the company's agent, but the latter attribute all the threats and lawless disturbances in the Keswick camp thus far directly to the strikers.

THEY SUFFER COLD

CHICAGO, Jan. 12.—Chicago and Duluth were the coldest cities in the United States today. Chicago overcame Duluth in the race for record, however, by retaining the cold longer, as the mercury did not rise to zero as early as it did in the day. The extreme cold brought in its wake death and suffering. Eight persons were reported to have died in Chicago as a result of the cold or privations attendant upon storms. Throughout the middle states suffering caused by cold was greatly increased on account of shortage of coal.

HOUSE CAME NEAR BURNING

Home of J. E. Stanton Caught Fire in An Upstairs Bedroom

FAMILY WAS AT BREAKFAST AND DISCOVERY WAS MADE BY A PASSERBY—HARD STRUGGLE TO EXTINGUISH FLAMES—THE DAMAGE WAS SLIGHT.

(From Sunday's Daily.)

The home of J. E. Stanton, corner of Sixteenth and Mill streets, came near going up in smoke about 6 o'clock on Thursday, and only for the accidental discovery of the fire by a passerby, the house and furniture would have been consumed, and the family rendered homeless.

The fire is supposed to have had its origin in the overturning of a candle in one of the boys' sleeping rooms upstairs, as he arose early and went to the barn, leaving the candle burning.

The family were at breakfast when Robert Crumb, who happened to be passing by, rushed in and informed them of their danger. Mr. Stanton caught up a pail of water and ran upstairs to the room where the flames were making rapid headway in the destruction of bedding and the paper on one side of the wall. Taking a blanket from the burning bed, he began whipping out the fire, and with the assistance of the other members of the family, who busied themselves carrying up water, the flames were subdued, though Mr. Stanton was almost overcome by the heat and suffocated by smoke, when his work was finished.

The loss is not great—perhaps not more than \$25 or \$30—and this includes the damage done to bedding, furniture, etc., which were in the room where the fire broke out.

WAS AN ACCIDENT

CHARLES CLEAVER, FORMERLY OF SALEM, WAS SHOT BY BROTHER OFFICER.

(From Sunday's Daily.)

On Friday morning the Statesman contained an item to the effect that C. Cleaver had departed for San Francisco in response to a telegram announcing that his son, Charlie Cleaver, who is employed on the police force in that city, had been shot in the limb, but other than that the wound was regarded as serious, no details of the event could be obtained. In the San Francisco Call, of the 8th instant, the following brief account of the accident, was given:

"Police Officer Charles Cleaver of the O'Farrell street station, was accidentally shot in the right leg yesterday afternoon, by Officer F. M. Black. The shooting occurred in the assembly room of the O'Farrell street station, and Mr. Cleaver was removed to the Emergency Hospital.

"Cleaver was standing in the assembly room when Black entered. The latter was removing his pistol from his hip pocket, and in doing so it fell on the floor and was discharged. The ball struck Cleaver in the hip, fracturing the bone.

"The injured policeman was taken to the Emergency Hospital, where Dr.

Leonard dressed the wound. He was then removed to a private hospital.

"No charge will be preferred against Black, as the shooting was accidental. Cleaver and Black are new men on the force. They passed the civil service examinations last November and were assigned to duty shortly afterward.

WHAT WILL HE DO?

HAS ONLY A FEW PLUMS TO DIVIDE AMONG STARVED HORDE.

(From Sunday's Daily.)

There has been a considerable amount of speculation as to the number of appointive offices which Mr. Chamberlain, when he assumes the toga of the Governorship of Oregon, will have the power to fill and there has been no little confusion upon this subject.

Mr. Chamberlain is looking his own counsel in regard to his appointments and will probably hold off for some time after his advent into office. There are not many positions, and what there are are mostly in the Penitentiary, and there are numerous candidates for every position to be filled, so his position is not altogether a savory one.

Mr. Chamberlain will have considerable patronage to give to the Democrats, but most of the appointments are in the Penitentiary. Over this department alone he has complete sway, and he is also supreme in the matter of the Soldiers' Home appointment. Chamberlain has a voice in the selection of superintendents for the Mute School, the Reform School, the Asylum and the Fish Warden. During his term he will appoint three members of the Barbers' Commission, five members of the State Board of Medical Examiners, five members of the Board of Pharmacy and a large bunch of Regents for the State University, Agricultural College, and the four Normal Schools.

What the Governor can appoint of his own accord are:

- Private secretary.
- Stenographer.
- Superintendent of Penitentiary.
- Two Wardens at Penitentiary.
- Farmer at Penitentiary.
- Bookkeeper at Penitentiary.
- Ten guards at Penitentiary.
- Three shop guards at Penitentiary.
- Four night watchmen at Penitentiary.
- Engineer at Penitentiary.
- Physician at Penitentiary.
- State Land Agent.
- Adjutant General.
- Twenty-four employes at Soldiers' Home.
- Health Officer at Astoria.
- Health Officer at Marshfield.
- Health Officer at Yaquina.
- Health Officer at Goldiner.
- Three pilot commissioners.
- Clerk of pilot commissioners.
- Three members of the State Fair Board.
- Four members of the State Board of Horticulture.
- Five members of Military Board.

For each and every one of these places there are several aspirants, and every string is being pulled to land the appointments. It is probable that the Governor will make a clean sweep in these offices, as they are now filled by Republicans.

CURIOSITIES

He who hesitates to look before he leaps is lost.

It isn't the horse that prances most that does the most work.

Many who think themselves coldly superior are often simply frosty.

Don't worry. You'll have more fun if you let the other fellow do the worrying.

Righteous indignation makes the aim unsteady. Keep cool if you'd shoot straight.

EDITORIALS OF PEOPLE

Mr. "Voter" Was Inclined to Propound Some Pertinent Questions

WAS THE VOTE CAST FOR SENATOR IN JUNE "ONLY FOR FUN"? WILL THE VOICE OF THE PEOPLE THROUGH THE REFERENDUM BE IGNORED?

Editor Statesman: One would naturally judge from the talk we hear on the streets and the tone of some of the Oregon papers, that we have quite a number of politicians and embryo statesmen who contemplate retiring in the near future to their farms and other places in private life. It seems to be a ridiculous fact that a number of our Legislators are here with the idea that the vote for U. S. Senator at our last election was "only for fun." Now, it is my opinion that sooner or later they will find that the people were very much in earnest. The reform that the people have clamored most for, for a great many years, is the election of U. S. Senators by the popular vote, and it is believed that this privilege is denied us by the members of the U. S. Senate who dare not come before the people for their elections, and it is well known that many of them secure their elections by corruption in our elections from the primaries up to our Legislatures.

Now, when we have been given an opportunity to express a choice as to who shall represent us in the U. S. Senate, and have expressed that choice by an overwhelming vote, it appears that numerous members of our Legislature propose to ignore the wishes of the people entirely and to put up men for the position who, though invited to do so, failed to have their names on the ballot last June, and it is only fair to suppose that they considered their chances better in trying to defeat the expressed wishes of the people than in coming before them for their suffrages.

Now, if our Legislators see fit to put in their time trying to defeat the expressed wishes of the people instead of attending to the business they were elected to do, and are paid for doing, we have no power to prevent their doing so, but, if I do not mistake the temper of the voters of Oregon, they (the voters) will see that it is not repeated, and I can not believe that any one would advocate such an act except it be a disappointed place-hunter or those who expected themselves or their friends to be beneficiaries by the change. As to myself, I have hardly a speaking acquaintance with Governor Geer, but as an American, I do not like to be disfranchised. A VOTER.

Salem, Jan. 12, 1903.

Sarcasm of an Outsider.

Editor Statesman: While the editor of this paper has been fast trying to rustle a few new industries for Oregon, a few mossbacks have got up life enough to write some anonymous communications, charging him with being too progressive. The only satisfactory progress the mossbacks can make is to take a free ride to the cemetery Oregon Journal.

What amazing self sacrifice is here! And with what base ingratitude it is required. Perhaps there is a "viaduct" or a "boulevard" in store for "Greater Salem," or even a new name for an old

strawberry. Salem has seen nothing like it since the enterprising Cottle left Iowa to show Oregon "mossbacks" how to "build up a town." OUTSIDER.

A TEXAS WONDER

HALL'S GREAT DISCOVERY.

One small bottle of Hall's Great Discovery cures all kidney and bladder troubles, removes gravel, cures diabetes, seminal emissions, weak and lame backs, rheumatism, and all irregularities of the kidneys and bladder in both men and women, regulates bladder troubles in children. If not sold by your druggist, will be sent by mail on receipt of \$1. One small bottle is two months' treatment, and will cure any case above mentioned. Dr. E. W. Hall, sole manufacturer, P. O. Box 629, St. Louis, Mo. Send for testimonials. Sold by all druggists, and at Dr. S. C. STONE'S drug store, Salem, Oregon.

READ THIS.

Salem, Ore., Dec. 8, 1901. Dr. E. W. Hall, St. Louis, Mo.—Dear Sir:—I have used your Texas Wonder for kidney and rheumatic trouble. Its effects are wonderful. It has no equal, and I can cheerfully recommend it. Yours truly, HARVEY HOWE.

NBW NAVAL WEAPON.

Admiral Makaroff, of the Russian navy, has invented an instrument which, it is said, will play a great part in any future submarine warfare. The instrument is known as a radiason, and several successful tests have already been made with it at Cronstadt. By connecting it with the military telephone, the approach of torpedo boats to Cronstadt was clearly heard by an officer in the War Department at St. Petersburg.

The main function of the instrument consists in pointing out the exact location and registering the speed of torpedoes, and experts claim that neither the weapon nor anything else can prevent it from doing this work properly. It will reveal, they say, the presence of the enemy just as well during the most stormy night as during a calm day, and it will also, if desired, destroy the torpedoes either automatically or at the will of an official, who may be several miles away.

The news of this invention has caused a sensation in naval circles in Europe, and it is hoped that further tests will soon be made with it.

COURT HOUSE FOR CLATSOP.

ASTORIA, Or., Jan. 10.—Clatsop county is going to have a new court house, and it is the intention to make it one of the finest structures of the kind in the state. For a time it seemed that there would be opposition to the plan, but the levy has already been made and the fund started. If, at the end of the present year, the members of the county court feel that conditions warrant the floating of \$50,000 or \$75,000 in bonds, the work of building the structure will be commenced.

It was at first proposed that the court house should be used as a seat of government for both city and county, and plans were being considered for joint use of city and county funds in its construction. This could not legally be done, however, and instead it will be necessary for the city to lease a portion of the building from the county.

The county court has fixed the tax levies for the year, the total being 29 mills, or two mills less than was fixed last year. The four mill road levy has been wiped out, and instead about \$5,000 has been provided in the general expense account for road purposes.

CANTONIA. The King, You Have Always Bought the Original.

..THE GREAT SUIT SALE..

Goes merrily on, and wise buyers are coming early to pick up the choicest bargains before the best patterns are taken and while the sizes are good.

A \$10.00 OR A \$12.00 SUIT FOR \$7.00

Is not an everyday opportunity for the man who desires a good, servicable all wool suit for every day wear.

AN \$18 OR \$20 SUIT FOR \$14

Is not to be found every day either, but these are actual samples of our genuine reductions on a big lot of suits. We invite you to come and see for yourself. Prices in plain figures.

House Coats at Half Price. Sweaters at 20 pr. ct. Off

OVERCOATS, EXTRA PANTS, GOLF SHIRTS, ETC., also greatly reduced. NONE RESERVED. Now is the time for the economical man. Odds and ends and broken lines are to be cleaned out regardless of cost. Remember first comers get the best selections.

Salem Woolen Mill Store

OPPOSITE CAPITAL NATIONAL BANK.

Headquarters for Salem-Made Blankets, Flannels, Indian Robes, Men's and Boys' Clothing and Ladies' Suitings.