

THE DAILY JOURNAL

Scraps-News-Association Telegrams.
3 and 5 O'clock Editions.

BY HOPFER BROTHERS.

Daily One Year, \$4.00 in Advance.
Daily Three Months, \$1.00 in Advance.
Daily by Carrier, 50 Cents Per Month.
Weekly One Year, \$1.00 in Advance.

JOURNAL SPECIAL DELIVERY.

One Week \$ 10
One Month 35
Three Months 1.00
At Journal office.

At Dams' Grocery, South Salem.
At Bowersox Grocery, Yew Park.
Anyum Avenue Grocery Store.
Electric Grocery, East State St.



The Weather.
Tonight and Thursday, fair.

THE DEFENSE OF AN INSBANE PERSON.

(Oregon Law Journal.)

Owing to the fact that few if any judges of our courts ever came personally in contact with and studied the ways and manners of insane persons, and especially those inclined to kill or do monstrous acts, our courts have declared rules of law governing the trial of such cases so that it is almost if not quite impossible to make a defense for a person who is actually insane, while, on the other hand, it is made easy for the imposter to feign insanity and be acquitted.

This state of affairs is brought about because well informed men upon other subjects, who have not made a practical study of insane persons, seem to think that a person is not insane unless he shows outward appearances of it, froths at the mouth, rolls his eyes involuntarily about, screams, yells, faints or tears about frantically without natural action. While there are a great many insane persons that do to certain extent meet this popular idea, yet very few if any of this class of insane persons commit crime for the reason that they are for the time being at least, so dethroned of all reason or are so idiotic that they do not exercise any rational control of their body, but their limbs, body and organs are given up to involuntary actions. But the class of insane persons who are dangerous and kill and do other monstrous acts do not belong to this first class. They are apparently quiet and harmless, they are secretive and appear to be rational in every respect so that you are sure that they should not be confined in the asylum. If one visit an insane asylum and goes through its wards, and have the superintendent or attending physician point out inmates who would most likely kill a person if they had an opportunity we will be surprised when he points out inmates who are the most quiet and gentle and are to all outward appearance the most harmless in the asylum. This class of insane is very smart and cunning and often lay in wait for the opportunity to strike and in some cases will tell you that an insane person of this class is usually cunning and smart in plotting and planning and that he, like the mule, will be good for a year or more in order to take you off your guard. The most adroit questioner seldom if ever finds them off their guard so as to show up the fact that they are not rational. An attorney employed to make a defense of insanity for one of this class finds his client striving to appear sane and usually the defense falls; while, on the other hand, an attorney who has a client who is perfectly rational and who is a moderately good actor can feign insanity and make a successful defense. Because, the insane person conceals his acts, while the imposter parades his antics to good effect before the court and jury.

Some of our courts declare it to be the law that if a person is conscious of that which is right and wrong, then no matter what illusion that person may be laboring under, that person is responsible for the crime he has committed. Under such a rule a defense for an insane person cannot be made, while our laws have provided that insanity shall be a defense. The absurdity of such a rule is apparent to any one who understands the subject of insanity. The only human being who is not conscious of that which is right and wrong is the pure and complete idiot, and such a person as that seldom if ever commits crime. Browne in his excellent work, Medical Jurisprudence of Insanity, quoting with approval from Langerman, says:

"I am convinced that even in the highest degree of insanity, there still remains a trace of moral discrimination with which we may connect the train of the patient's ideas." We believe that in many cases of insanity the mind itself is not in the least affected but that the organs or means that it has of communicating with the outward world to ascertain facts become diseased, deranged or distorted to such an extent that they do not correctly report the facts, but become lying witnesses and give alarming and false reports upon a harmless matter and the mind believing the false information acts as if a danger really existed. Any person actually surrounded by dangerous animals or reptiles would exert his utmost power to defend himself and we all agree that this would be a perfectly rational act; but if a person's eyes or ears report to him that he is surrounded by such dangerous animals or reptiles, when in fact he is not, and he defends himself, we say that he is insane. The insane person who commits crime, in the great majority of cases, is conscious at all times of right and wrong, but he labors under some illusion or hallucination and does not know the real facts as they actually exist and by reason of his erroneous impressions he has good reasons to consider his life in imminent danger and to defend himself commits the murder which he would not have done had he been conscious of the true facts.

The sensible manner in which the sanity of W. P. Peacock, who was tried and convicted for the murder of A. S. Kerr, was investigated by Governor Chamberlain shows that the Governor's many years of experience in the trial of criminals while acting as prosecuting attorney and as attorney general of this State has ripened and broadened his ideas on this subject far in advance of most trial judges. The Governor caused the condemned man to be personally examined by a large number of leading physicians, who were experts in mental diseases, who had had actual and extended experience in the treatment of the insane at insane asylums. After these physicians had made their report and the Governor had become fully informed thereon he made a personal visit to the cell of the condemned man and made a study of his subject intelligently. The conclusions arrived at and the reasons given by the Governor for suspending the death sentence is unanswerable and his course meets universal approval. If trial courts would handle this subject with the same good sense, deliberation and judgment there would be fewer judicial murders committed in the name of law.

FRANK KELLOGG.

(Oregon Law Journal.)

The following is a copy of the report of the Committee upon Resolutions upon the death of Attorney Frank Kellogg adopted by The Marion County Bar Association, viz:

To the Marion County Bar Association:—We your committee appointed to make a report, and take suitable action respecting the death of our deceased brother, Frank Kellogg, do most respectfully beg leave to report as follows:—

The subject of this sketch was born in the city of Cleveland, Ohio, on the 12th day of June, 1848. His boyhood days were spent in his native city. He had the advantages of an academic training at the Ashland Academy in said state. He afterwards took a course in civil engineering in the Troy Polytechnic School in the city of New York. His father was a man of standing and influence in his adopted city and state, being one of the electors chosen to represent the candidacy of the Douglas Democracy in 1860 in the state of Ohio. In the year of 1864, our deceased brother enlisted in the Union Army and remained in the army until the close of the Civil War, doing active service as a soldier. He went to the state of Texas after the close of the war and practiced his profession as a civil engineer, remaining in that work and surveying several important railroad routes, until 1882, when he began the study of law. He finished his course of law reading in Oregon and was admitted to the bar of this State in the year of 1884. He chose the town of Heppner as his first place for practicing his profession, and remained in Heppner until 1885, when he returned to Salem, continuing his professional work in this city until falling health caused him to relinquish his vocation. Personally, Mr. Kellogg was a gentleman of fine presence and he reckoned his friends amongst all classes of men. We submit the following by way of resolutions:—

"First: Resolved, that in the death of Frank Kellogg the community has sustained the loss of an exemplary and valuable citizen, the profession has lost a brother deserving the confidence of his entire clientele."



To restore vigor to the system, promote sound sleep and assist digestion you should take a dose of the Bitters before each meal. It will cure Sick Headache, Nervousness, Indigestion, Constipation, Dyspepsia and Kidney trouble

Be sure to try it.

of Frank Kellogg the community has sustained the loss of an exemplary and valuable citizen, the profession has lost a brother deserving the confidence of his entire clientele.

"Second: Resolved, that this report together with the resolutions accompanying the same be transmitted to the clerk of the Circuit Court of Marion County with the request that they be entered on the journals of the said Circuit Court.

"Third: Resolved, that an engrossed copy hereof be forwarded to his bereaved widow.

"W. H. Holmes, R. P. Boise, L. K. Adams and S. T. Richardson, Committee."

The Editor of The Journal knew Mr. Kellogg quite intimately for a great number of years and read law and was admitted to the bar of Oregon along with him. He was a true and loyal friend and a true Christian gentleman. We cherish pleasant memories of our deceased friend and sorely lament his untimely death.

THE EVENING BELLS.

(Oregon Law Journal.)
Those evening bells, those evening bells!
How many a tale their music tells,
Of youth, and home, and native clime,
When I last heard their soothing chime.

Those pleasant hours have passed away,
And many a heart that then was gay,
Within the tomb now darkly dwells,
And hears no more those evening bells.

And so it will be when I am gone,
(That tuneless peal will still ring on,
When other birds shall walk these downs,
And sing your praise, sweet evening bells.

—MOORE.

Wanted.

We would like to ask through the columns of your paper, if there is any person who has used Green's August Flower for the cure of indigestion, Dyspepsia and Liver Troubles that has not been cured—and we also mean their results, such as sour stomach, fermentation of food, habitual constiveness, nervous dyspepsia, headache, despondent feelings, sleeplessness—in fact, any trouble connected with the stomach or liver? This medicine has been sold for many years in all civilized countries, and we wish to correspond with you, and send you one of our books free of cost. If you never tried August Flower, try a 25-cent bottle first. We have never known of its failing. If so, something more serious in the matter with you. The 25-cent size has just been introduced this year. Regular size 75 cent. Dr. Stone's drug stores.

G. G. GREEN,
Woodbury, N. J.

Wanted, Hop Pickers.

Thirty acres, good yard. Mail, groceries, meat and bread delivered daily. Register at office, 2 to 5 p. m., room 7, upstairs, second hall south of Bush bank, Commercial street.
S-10-1wk ED. C. HERREN.

Has Mandamused the Secretary

A mandamus suit was brought against the secretary of state, in Judge Cleland's court, in Portland, to compel the secretary to audit the claim of J. P. Boyd, an Indian War Veteran, for \$129.50, on account of his services during the early Indian wars, and to issue a warrant therefor. Attorney-General Crawford is away on his vacation, and as soon as he returns the matter will be taken up and adjudicated. Mr. Boyd's claim was filed too late to come within the \$100,000 appropriated by the last legislature, and, in consequence, no warrant was issued for it, but the claim was filed, and with others that remain unpaid, will be referred to the next legislature for action by that body. The appropriation was insufficient to pay all the claims that it was the intention of the law-makers to take up, and as the claims are not held to be a stated expense of the state, provided for by the statutes—there is no authority of law to pay them, the appropriation being the only authority—no payment could be made beyond the \$100,000 appropriated, and no more warrants are being used.

Use Trib for Liqueur habit.

Corporations Pay the Tax

These are busy times in the state treasury, where the domestic corporations owing the state tax, are making their payments. All the corporations doing business in the state that had not previously settled with the secretary of state were listed on July 15th, and the list was referred to the treasury for collection. Yesterday about 75 corporations made their settlements, the amounts paid running from \$10 to \$200. About one-half of the companies on the list furnished the treasury with the tax, and it is believed that nearly all of them will make settlement before the penalty is added, which will not be before another 30 days.

Barn Destroyed by Fire.

W. J. Wagnier lost his new barn, the old barn, and hay and horses Sunday night by fire. At 11 o'clock the fire was discovered in the hay. It was not long until the barns, 40 tons of hay, eight sets of harness and two horses were burned. It was undoubtedly of an incendiary origin. In that neighborhood undoubtedly resides a frebug, because within the past few years there have been numerous fires of dwellings and barns. The Wagniers are heavy losers by this fire, as they had only an insurance of \$300.—Gervais Star.

ARE YOU SATISFIED.

If Not, What Better Proof can Salem Residents Ask For?

This is the statement of a Salem citizen,
The testimony of a neighbor,
You can readily investigate it.
The proof should convince you
G. S. Cooper, farmer, living three miles north-east of Salem on the Garden road, says: "I was raised in the wheat district and when a good lump of a boy I prided myself on having as much strength as any other boy in the neighborhood and when a number of us got together we often tested our strength by lifting. I very often lifted two bags of wheat but have since regretted having done so as the result was that I strained my back and ever after had more or less trouble from dull aching pains across my loins and other symptoms of kidney complaint. In some way Doan's Kidney Pills were brought to my notice and the first time I went to town I dropped into Dr. Stone's drug store and enquired about them. I was told they were highly recommended and advised to give them a trial. I did so, and while I did not follow the treatment as regularly as I should have done, being a poor hand to take any kind of medicine, the benefits I derived from their use stamps them as a remedy which acts fully up to the representations made for it." Sold for 50 cents a box by all dealers. Foster-Milburn Co., Buffalo, N. Y., sole agents for the United States. Remember the name, Doan, and take no other.

Good Country for Flax.

Secure your tickets Saturday for the great "Harvest Excursion" to Newport Sunday morning. Train leaves Salem at 6:12 a. m.

WHO KNOWS

When His Kidney Trouble Has Fastened and Reached the Chronic Stage? If It Has It is Curable by Anything Known Except the Fulton Compound. We Are The Sole Agents.

As an evidence of the unusual character of the Fulton Compound that company does not publish or invite testimonials except those reporting recoveries in kidney disease that have reached the chronic stage, alleged to be incurable. Here is another recovery in a case incurable till the advent of the Fulton Compound, reported by John A. Johnson, the agent of the Fulton Compound in Los Gatos:—

W. H. Friday, a resident of Los Gatos, having chronic kidney disease (Bright's Disease) had, like everybody else, found all treatments futile. He commenced on Fulton's Remedial Compound in February, 1902, and on December 10 of the same year reported the total disappearance of the disease. He writes that he has gained fifteen pounds in weight and is again able to do a good hard day's work. John A. Johnson, the Los Gatos druggist, confirms this recovery and knew of several other recoveries in similar cases of chronic kidney disease in Los Gatos. All of a kind were procurable by anything else known to druggists. S. A. Palmer, the leading druggist of Santa Cruz, E. H. Hayward, San Jose, the druggist agent, Dr. Mackay, San Francisco, the druggist, Dr. McMartin, the druggist, San Francisco, and scores of other California druggists all report specific recoveries in chronic kidney diseases that were positively incurable by anything known except the Fulton Compound.

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of *Chas. H. Fletcher* and has been made under his personal supervision since its infancy. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience Against Experiment.

What is CASTORIA
Castoria is a harmless substitute for Castor Oil, Paregoric Drops and Soothing Syrup. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

GENUINE CASTORIA ALWAYS

Bears the Signature of *Chas. H. Fletcher*
The Kind You Have Always Bought
In Use For Over 30 Years.

45c Ladie's Crash Skirts 45c, Tan color, neatly trimmed with white braid
75c Ladies' Duck Skirts 75c, good heavy material, neatly trimmed, regular \$1.25
Ladies' and Childrens Hats less than half price.
Calicoes fast colors, 4c a yd
Hop pickers Gloves

Greenbaum's Dry Goods Store.

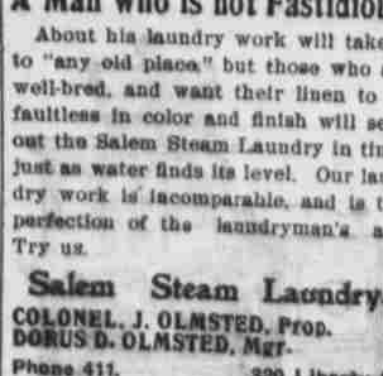
302 Commercial Street



Signs of Renewed Activity

In the real estate world indicate increasing building operations this Spring, and prompt us to remind you that our facilities for supplying hard and soft wood, lumber, lath, shingles, and other building materials are exceptionally good. We will be pleased to furnish estimates on contracts, large or small. A car of Mill City shingles received.

GOODALE LUMBER CO.,
Near S. P. Pass Depot,
Phone 851.



A Man who is not Fastidious

About his laundry work will take it to "any old place" but those who are well-bred, and want their linen to be faultless in color and finish will seek out the Salem Steam Laundry in time, just as water finds its level. Our laundry work is incomparable, and is the perfection of the laundryman's art. Try us.

Salem Steam Laundry.
COLONEL J. OLMSTED, Prop.
DORUS D. OLMSTED, Mgr.
Phone 411. 320 Liberty St.



Purity's Emblem

Is not a safer guarantee of genuine quality than our name. Wines and liquors sold by us are A1 for that reason. Whether used medicinally as a tonic, or as a beverage, our customers are served with the first choice in the market. We have a reputation to preserve, which is worth too much to be trifled with.

J. P. ROGERS,
Wholesale and Retail Liquor Dealer.



SPEER BROS. PAY

19c dozen for eggs
10c per lb for hens
17 1-2c per lb for butter
In trade, less 10 per cent in cash