

DAILY CAPITAL JOURNAL.

FRANK DAVEY HAS BEEN FOUND ESTHER MITCHELL CANNOT BE TRIED

DAVEY SPEAKER- SHIP

Has Salem Candidate Dropped Out of Race?

Found at St. Johns---His Family Thought He Had Gone to Coos Bay

Great excitement was caused at Salem this morning by the report that Hon. Frank Davey was out of the speakership race, and the arrival of the Oregonian on the 11 o'clock train with a column story on the first page was the cause of a regular sensation on the streets of the capital. The Capital Journal which has taken no hand in the speakership contest prints what its reporters could get on the subject and the Oregonian's reports. Later come telegrams printed elsewhere announcing that Mr. Davey had not disappeared.

What His Family Say.
Members of Mr. Davey's family were seen this afternoon and expressed the opinion that he is at Coos Bay, an inaccessible region, where owing to storms communi-

tion by wire has been cut off. They say it was his intention to go there and canvass that part of the country, and the fact that he has not been heard from, they think, is fully explained by the remoteness of that part of the state, and the weather has cut off all connection with the outside world.

What Local Leaders Say.
The candidacy of Hon. Frank Davey, of Marion county, for speaker of the house has been officially declared off, by his followers in Marion county. Hon. George F. Rodgers, of Salem, who has been Mr. Davey's local manager, has given out the news reluctantly that Mr. Davey has disappeared, very much as he did at the special session of the legislature when he was a member of the legislature before, and for the same reason, and the local support has been consolidated, and will be cast solidly for some other candidate not yet known. The whole political check-board has been disarranged by the disappearance of Mr. Davey, as completely as if he had been swallowed up, and not even his family know what has become of him. As a candidate his success was conceded by his opponents, and this unexpected turn of events throws the whole contest for control of the lower house open as it was in the beginning.

The Davey Supporters.
Hon. Geo. F. Rodgers, of this city, who has headed the movement to make Marion county solid for Mr. Davey for the speakership, has been in active consultation with his colleagues, and with the Davey supporters in Multnomah county and in

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SENATOR GEARIN ON JAPS

The Oregon Democrat Takes Issue With Teddy

Republican Governor of California Follows Same Policy

Washington, Jan. 7.—Senator Gearin, of Oregon, today discussed the rights of Japanese children in white schools, and necessity of restricting immigration of colliers. Took issue with President on tone of recent message and issued a warning to the labor element against threatened invasion of cheap labor. He said: "We are now at peace with Japan. Peace won't continue long unless we reach better understanding as to the present treaty and obligations it imposes. If there is any question about this treaty we should have a new one. Japan could send 5,000,000 laborers here and never miss them. We must protect ourselves or go to the wall in the world's competition. If there are commercial advantages which we destroy by excluding the Japanese laborers, I answer, I don't care."

Pardee Follows Suit.
Sacramento, Jan. 7.—Governor Pardee, in his farewell message to

Northern Pacific Increases Stock.

St. Paul, Jan. 7.—A special meeting of the stockholders of the Northern Pacific Railway company was held here today for the purpose of considering the proposal of the directors to issue \$95,000,000 additional stock. The present capital stock of the company is \$105,000,000 and the stockholders authorized the issue of the sum named by the directors, which brings the capital of the company up to \$200,000,000. Of the new issue the stockholders will have the right to subscribe to \$93,000,000 at par in proportion to their respective holding of the present stock. The reason assigned by the directors for making the additional stock issue as explained to the stockholders today is the rapid growth of population along the company's lines and the great development of business, which is rapidly increasing. It was stated that the increasing business was overtaxing the capacity of the line and further extensions of the company's mileage was necessary.

Standard Oil Prosecutions.

St. Louis, Jan. 7.—The charge against John D. Rockefeller and his six associates who control the Standard Oil company for operating the company in restraint of trade was opened in the United States circuit court here today. Rockefeller's co-defendants are Henry H. Gogers, Henry M. Flagler, Charles M. Pratt, Oliver H. Payne, William Rockefeller and John D. Archbold. In addition to these the federal government is charging W. A. Harris, treasurer of the National Transit company, the Crescent Pipe Line company and other alleged Standard corporations with the same offense. The Chamberlain Manufacturing company and the Swan & Finch company will also be charged. Over two hundred witnesses will be examined for the

HOLY ROLLER MURDERESS GOES FREE

Decision of Washington Supreme Court That Woman Who Killed the Slayer of Creffield Last July Cannot Be Tried

"Insanity not only protects an accused from conviction for crime, but present insanity when established also affords sufficient reason why he should not be placed on trial, or, if he has been tried, convicted and sentenced, why the judgment of the court should not be executed upon him."

"Criminal courts are possessed of an important power to ascertain whether one accused of crime is sane and able to avail himself of all his constitutional rights during the progress of his trial. The respondent judge, having such power, exercised it before placing these women on trial."

"The deportation statute is nugatory for the reason that legally it cannot be fully enforced. By this statute it is made the duty of the sheriff to convey the insane person to his home in another state. He could exercise no official authority or functions beyond the limits of the State of Washington."—Majority opinion Washington Supreme Court.

"The majority opinion seems to place the inherent power of the court above the statute, and makes a new practice in this state in this class of cases."—Dissenting opinion of Chief Justice Mount and Justice Fullerton.

Olympia, Wash., Jan. 6.—(Special to Seattle Times)—Esther Mitchell, the Oregon girl now in the King county jail, charged with murder in the first degree for the killing of her brother, George Mitchell, last July, will never be tried for the crime, but will probably end her days in a Washington state insane asylum. She may not be deported to another state. Four justices of the supreme court of the state have decided that the act of the lunacy commission called by Superior Judge A. W. Prater was legal when it pronounced the Mitchell girl and her companion in crime, Mrs. Maude Hurt-Creffield, insane. Mrs. Creffield is dead, presumably by her own hand, and under the ruling of the supreme court Esther Mitchell will spend the rest of her life at Stellacom.

Crow, Dunbar, Hadley and Rudkin are the justice who brought in the majority report and, while sustaining Judge Prater in calling the lunacy commission, they declare that Esther Mitchell may not be sent to Oregon, holding that the statute under which this order was made is invalid, for the reason that it cannot be legally enforced.

Justices Mount and Fullerton dissent from the opinion of their colleagues, while Justice Root, a former law partner of Judge Prater, con-

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CHICAGO STORE PEOPLES BARGAIN HOUSE

MIGHTY BARGAINS

OFFERED IN EVERY DEPARTMENT.

A GENERAL CLEAN-UP SALE SEE THE LITTLE PRICES WE ASK

LADIES COATS AND SUITS

This season's latest garments. Priced away down.

- \$15.00 Suits, sale price... \$ 8.90
- \$18.00 Suits, sale price... \$10.90
- \$20.00 Suits, sale price... \$12.50
- \$25.00 Suits, sale price... \$15.90
- \$15.00 Coats, sale price... \$ 8.90
- \$18.90 Coats, sale price... \$10.90
- \$20.00 Coats, sale price... \$12.50
- Children's and Misses' Coats, Half Price.

Fine Furs, About Half Price.

\$7.90 Silk Petticoats, price \$4.50

\$1.00 White Lawn Waists, price... .50c

\$1.50 White Lawn Waists, price... .75c

\$1.75 White Lawn Waists, price... .95c

1000 yards 3-inch wide embroidery, yard... .4c

FINE DRESS GOODS

This season's latest styles Priced away down.

50c Dress Goods, price yd... .25c

75c Dress Goods, price yd... .45c

\$1.00 Dress Goods, price yd... .65c

\$1.50 Dress Goods, price yd... .95c

Outing Flannels, Calicoes and Ginghams All Reduced.

HOUSEKEEPERS' GOODS

Prices cut away down.

Blankets, Comforts, Table Linens,

Napkins, Towels, Bed Spreads,

Draperies, Tickings and Silklines

50c Bleached Table Linen... .29c

500 dozen Towels... .4c

5c, 6 1/2c, 8 1/2c, 10c and 12 1/2c

FINE DRESS SILKS

Prices away down.

85c Fine Taffeta Silk, yd... .49c

45c India Silks, yd... .25c

85c Fine Pongee Silks, yd... .49c

75c Plaid Silks, yd... .49c

\$1.50 yard-wide Taffeta Silk... 95c

\$1.35 Black Silk, Peau de Soie... 35c

Remnants of Silk, Half Price.

LADIES' HOSIERY AND UNDERWEAR

A mighty strong line to select from.

Prices cut away down.

Ladies' 39c Underwear, price... 25c

Ladies' 85c Underwear, price... 49c

Ladies' 18c Black Stockings... 10c

Ladies' 20c Black Stockings... 12 1/2c

Better Ones at Small Prices.

Children's 20c Underwear... 10c

Children's 25c Underwear... 15c

Children's 35c Underwear... 25c

Children's 18c Double Ribbed Hose... 10c

Splendid lines at... 12 1/2c, 18c and 25c

MEN'S HOSIERY AND UNDERWEAR

65c Fleece Lined Underwear, price... 39c

75c Fleece Lined Underwear, price... 45c

\$1.50 Heavy Wool Underwear, price... 95c

Men's 25c Wool Sox, price... 15c

15c Heavy Black Sox, price... 10c

Mrs. A. Klein and Mr. and Mrs. Jas. Lewis have gone over to attend the funeral.

BARGAINS! BARGAINS!

In the following departments:

Lace Curtains, Ribbons, Laces,

Notions, Shoes, Corsets, etc.

HON FRANK DAVEY HEARD FROM.

Telegrams from Scripps News Association and From the Gentleman Himself.

Portland, Ore., Jan. 7.—(Special to Capital Journal.)—Hon. Frank Davey found. Was not lost, but was making campaign in Clatsop county. Is at St. Johns with his wife.

Portland, Ore., Jan. 7.—(Special to Capital Journal.)—Have just returned to Portland from trip to Seaside. Been suffering from lung trouble. Am getting along nicely.

FRANK DAVEY

the legislature, which convened today, criticizes President Roosevelt for his action in the Japanese school matter. He says the President acted without knowledge of the situation. Also denounces the methods of the Standard Oil and other trusts doing business in this state. He urges direct primary law similar to the one now prevailing in Illinois.

Banker Killed.
Cheyenne, Wyo., Jan. 7.—W. Dean Hayes, banker and leading politician of Wyoming, was instantly killed this morning in a duel with L. Simpson, an attorney. The feud was of long standing. Hayes was the nominee for governor, congress and state treasurer during the past ten years. He recently announced himself a supporter of Roosevelt.

Senator Lodge today defended his amendment to the Foraker resolution, upholding in a strong speech the President's action in discharging the negro soldiers.

Died at Philomath.
Word has been received here of the death of Miss Lou Lewis, sister of John H. Lewis, of this city. Miss Lewis will be remembered by many Salem people as being blind. She was 66 years of age and died at Philomath. Mr. and Mrs. John H. Lewis, Mrs. A. Klein and Mr. and Mrs. Jas. Lewis have gone over to attend the funeral.

At Chicago the temperature is at 60. April showers are alternating with sunshine. Thunder claps, flashes of lightning and phenomenal weather.

The state department was notified today that there are four million destitute in Chinkiang, China. Area about the size of the state of New York. Deaths are beginning and it is five months to harvest. Winter is at its height.

At Houston, Texas, the Southern Pacific firemen's strike was officially declared off at 1 o'clock this afternoon. Three men returned to work.

At Kansas City Judge Phillips today allowed Aggie Meyers an appeal to the United States supreme court on the grounds of lack of jurisdiction.

Emma Goldman is held today in a \$2000 bond to answer a charge of advocating anarchy which is a felony in the state of New York. Borkman was held on \$1000 bond.

Nevada county, Cal., is in the grip of the heaviest snow storm for years. Colusa, Cal., has first snow storm in four years. It commenced this morning and still continues. Doing considerable damage to citrus trees.

AGGIE MEYER'S SENTENCE ASSAULT INTENT TO KILL

May Be Commuted By Missouri Legislature Information Filed Against E. L. Remington Today-- Four Others Informed Against

Jefferson City, Mo., Jan. 7.—Judge Phillips, of Kansas City, issued a stay of proceedings of the case of Aggie Meyer to have been hanged Thursday. Resolution is being circulated among legislature providing abolition of capital punishment. Folk intimates if resolution passes he will commute sentences of all sentenced to hang Thursday, among them being Frank Hottman Meyers, the woman's paramour, and William Church who murdered his foster parents at Warrenton, and William Spough who murdered Sheriff Polk, of Iron county. The resolution is being urged by Spough's mother. Polk's brother is a member of the house of representatives.

Only two members of the board of directors of the Salem school district, Dr. Epley and A. A. Lee, put in an appearance at the high school Saturday evening for the regular meeting, which was to have been fruitful of important developments. As a result there was no quorum, and such business as was to have been transacted must go over until the next regular meeting, two weeks hence. These two members, Clerk Johnson and Superintendent Powers waited until 8:10 o'clock, the appointed hour being 7:30, and finally gave up and went home.

No School Meeting.

F. H. Vanderhoof, forgery of a check upon Charles LeBrun, of Gervais, for \$27.

The case of the state vs. Henry Carmody, charged with selling liquor in Mill City, a prohibition precinct, is on trial this afternoon. Up to the hour of going to press the full panel of jurors had not been selected.

Mrs. Josephine Drake, an Oregon pioneer, died at her home in Pendleton Saturday. She was the first president of the Pendleton Woman's Relief corps.

SALEM'S FASTEST GROWING STORE.

McEVoy BROS. Corner of Commercial and Court Streets

Dr. J. F. COOK
MOVED TO 340 LIBERTY STREET,
WHERE HE WILL MEET ALL OLD
AND NEW PATIENTS. FOR ANY
DISEASE CALL ON DR. COOK.
CONSULTATION FREE.