

DAILY CAPITAL JOURNAL

BY HOPER BROS., Publishers and Proprietors.



SUBSCRIPTION RATES.

By Mail. Daily Journal, one month . . . 35c Daily Journal, three months . . \$1.00 Daily Journal, one year 4.00 Weekly Journal, one year 1.00 By Carrier. Daily Journal, per month 50c

MERCHANT M'EVROY MARRIED.

Proprietor of The Chicago Store Weds Miss Agnes Finley.

A very pretty, but quiet wedding took place Sunday at 1:30 p. m. when Rev. Father A. Moore, of this city, pronounced the words which made Jas. McEvoy and Miss Agnes Finley husband and wife.

The ceremony which was held at the residence of H. D. St. Helen was witnessed by only a few intimate friends. The groom is one of the progressive owners of the Chicago Store and is well and favorably known in this city.

Miss Finley is the daughter of Mr. and Mrs. John Finley, who reside in Portland. She has been employed as clerk in the Chicago Store for the past five years and is an accomplished young lady with many friends in this city.

The happy couple left last evening for Portland enroute to the cities of the north where they will spend a short honeymoon trip.

After their return they will be at home at the Willamette hotel to their many friends.

Mehama Wedding.

December 24, 1906, at 5 o'clock p. m., at the home of Mrs. M. J. Mulkey, in Mehama, Miss Bertha E. Mulkey to Ebrahim E. Battin. The bride is the youngest daughter of Mrs. M. J. Mulkey, and the groom is a young and successful business man of Portland, Oregon.

Mr. and Mrs. Battin left for Portland Saturday, December 29th, where they will make their future home. They have the best wishes of the people of Mehama for a long and prosperous life.—Slayton Mail.

Wise Couns. from the South.

"I want to give some valuable advice to those who suffer with lame back and kidney trouble," says J. R. Blankenship, of Beck, Tenn. "I have proved to an absolute certainty that Electric Bitters will positively cure this distressing condition. The first bottle gave me great relief and after taking a few more bottles, I was completely cured; so completely that it becomes a pleasure to recommend this great remedy." Sold under guarantee at J. C. Perry's drug store. Price 50c.

Contracts for a steel bridge across the Umatilla river at the mouth of Butler creek, and for one across the Wild Horse river at Athena, were let by the county court at Pendleton Thursday.

Rev. Carlisle, P. B. Martin, L. I. D.

Of Waverly, Tex., writes: "Of a morning, when first arising, I often find a troublesome collection of phlegm which produces a cough and is very hard to dislodge; but a small quantity of Ballard's Storehound Syrup will at once dislodge it, and the trouble is over. I know of no medicine that is equal to it, and it is so pleasant to take. I can most cordially recommend it to all persons needing a medicine for throat or lung trouble." Sold by D. J. Fry.

The Bank Habit

Possibly you who read this have never kept a bank account. If not, let us suggest that you try the experiment. You will find it helpful in many ways. Aside from the fact that your money will be safe from theft and fire, such a habit tends to thrift and economy, discipline and a general understanding of business principles, all of which are essential to success. It also affords a convenient method for the payment of bills; and, as the checks are always preserved and returned to you, they serve as receipts for the amount paid. We will be pleased to serve you as your banker. Come in and open a bank account.

Salem State Bank

L. K. PAGE, President E. W. HAZARD, Cashier

HOLLY ROLLER MURDERESS FREE

(Continued from page one.)

tents himself with concurring in the majority report as far as it sustains the calling of the lunacy commission, but refuses to express an opinion with regard to the deportation phase of the matter. Root does, however, express doubt as to the propriety of adjudging a legislative act void.

Makes Escape Easy.

Coming as it does at a time when the people of the western part of the state are vitally interested in the outcome of the trial of Chester Thompson for the murder of former Judge George Meade Emory, who is making insanity his defense, this opinion of the supreme court has been received with much comment of a varying nature. Briefly, it is the opinion of those who have to do with criminals and their punishment that this ruling opens a wide door to those charged with crime, for all that seems to be necessary to avoid punishment is to have a lunacy commission called and have the defendant declared insane.

The majority opinion states briefly the events leading up to the calling of the commission, and also what happened while the commission was in session. It states that the only time the representatives of the prosecuting attorney's office were not allowed to be present at the proceedings was when certain examinations of a private nature were being made, and it seems to hold to the opinion that the occasional presence of Judge Frater was all that was necessary.

At the time the commission was called there was much adverse comment, and the King County Medical Society took cognizance of the decision declaring the woman insane, condemning the act of the physicians on the commission and Judge Frater for his part in the proceedings.

It is probable that as soon as the necessary formalities have been gone through, Esther Mitchell will be taken to St. Helens.

The application of Prosecuting Attorney Mackintosh, of King county, for a writ to restrain Judge Frater from signing the order finding the woman insane and ordering deportation, is the basis for this action.

The dissenting opinion is a strong prerogative of a jury with regard to criminals. The opinion, signed by Justice Mount and concurred in by Justice Fuller, follows:

The Dissenting Opinion.

"I concur in the conclusion reached by the majority upon the second question decided, but think the writ should issue upon both questions. If it be true that section 2660, Ballinger's code, applies to this case, and that respondent has jurisdiction to determine the question of the present insanity of the accused independent of the crime charged then that section prescribes the character of the trial that should have been followed. It does not authorize the appointment of a commission to try the question, and the court therefore had no authority to appoint such commission. The procedure adopted may be an error which cannot be reviewed upon this application, because the state may review the error by writ of review or by appeal under the last clause of subdivision 7, of section 6509, Ballinger's code. If so the application should be denied upon that ground, and not upon its merits. If the accused was insane at the time the alleged crime was committed the question of sanity is then tried by a jury upon the general issue (1895-9, second Ballinger code). This has been the uniform practice in this state from the beginning. 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. I think the sections above referred to are not subject to the criticism that they do not afford due process of law. If they are subject to such criticism then no insane man can be adjudged insane because he cannot be informed of the nature of the accusation against him, and therefore cannot be tried at all. In my opinion the writ should issue as prayed.

MOUNT, C. J.

"I concur in the opinion reached by the chief justice.

FULLERTON, J.

Justice Root expresses his opinion as follows:

Justice Root's Opinion.

"I concur fully with the majority as to the trial court's rights to appoint the lunacy commission and adjudge the two women insane. Regarding the validity of the deportation statute I express no opinion, as neither party requested either the trial court or this to decide that question. The fact that many, probably a majority of the states have and are enforcing statutes of this character shows there must be a somewhat general belief in their policy and validity. I doubt the propriety of adjudg-

ing a legislative act void, except where the necessity is clear and in cases where its validity is a bona fide issue."

The majority opinion in part says: "Although strong reasons, based upon propriety, decency and public policy commend the action of the commission in taking the evidence of the matron and two physicians and in conducting the physical examination of the women in private, we are not called upon at this time to determine whether such proceedings were erroneous. As to said matters and others affecting methods of procedure of which the relator now explains, the records fail to disclose that he made any objections or took exceptions. In the absence of exceptions such alleged irregularities, even if erroneous, could not be reviewed on appeal or by certiorari. In this proceeding they could in no event be reviewed or corrected, even had exceptions been taken. The function of a writ of prohibition is to arrest proceedings which are without, or in excess of jurisdiction, and not to review errors in matters of procedure where jurisdiction exists.

Position Well Taken.

"Respondent contends that, when in good faith an affidavit has been filed alleging that a defendant charged with a capital offense is insane, and when it appears to the court that there are reasonable indications of probable insanity, it is within the power of the court to determine the issue of the sanity of the accused before putting him on trial for his life; in other words that the court may first determine whether such defendant is insane at the then present time. We think the position is well taken, and that the court is possessed of the inherent power and jurisdiction to conduct such."

Smiles

A Salem man who was formerly an Alaskan miner, and who has been married for several years, has since New Years not been allowed to smoke in the house. It was his wife, not he, who did the swearing-off act, and he sends up the following lament:

When I came down from Nome I thought I'd have a home, A home and little wife I'll call my own. So I bought a little lot And built a little cot An' a little wife I got.

'Twas the battle of my life To have a cosy hearth and wife— To think I'd have a home, Where I'd stretch my legs before the fire, Where I'd hibi my pipe of brier, Where I'd think I had a home.

When I was cashed in the mines I had often dreamt of lines When I would have a home, But now when it rains an' pours I have to take my smoke outdoors— To take a little backyard room.

An' I never catch the dickens Out among the hens an' chickens, Lookin' at my little home, I like my wife so mighty well I hate to raise a nasty smell In the place I call my home.

Sometimes I think I like it fine, An' agin I'd rather mine— An' dream I had a home, Money enough to take my ease, Try my best my wife to please An' make her feel at home.

My heart is well-nigh broke Because I never have a smoke In what I call my home, It isn't ground for a divorce, An' I might have struck it worse, I may go back to Nome.

Feed the birds. Also feed the cats so they won't feed altogether on birds.

H. C. P. Bishop don't quit wearing that smile, we'll all be wearing Portland clothes.

Besides the legislature being in session, Salem will be attractive socially this winter.

Oregon was the first state to select a site for a state building at the Jamestown exposition.

At the national cat show today at Detroit there will be a great show of cats, kittens and kittens.

It is a cold day when Rockefeller or some other mighty plutie is not haled before the courts and fined for making more money than he ought. In the meantime the rest of us are making all we can.

Eleven to three was the vote by which Larry Murphy went back upon the police force from which he was removed against the protest of all the business men of the city. If

Jim Lewis had been a candidate it would have been unanimous.

The Coos Bay Times has a grand New Year's edition. That seems to be a splendid health resort down there for all kinds of business.

Shooting with a gun is too expensive for the professional masher. A rotten turnip is about his size.

Of course, the selection of a president of the agricultural college is going on without any publicity but what The Capital Journal gives it. The people would be surprised if they knew the kind of persons who imagine they could hold down that job, but it would put the blush on modesty itself to even print their names. Modesty has disappeared from the face of a generation that is working the official graft in Oregon. The crop of small spuds is so large it is a pity they could not be shipped to a land of hillbillians where they could become artificially great. What is agriculture, anyway, that it should require a man of great brains and executive ability at the head of the college that teaches the noble art? Does it occur to anyone that a man who has both practical and theoretical knowledge of agriculture, who can lecture intelligently on scientific farming before a grange, a man of broad education and culture, could possibly be found if he were wanted? What if he lived part of his life in some of the other states of the union?

Have you indigestion, constipation, headache, backache, kidney trouble? Hollister's Rocky Mountain Tea will make you well. It falls, get your money back. That's fair. Tea or Tablet form; 35 cents. For sale at Dr. Stone's store.

Falls City's weekly newspaper, The Logger, was sold the past week to C. A. Griswold and H. E. Starr. The name of the paper will be changed to the Falls City News.

Reconstructs your whole body, makes rich red blood. Drives out impurities that have collected during the winter. Hollister's Rocky Mountain Tea is a family tonic; 35 cents, Tea or Tablets. For sale at Dr. Stone's store.

BRYAN STATE COMMITTEE

Will Meet in Salem and Plan Reception

The Bryan reception committee, consisting of one Democratic delegate from each county in the state, will meet in this city next Monday for the purpose of formulating definite plans for the reception of William Jennings Bryan, who is expected to arrive here January 23. The committee is composed of the following:

- M. A. Miller, Lebanon, Linn county, chairman; Errett Hicks, Canyon City, Grant county; J. C. Foley, Burns, Harney; J. D. Olwell, Medford, Jackson; J. O. Booth, Grants Pass, Josephine; Judge George Baldwin, Klamath Falls, Klamath; Dr. Bernard Daly, Lakeview, Lake; J. D. Matlock, Eugene, Lane; W. O. Peterson Toledo, Lincoln; Will R. King, Ontario, Malheur; J. B. Messick, Baker City, Baker; B. F. Irvine, Corvallis, Benton; J. E. Hodges, Oregon City, Clackamas, John H. Smith, Astoria, Clatsop; W. B. Dillard, St. Helens, Columbia; A. J. Sherwood, Coquille, Coos; W. A. Booth, Prineville, Crook; S. B. Masters, Curry county; Dexter Rice, Roseburg, Douglas; Judge E. Dunne, Condon, Gilliam; W. H. Holmes, Salem, Marion; Sam E. Van Vactor, Heppner, Morrow; Alex Sweek, Portland, Multnomah; Oscar Hayter, Dallas, Polk; R. L. Campbell, Grass Valley, Sherman; B. O. Snuffer, Tillamook, Tillamook; W. F. Matlock, Pendleton, Umatilla; Turner Oliver, La Grande, Union; D. W. Shehan, Enterprise, Wallowa; Judge A. S. Bennett, The Dalles, Wasco; W. H. Wehrung, Hillsboro, Washington; P. L. Keeton, Fossil, Wheeler; Chas. V. Galloway, McMinnville, Yamhill.

Into each life some sorrow must fall; Wise people don't sit down and bawl; Only fools sulk and take to flight; Smart people take Rocky Mountain Tea at night. —Sold at Dr. Stone's store.

THE PURE DRUG COMMISSIONERS

Insist that all medicines be compounded strictly in accordance with their pure food and drug act of June 30, 1906, and we guarantee the Bitters to be such. This proves its merit. If you have never tried

HOSTETTER'S STOMACH BITTERS

do so today. It always cures Indigestion, Poor Appetite, Dyspepsia, Colds or Female Ills. Get a free copy of our 1907 Almanac from any druggist or dealer.

German Social Notes.

Unser Nachbar's Tochter, Marie Steffelbrecher geht auf die Universität und lernt nebenbei Nachts das Putzmacher Geschäft.

An Nahrungsmittel felt es nicht in unser Nachbarschaft. August Brummelbierne hat zwei riesige Schweln geschlacht, und mit kraut und Kartoffel schmeckt es verdolt gut.

Ein altes Sprichwort lautet: Nicht Neues unter der Sonne. Charley Wolz sagt selbst das neue Jahr ist nun schon nichts neues mehr.

Auf der Universität soll ein Conversations-Klub gebildet werden. Dass haben wir schon lange in Englewood predinet, aber es hat einen anderen Namen.

Wie viele von den guten Vorsätzen des Sylvesterabends haben sich noch bis Heute erhalten?

Der Haupt krakeler in unserm Ward hat nicht einmal ein fingerbreiter Sidewalk um sein Platz, aber wir sollen alle Improvements machen während er Solo und Politiek spielt.

Nicht viel Zumucks in der Population in unserm Theil der Stadt, und der Roosevelt Sollte ein Bischen dahinterkommen.

The Right Name.

Mr. August Sherpe, the popular overseer of the poor at Fort Madison, Ia., says: "Dr. King's New Life Pills are rightly named; they are more agreeable, do more good and make one feel better than any other laxative." Guaranteed to cure biliousness and constipation; 25c at J. C. Perry's drug store.

Rostein & Greenbaum's

CLEARANCE SALE

NOW ON UNTIL JANUARY 16TH

A FEW OF OUR TRADE WINNERS

Ladies' Hose

3 pair heavy gray for25c 18c heavy black, now12c

Children's Hose

16c heavy ribbed now 8c 20c fine ribbed, now15c

Toweling

Good cotton, now, yd.4 1/2c 7 1/2c flaxine, now yd 6c 10c flaxine, now yd7 1/2c

Oil Cloth

20c standard grade, yd15c

Outing Flannel

12c plain colors, yd 9c 10c grade, figured, yd8 1/2c 9c grade, figured, yd7 1/2c

Shirting

12 1/2c heavy twilled9 1/2c

Muslins

10c grade in mill end remnants, yd6 1/2c

Colored Table Damask

In mill end remnants, 50c grades now25c yd

Men's Underwear

40c grade, now25c 50c grade, now40c \$1.25 and \$1.50 odd wool shirts and drawers, now75c

Men's Sox

6 pairs heavy cotton for25c 10c black sox, now7 1/2c

Lace Curtains

\$1.25 grade, 3 yds long, now 85c pr \$1.50 grade, 3 yds long, now \$1.00 pr \$2.00 grade, 3yds long, now \$1.25 pr

Bed Spreads

\$1.00 large size, now69c \$1.25 large size, now90c \$1.75 large size, now\$1.25

Muslin Underwear

Gowns from35c up Skirts from40c up Drawers from30c up

Ladies' Underwear

Heavy cotton, now20c 40c union suits, now40c \$1.00 union suits, now60c