

# DAILY CAPITAL JOURNAL.

SALEM, OREGON, TUESDAY, FEBRUARY 5, 1907.

NO. 32.

## THAW TRIAL PROCEEDING SHERIFFS RETAIN PRISONERS CONCRETE BRIDGE CONDEMNED REGISTRATION LAW AMENDED

### ORPHANS HOME IS CREATED

#### Amendments to Registration Law to Make More Effective Are Adopted

The house today a lot of new bills were introduced.  
H. B. 142, Gray, creating board of trustees for A. R. Burbank trust school, special order of business.  
10 o'clock. House resolved itself into committee of the whole when bill was amended so as to authorize the payment of the interest of fund to the Boys' and Girls' Aid society and Baby's Home at Portland, which were declared orphans' homes for the purposes of the act. Committee of the whole reported the bill favorably. Passed.  
H. B. 5, Beals, to amend constitution providing uniform rate of taxation as amended and engrossed. Passed.

Third Reading of Bills.  
H. B. 167, Beveridge, providing a more efficient system of registration. Passed.  
The purpose of the Beveridge registration bill, which was drafted by W. M. Coke, of Portland, is to clothe the county clerks of the different counties to send a deputy out into the factories and thickly settled districts of cities to register voters, to minimize the use of "blank A" at the polls.  
H. B. 91, Brix, to protect salmon and other fish. Passed.  
H. B. 3, Settlemyer, to prevent certain persons from securing licenses to sell liquors. Passed.  
H. B. 210, Belknap, to provide for appointment of deputy district at-

### THAW'S LAWYERS DEFEND

#### Experts Try to Show Thaw Was Insane

#### District Attorney Jerome Wants the Witnesses For Defense

New York, Feb. 5.—Dr. C. H. Wiley, of Pittsburg, one of Thaw's family physicians, was the first witness called at this morning's trial. Josiah Thaw was the only member of the family present when court opened. The defendant entered hurriedly, sat down precipitately and wrote excitedly for some time on a pad of paper on counsel's table.  
Thaw Acted Irrational.  
Wiley testified he was an insanity specialist from Moxmont insane asylum, Pennsylvania. "What happened in 1905 in connection with Thaw?" asked Gleason. "In 1905 I was a passenger on a car. Thaw entered, and, without apparent reason, yanked the blind of a window down.

### SERVES LEGAL NOTICE

#### General Electric Com- pany Condemns Bridge

#### Withdraws Proposition By Which It Had Agreed to Bear Part of Expense

The concrete arch bridge on North Commercial street, which was the subject of disagreement between the contractors and bridge committee last summer, and completion of which was delayed until the fall floods came, has been repudiated by the General Electric Co. in a letter from Manager Page, of this city. It was read at the city council meeting Monday night, and was addressed to the mayor, recorder and common council.  
Full Text of Letter.  
I beg to call your attention to my letter of November 10, 1906, in the matter of the concrete arch

### SENATE KILLS BILL TO REFORM

#### Transportation of Prisoners to the State Penitentiary in Interest of Economy

The bill introduced by Senator Kay providing for the transportation of prisoners to the penitentiary by guards from the prison, instead of by the sheriffs, was killed in the senate this morning by a vote of 22 to 5.  
The bill was introduced in the interest of economy. It was shown to the committee that a similar bill, enacted two years ago for the asylum, is saving 50 per cent of the cost, and this was estimated to save about 40 per cent. It was recommended by the governor, and that caused it to lose some votes. Beach plainly said his objection was that he was opposed to building up a machine around the state institutions. Blagham said it was an effort to milk the state in favor of Salem. Wheelton said he was opposed to it because it took some of the emoluments from the sheriffs.  
Sichel said something was wrong in auditing the expense bills of the sheriffs, and not with the law. Nottingham took the same view. Mullit favored the bill, and said under the present system it cost \$8 to get a Marion county prisoner to the pen, when it should cost only 15 cents, and that for car fare.  
Kay made two strong speeches for the bill. He said he was asked to be sponsor because Marion county's sheriff got less graft out of the system than any other county, and he

would stand less chance of incurring the enmity of a sheriff. When the vote was taken the only members voting aye were: Kay, Laycock, Malarkey, Miller of Linn, Mullit. All the others present voted no.  
Death Penalty for Holdups.  
Wright's bill is making great headway in both houses. In the Illinois legislature the death penalty is extended by one bill to all kinds of burglaries and robberies, where threats are made to kill. The gang now held at Portland, containing a number of ex-convicts, is used as an argument for passing such a law in Oregon. The many miscarriages of justice are stirring the country to take radical measures against the carnival of crime.  
Senate Acts on Bills.  
S. B. 100, Malarkey, creating office of deputy constable, was enacted.  
S. B. 136, Kay, regarding printing of public documents. Enacted.  
S. B. 144, Mullit (by request), to amend code prohibiting putting sawdust in streams. Enacted.  
S. B. 66, Malarkey, to amend the code regarding the recovery of possession of prunes. Enacted.  
S. B. 80, Kay, providing for transfer of convicts to the penitentiary. Lost.  
S. B. 114, Kay, to amend the code relating to labor of prisoners in the state prison and his credit marks. Enacted.

## CHICAGO STORE

PEOPLES BARGAIN HOUSE

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**W. U. vs. Y. M. C. A.**  
AT Y. M. C. A. GYM. TONIGHT  
AT 8:30  
Admission - - - - - 25c

It was evening. The conductor pulled it up. Thaw's action created a furor. His manner was vague, semi-defiant, impertinent." Gleason asked if the act was rational. The witness replied: "I should say not."  
Opinion of Expert.  
"Do you mean that you are an expert?" asked Jerome. "I have had some experience in insanity cases. I believe I am considered an expert," replied Wiley. "What do you believe you are?" asked Jerome. "I have knowledge of the subject," replied the witness. "Do you mean to tell me you came here and on the mere facts known to you in this case you testify as an expert, and give answer to that hypothetical question?"  
"Yes," Gleason asked witness if he thought Thaw knew at the time of the shooting that the act was wrongful, and that he knew its nature. "He did not," replied Wiley. After wrangling upon Jerome's motion it was ordered that the answer be stricken from the records. The answer was not in accordance with the rules of the evidence laid down by

Continued on eighth page.)  
torneys for seventh judicial district. Passed.  
H. B. 27, Jackson, to define lawful woven wire fence. Passed.  
H. B. 212, Merryman, fixing salary of superintendent of Klamath county. Special order Friday at 10 a. m.  
H. B. 198, Burns, abolishing all juries except grand, trial and inquest. Re-referred to committee on revision of laws.  
H. B. 52, Northup, relating to execution and acknowledgement of deeds in foreign countries. Passed.  
H. B. 101, McCue, providing for two patrol boats on Columbia river. House in committee of whole amended bill to confine expense of providing boats to limit of \$5000 appropriated and reported favorably. Passed.

bridge across North Mill Creek. You will probably remember that in this letter I notified you formally under the terms of our agreement with the city relating to this bridge that the 90-day period mentioned in the said agreement had commenced to run by reason of pedestrians using the bridge.  
Since writing you this letter, in order to call to your attention the operation of this 90-day limit, such serious and radical defects have arisen in connection with the bridge that I am constrained to call your attention to some of them, and violations of the contract relating to its construction.  
In the first place the plans and specifications under which the bridge was built, and to which our agreement specifically refers and stipulates shall govern our payments under our agreement with the city, have not been fulfilled nor carried out, in that the roadway provided for in said plans and specifications is as much as 18 inches narrower than provided for.  
Secondly, the foot walk called for by the plans and specifications is so constructed as to utterly fail of accomplishing what it was designed to do, namely: Furnish a walk to one side of the roadway six feet wide. It is absolutely essential and necessary (if it is possible to so provide) to have the walk connected to the embankment by some kind of a bridging arrangement, for the reason that the wing walls on the west side of the bridge are not designed to retain the fill or embankment coming up to the bridge, except for the bare width of the roadway, approximately 22 feet wide.  
Thirdly, the bridge is structurally weak, in that the foundations have not the requisite depth as demonstrated by conditions now existing, namely: A complete and thorough

undermining of the northwest wing wall of the bridge and a partial undermining of the main foundation arch; also the northeast side and corner, leaving the entire wing wall suspended and practically held in place by the wooden forms which are attached to the balance of the bridge and partially attached to the wooden structure belonging to this company.  
There are other matters in connection with the bridge which are not in accordance with good construction methods, and on the whole it does not conform either to the intent of the plans and specifications, which the contractors assured both the city and ourselves would govern the matter in a large measure, nor to the written letter of the agreement between the city and the contracting company, or the specifications written thereunder, nor to the intent and requirements of the contract between this company and the city, which was written and agreed to upon the strength of the assurances and written promises of the city contractor.  
After mature consideration of this concrete arch bridge problem with the city I am placing the company which I represent on a footing where the city and the public, with whom we are doing business, and who are suffering by reason of this bridge not being completed, will understand our attitude. We have no desire in giving you these formal notices to shirk any of our legitimate obligations under our agreement, but we are losing a sum of money every day that we are deprived of the use of the bridge, are inconveniencing the patrons and the public who live in the northern part of the city. Under our agreement we are entitled to demand the use of the bridge within the period of 90 days after pedestrians commence to use the same. We do not believe that either the city or ourselves are getting or stand

any chance of getting, under the present situation, what we contracted for, and when the 90-day period has expired, and we are free to act independent of our written obligation, and under the limitations of the same, then and in that event we feel that some plan will have to be adopted or some steps taken in order that our loss may be stopped and the public and our patrons may be served to their convenience and advantage.  
What the Contractors Say.  
J. G. Smart, representing the General Contracting Company, of Portland, who are putting in the bridge was seen this morning, and says the abutment on the north side is perfectly sound. "No water has ever been under it as yet. The northeast wing wall is undermined some. The rest of the work has been done according to specifications. We have carried out the contract to the letter. There was nothing definitely stated in the specifications as to how far the foundations were to be put down. We used our best judgment as to that, and if any mistake has been made the city council is as much to blame as we are—the specifications were gotten up and approved by the council." They believe the matter can be adjusted and settled without a lawsuit.  
Chicago Markets.  
Chicago, Feb. 5.—Wheat 76 1/2 @ 78, corn 46 1/2 @ 46 1/2, oats 29 1/2 @ 40 1/2.  
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