

# VARIOUS COURTS ARE INTERFERED WITH

### HOLIDAYS LAST FRIDAY AND SATURDAY DISRUPT THE ADJOURNED TERMS IN SEVERAL COUNTIES, AND MAY TURN LOOSE MANY INDICTED MEN.

Whether the governor meant it or not, or whether he was protecting himself against possible technicalities that might be sprung in the future by the American Surety Company, of New York, in the little matter of their paying the state \$400,000 on the steel bonds, makes no difference, but the result seems to be that courts in several counties are knocked out of holding adjourned terms, and possibly indicted men who had trials pending may be set at liberty.

For instance Judge Harris was to hold court at Albany Monday. Judge Burnett was to hold a short session at Salem and in the afternoon open court at Dallas. These were adjourned terms, and section 947 of the code says if a court has adjourned to a certain time and that day is a holiday or non-judicial day, then the court shall sit on the first judicial day thereafter. That would have been last Friday. The law says

if neither court nor jury appear by 4 o'clock the day following, which would have been Saturday last, then the court shall be deemed adjourned until the next regular term. So no courts having sat last Friday or Saturday, there can be no sittings until the next regular term, which is the first Monday in January in Marion, the second Monday in March for Linn and the first Monday in May for Polk. Special terms can only be held on ten days' notice to all interested parties, and the call must state what business is to be transacted. When the holidays went on the case of State vs Turpin for rape was on trial in Albany, and the indicted man having once been placed in jeopardy, it is doubtful if he can again be brought to trial. Other indicted men, who were ready for trial, and who are entitled to a speedy trial, can plead that they have not had that opportunity, through no fault of their own, and may escape on that technicality.

### Capt. Jason Wheeler.

A letter from C. H. Walker to The Journal yesterday says, "My father-in-law, Jason Wheeler, died Tuesday morning last, and the funeral services were held at the family residence conducted by Rev. S. A. Douglas his pastor. The following biographical sketch clipped from the Albany Democrat was read, after which the Masonic fraternity took charge and the body was laid to rest in the Masonic cemetery by that of his wife. The biographical sketch follows:

Captain Jason Wheeler was born in Ohio, Aug. 4, 1823. He died Dec. 3, 1907, at 7:30 a. m., being in his 85th year.

He was the second eldest of a family of eight sons.

But two of his brothers survive him; George Wheeler of Everett, Washington, and Perry Wheeler of this city.

A part of Mr. Wheeler's early life was spent in New York. He received but a limited education in a district school.

Coming west to Centerville, Michigan, and living there until 1847, he then went to St. Joseph, Mo., where he fitted out for crossing the plains to Oregon.

May 1st with a party of emigrants he started west over the old Oregon trail, arriving in Oregon City, Sept. 7, of the same year and coming on up to Linn county, took up a claim near Petersons Butte.

Not long after, he quickly answered the call for volunteers for the Cayuse war that followed the Whitman massacre of Nov. 29, 1847.

He was wounded just below the right knee in the battle of Wells Springs, Feb. 28, 1848.

The enemy's bullet struck his Indian riding whip splintering it and driving some of the splinters into the wound. After many months of intense suffering unrelieved by the best physicians of that day, his own hands performed a surgery that removed the last splinter, and the wound healed.

The call to the California gold fields came so loud that in the spring of 1849 he hastened to them and mined in the American river, until fall, when investing his earnings in some goods he started by boat for home. The ship was wrecked off the mouth of Rogue river, but he and companions were saved, only to be exposed to attacks from hostile Indians, and incredible hardships while crossing the Coast range to the settlement in southern Oregon.

Later he proceeded down the Columbia river to above Astoria where he helped to erect a sawmill.

Returning to Linn county he married Miss Eliza D. Claypool, and settled upon a section of land, a donation claim, three miles east of Lebanon, where he engaged in stock raising. That district is locally known as "Canada." He afterwards traded his claim for 140 acres of land near Albany to which he removed in 1871. About 1875 he took up his residence in Albany, where he resided until in 1885, when he was appointed by President Cleveland as U. S. Indian agent at Warm Springs agency, taking charge Oct. 1 of that year, but resigning he terminated his services Jan. 1, 1888, and returned to Albany, which has since been his home.

One son and four daughters blessed his first marriage.

I. P. Rogers, Pres.  
E. W. Hazard, Cashier.  
D. W. Eyre, Ass't Cashier.  
**The Salem State Bank**  
Capital \$50,000.  
Earnings, \$10,000.  
Transacts a General Banking Business.  
Ample Resources.  
Exceptional Facilities.  
Courteous Treatment,  
and Absolute Safety warrants us in inviting the accounts of conservative institutions and individuals who prefer the LARGEST MEASURE OF SAFETY to extreme rates of interest on deposits.

One daughter Delia A. died July 21, 1884. Another daughter, Mary F., and wife of C. H. Walker, was called away over a year ago. Those surviving him are Mrs. Dr. J. M. Kitchen of Stayton, Oregon, and Mrs. J. S. Morgan of near this city. The son, Frank P. Wheeler, lives at Blue Lake, Cal.

Their mother died in Albany, June 24, 1896, after heroic endurance and self denying labor through the hardships of pioneer life and of great suffering and pain in later years.

Mr. Wheeler was a devoted member of the Baptist church and an honored deacon and in his active life gave generously toward the support of the ministry.

September 29, 1898, he married Mrs. Davis, her maiden name having been Diana Elizabeth Hanchett.

Possessed as was Mr. Wheeler, of wonderful powers of physical endurance, his exceedingly strenuous life was probably largely responsible for the clouding of his mental faculties. During these last years of growing helplessness, the as like motherly care and intense devotion of his faithful companion; has ministered to every need and want, up to, and beyond the crisis that came three weeks ago from a slight stroke of paralysis. Her full reward can never be in this life.

Mr. Wheeler was a grandly public spirited man, and a staunch friend of temperance, was for a time captain of Captm No. 17, Indian War Veterans.

He was once a member of the Oregon legislature. Was the first elective sheriff of Linn county. Once was mayor of Albany and twice a councilman; served three years as county commissioner. Politically a Democrat; he was liberal in his views. He was a member of the commission sent to Washington several years ago, to secure the passage of the Indian war pension bill. Was superintendent of what is known as the Lebanon-Cascade wagon road during its construction.

He also superintended the construction of the Santiam-Albany canal. Was member of the Linn County Pioneers' association; and for a time its president. Belonged to the Oregon Pioneer association and Oregon Historical society.

Also to Grand Prairie Grange No. 10, near this city, and St. John's Lodge A. F. & A. M.; having been raised to a master mason.

His passing away last Tuesday morning was "calm as to a night's repose, like flowers at set of sun."

Of him it can be truly said "The righteous shall be in everlasting remembrance."

### COFFEE

**Why Schilling's Best?**  
Because it is best and your money is yours if you think you don't find it so.

Your grocer returns your money if you don't like it; we pay him

### Fifty-five Years Ago Last Thanksgiving.

On Thanksgiving a pioneer who ate his dinner with her 55 years ago sent a fine turkey to Mrs. Kaiser who makes her home with her son, Wm. Kaiser and Tilmon Ford her nephew. In September 1852 Bill England and Bill Anderson as boys grown landed in Salem from the plains across. The first work they did was for Billy Kaiser's father before Billy was thought of. It was to build a house that stood where the poor farm now is located. They covered it with whip-sawed clapboards and floored it with puncheon split logs, and made the sash and doors and windows out of split lumber. They boarded at the Kaiser house, and ate all the rutabagas and turnips that grew on the premises between meals. When they got through they took the train for California. It was not the Southern Pacific train but Walkers' line. You carried your baggage and blankets on your back, and some times you stopped at houses and sometimes you did not as houses in those days were scarce, fifty to sixty miles apart. Up the Long Tom, the Umqua and down the Rogue rivers they tramped, but they got there just the same and Bill Anderson is still walking.

## Catarrh

**Is a Constitutional Disease**  
It originates in impure blood and requires constitutional treatment, acting through and purifying the blood, for its radical and permanent cure. The greatest constitutional remedy is  
**Hood's Sarsaparilla**

In usual liquid form or in chocolate tablets known as **Sarsatabs**. 100 doses \$1. Nasal and other local forms of catarrh are promptly relieved by Antiseptics or Catarrhetics, 50c., druggists or mail. C. I. Hood Co., Lowell, Mass.

### Japs Sketching Forts.

(United Press Leased Wire.)  
Hampton, Va., Dec. 11.—Great excitement has been caused here over the discovery by Joseph Daly, of a Japanese sketching fortress Monroe from the river bank. The Japanese carried a shot gun, and said that he was on a hunting trip. There is no equal here and Daly followed the Japanese and caught him drawing. Daly reported the facts to the military authorities.

### Mrs. Bradley Selling Books.

Washington, Dec. 11.—Mrs. Bradley did not leave for Salt Lake today, as formerly planned, but, instead, turned book agent. Six hundred copies of a work of a local author have been given to her, so that she may earn money to pay the fare of herself and party back to Utah.

### The Caleb Powers Trial.

(United Press Leased Wire.)  
Georgetown, Ky., Dec. 11.—Henry E. Youtsey, the informer, was again under cross-examination in the Powers trial today. He was taken over the details of his conversation with ex-Governor Taylor in regard to getting Jim Howard to kill Goebel. Youtsey said he feigned illness and insanity at his own trial, and said that his having a fit in court was a sham. He denied that he told his wife that Powers was innocent.

### Wagon Smashed by Car—

The wagon belonging to the Capital City Laundry, of North Salem, was run down yesterday afternoon about 4 o'clock by car No. 34 on the asylum line, which accident terminated in the vehicle losing its two back wheels, and being otherwise disfigured. The driver of the wagon claims that he was coming toward town, and, being unable to see the approach of the car, was crossing the track when the accident occurred. No one was hurt, and, outside of demolishing the wagon, no damage resulted.

### Badly Mixed Up.

Abraham Brown, of Winterton, N. Y., had a very remarkable experience; he says: "Doctors got badly mixed up over me; one said heart disease; two called it kidney trouble; the fourth blood poison and the fifth stomach and liver trouble; but none of them helped me; so my wife advised trying Electric Bitters, which are restoring me to perfect health. One bottle did me more good than all the five doctors prescribed." Guaranteed to cure blood poison, weakness and all stomach, liver and kidney complaint, by J. C. Perry druggist, 50c.

### Good Words for "The Human Body a Temple."

"Mrs. Belle Waterman-Findlay spoke in First Methodist church, Salem, Or., Dec. 8, on 'The Human Body a Temple.'"

Pure in tone, religious in character, scriptural and clear, it presented the gospel of temperance and social purity in a pleasing and convincing way.

She is worthy of any hearing by young or old.

Cordially,  
W. H. SELLECK, Minister.

The above subject will be presented by Mrs. Belle Waterman-Findlay at the W. C. T. U. hall, corner of Commercial and Ferry streets, Sunday afternoon, Dec. 15, at 4 o'clock. A most cordial invitation is extended to all—men, women and youth. Invite your neighbors and friends and fill the hall next Sunday.

### Early to Bed

and early to rise, makes one healthy, happy and wise—especially if you take Herbine before retiring. A positive cure for constipation, dyspepsia and all liver complaints. Mrs. S., Columbia, Tenn., writes: "I always keep a supply of your Herbine on hand. Am so pleased with the relief it gives in constipation and all liver complaints, that words can't express my appreciation." Sold by D. J. Fry.

**CASTORIA.**  
The Kind You Have Always Bought  
Bears the Signature *Wm. D. Druggist*

## O. C. T. Co

Steamers Pomona and Onwona leave for Portland Monday, Wednesday and Friday at 10 a. m. and Tuesday, Thursday and Saturday at 6 a. m. For Corvallis, Tuesday, Thursday and Saturday about 6 p. m. M. P. Baldwin, agent. Offices and dock at foot of Trade street.

M. P. BALDWIN, Agt.

### A FATAL GAZE.

South American Tales of Marvelous Bird Hypnotism.

In a recent number of the Revista del Jardin Zoologico de Buenos Aires are a number of short articles by the director of the gardens, Sir Clement Onellio. One, dealing with the habits of birds of prey in general, read, after translation, as follows:

"Our privateer now turns his evil eye on a dazed group of little chickens, and towards them he directs his flight. The anxious mother succeeds in covering all save one, which petrified with terror, gives a pitiful little 'pio pio,' glued to earth by the gleaming and fascinating eyes of the pirate bird, which drops like an arrow, and, without so much as putting foot to earth, carries off the unfortunate chick.

"Many times have I seen this scene repeated. I have even seen hawks \* \* \* by the power of their gaze alone render immovable a chicken which they had selected as their victim. Therefore, I cannot doubt that the gaze of these rapacious birds has a hypnotic power, and indeed this agrees well with the popular belief, current in the provinces, about the little owl. It is said that the little tyrant does not even take the trouble to hunt its food, but that from the branch of a tree, by means of its cold and insistent gaze, it tures into its talons the trembling victim of its choice.

"Perhaps the herons possess the same hypnotic power, their eyes producing the same disagreeable sensation as those of reptiles. Their method at the margin of the water, which at first sight seems to be the same as that of the patient fisherman with his rod, results in a very different harvest. The fisherman often wastes his time, since the fish does not care to be converted into a savory dish for the table. Meanwhile the heron, after two or three minutes absolute immobility, its evil gaze fixed on the water, invariably captures its fine prey.

"I have seen a great grey heron surprise a dove in the same manner. The dove seemed to me to fall asleep under the gaze of its tormentor and little by little to sink to the ground under the weight of that steely look. The poor victim came to itself too late. Alas! the strong, cruel beak had penetrated its palpitating side."

### About Digestion.

It is not the quantity of food taken but the amount digested and assimilated that gives strength and vitality to the system. Chamberlain's Stomach and Liver Tablets invigorate the stomach and liver and enable them to perform their functions. The result is a relish for your food, increased strength and weight, greater endurance and a clear head. Price 25 cents. Samples free. For sale at Dr Stone's drug store.

**The Latest Sheet Music—**  
A nice present for ladies—easily sent by mail, at Geo. C. Will's.

## A CAROLINA LEGISLATOR.

### Hon. Wm. G. Hunter Uses Pe-ru-na As a Family Medicine.

WHEN a man of undoubted reputation comes out squarely in public print, giving unqualified endorsement to a household remedy there must be something genuine to account for it.

Hon. W. G. Hunter, of North Carolina, well-known in Washington and throughout the Southern States, says of Peruna that he regards it as the greatest family medicine ever discovered.

He does not hesitate to say that Peruna invigorates and gives fresh strength to mind and body.

Such testimonials as this ought to make Peruna popular.

No advertising known to the arts of man, no commercial management could ever raise Peruna to such a high standard of appreciation as the frank and unqualified statements of such men.

Peruna is an ideal household remedy. It wards off colds and relieves catarrh in all its forms and phases.

By ridding the system of catarrh, it cleanses the body of those conditions which invite chronic diseases.

### Cold Affected Head, Throat and Lungs.

Mr. Matthew O'Hare, 145 William St., Fall River, Mass., writes:

"About four years ago I consulted a physician to get relief from a cold which had stopped up my head and also settled on my lungs, resulting in catarrh and also throat difficulties.

"He gave me some medicine, but four months faithful use of the same did me no good. I then tried other doctors, but it was just the same.

"So I decided to try Peruna and after using two bottles my lungs began to heal, I did not cough nearly so much and slept better.

"In six months the cough, catarrh and throat difficulties were all cured.

"I was pleased with the result and wish to write you of it. Seven bottles of Peruna cured me."

A. L. Hewitt, J. P., West Berlin, Vt., writes: "I am happy to be able to write you this letter in relation to what your Peruna has done for my family.

"When I brought the first bottle home, I found my wife and daughter both sick—my wife with indigestion and my daughter with a severe cold. They were both cured.

"I am willing to state that Peruna, taken in the beginning, will cure the worst cold in 24 to 36 hours."

### Ask Your Druggist for Free Peruna Almanac

### Restaurant Affiliations.

The waiter in the light-lunch cafe looked expectantly at the first of five men who had just entered.

"Bring me a coffee cake and a cup of coffee," ordered the first man.

"I'll take some milk biscuit and a glass of milk," said the second.

"Tea buns and a cup of tea, please," remarked the third.

"A piece of cocoanut pie and a cup of cocoa," said the fourth.

Then waiter passed on to the fifth man.

"Don't say it, don't say it," he pleaded. "I know what you want.

You want a slice of chocolate cake and a cup of chocolate."



HON. WM. G. HUNTER

### Cough, Colds, Catarrh Relieved By Peruna

Hon. Wm. G. Hunter, ex-North Carolina Legislator, writes from the Census Office Building, Washington, D. C., concerning Peruna:

"The greatest remedy ever discovered, in my opinion, which comes from experience as well as observation, is Peruna. The most common affliction in my kind is a bad cold. Peruna gets it out of doors, warms up the invigorates and gives fresh strength to mind and body. I give you my unqualified endorsement."

Mr. G. W. Taylor, Clatsop, writes:

"I think that Peruna is the greatest tonic that was ever put on the market. For several years my eyes had been so much. The pain was so severe that I would think they would burst out of my head.

"I tried Peruna and immediately to-day a well man. I am now as well as I have ever been. I have tried Dr. Taylor's wonderful medicine, but it did not do me any good."

Such testimony as the above given Peruna a high standard of estimation of the public.

The Weather Now Suggests That You Should Have One of "BISHOP'S READY TAILORED RAINCOATS" They are the most desirable winter coat because they Keep You Warm Keep You Dry They Are Stylish They Are Durable PRICES \$10 to \$27.50



MICHAELS-STERN FINE CLOTHING

## Salem Woolen Mill Store