



# Sensational Suit Selling

We have selected at random from our superb stock of high class tailored suits. These styles represent this season's newest showing of long jackets and plain and plaited skirts, strictly tailored in plain, fancy and mannish mixture materials. At this price we expect some sensational selling and advise every economical lady shopper in this town to visit this store at her earliest convenience. Sizes for women and misses, ranging in price up to \$50.00, now on sale at the extra low price of

# \$25

INVESTIGATE

## First of the Season of Selling Rain Coats at Special Prices

75 rain coats, including some fancy silk ones, placed on a special rack at prices that will cause rapid selling. They are semi-tight fitting, also loose box back, exceptionally good coats for rain or driving. They are black, tan, green, gray, navy blue, etc., plain tailored and fancy braid trimmed, ranging in price up to \$30.00, reduced from

### 25 to 50 per cent

New Designs in Pottery and Brass

### Tomorrow Only—The Art Department

offers 300 beautiful cushion covers that are all ready to slip the pillow in. They represent many pretty and different designs on sale tomorrow only at the low price of None sold until 8:30. No telephone orders received.



Children's School Togs are Now Ready

# HEMBREE CASE IS REVERSED

### Brief History of the Crime and Review of the Testimony on Which Verdict Is Set Aside.

After a battle in the circuit courts of Polk and Tillamook counties extending over four years, A. J. Hembree, who was sentenced to death for the alleged murder of his wife and daughter at Sandlake, Tillamook county, and upon which judgment he appealed to the supreme court, was given another chance to clear himself, in an opinion handed down by Oregon's higher tribunals this morning reversing the decision of the lower courts and ordering a new trial.

Hembree was tried and convicted before Circuit Judge McBride of Tillamook and was sentenced by Judge Burnett in Polk county. In the year 1905 the home of the Hembree family at Sandlake was burned, and upon an investigation there was found in the ashes two headless skeletons, supposed, and afterwards proved, to be the remains of Hembree's wife and daughter. A charge was placed against the husband which was undertaken to be established by the following circumstances:

His sons were away from home when the house burned; when the skeleton was discovered there were no skull bones seen, and the finding in the broken parts of the stove the skull bones and an artificial tooth. These constituted the basis on which the verdict and judgment rested.

In giving testimony in his own behalf Hembree told that after he had retired and was asleep he was awakened by the strong odor of smoke in his room, which was upstairs and over the room occupied by his daughter, Ora. He at once aroused his wife, who was lying beside him, and then the daughter was awakened. After carrying out several articles Hembree said that himself and wife attempted to put out the flames under the stairway by throwing a tub of water on it, but owing to the handles of the tub coming off they were unable to do so, and at the same time his wife was thrown down from the sudden parting of the tub handles. In the meantime the daughter had run into the burning house to save her trunk and Hembree went to the rear of the house with the intention of saving some things in the woodshed and kitchen, and when he returned he found that neither his wife or his daughter had left the burning structure and were undoubtedly midst the burning timbers. Hembree then told of his hurried journey to a neighbor's house and how, owing to a recent rupture, he was unable to travel with much rapidity, and after he reached the house he fainted and could not give an account of the affair. He then gave an explanation regarding the teeth which he said he and his brother extracted from the ashes and laid to one side preparatory for burial along with the balance of the remains.

The opinion of the supreme court, which was written by Chief Justice Moore, holds that circumstances must be established by direct proof and not to be based on inferences as was the case during the trial in which it was inferred that Hembree, after severing the heads of his wife and daughter, put the members in the stove and set the house on fire. There was no direct evidence of incriminating nature introduced by the state during the trial that was based on actual proof and the fact that the conditions of the bodies and the locations of the remains were such as to leave some doubt in the minds of the jury, there was no direct indication that Hembree was guilty of the crime charged.

Another contention and inference drawn by the state was that Hembree was guilty of having incestuous relations with his daughter Ora during a few months preceding the alleged homicide, which also was considered a motive for destroying the two women. Counsel for Hembree argued that testimony given by a hotel keeper by the name of Larsin in Tillamook county, did not prove any improper relation existed between Hembree and his daughter, and that the jury was incorrectly permitted to infer such. Prior to the alleged crime Hembree and his daughter had been to a school entertainment and had stopped at Larsin's hotel for the night. Larsin testified that he had no room for Hembree but that his daughter was provided with a sleeping room, and that Hembree had entered the room that night. In other testimony, however, Larsin could not exactly corroborate his statements pertaining to Hembree's action he formerly made. He said that after the daughter had been shown to her room Hembree called and wanted to see her, but Larsin would not permit it. This was re-

ported by Hembree, according to Larsin's testimony, and Hembree wished to see his daughter very urgently. Larsin says he went to bed and early in the morning he heard Hembree coming down stairs and later discovered marks where Hembree had been leaning against the wall. He did not state, though, that he had actual proof of Hembree being in the room. The defense introduced testimony from three men across the street from the hotel who said they had been taunting Hembree concerning his inability to purchase liquor in Tillamook, which was considered "dry," and that Hembree, in a determination to prove that he could, went across to the hotel to secure some money, which, he said, was all given to his daughter for safe keeping.

Chief Justice Moore holds that the fact of incest was not established, Larsin's testimony was not connected and an error was committed in receiving his sworn statements, in consequence of which judgment is reversed and a new trial ordered. Justice McBride did not set in the hearing.

### LAWYERS NOT ALL FOR THE DOLLARS

It is stated as a fact by persons who are in a position to know that the lawyers for Hembree, who has just been acquitted of murder in the first degree in the supreme court, that they have done most of their work on jawbone, and are really out of pocket. Their names are Pipes and McCain, and they have put up a great fight, with the press and general suspicion against them. To the credit of Oregon let it be said a man cannot be hung by the newspapers, nor on general suspicion.

### PEARY IS ALSO GIVEN

(Continued from page one.)

and a party of friends, will leave for Bangor, Maine, tomorrow, arriving there Thursday. Late Thursday the explorer will leave for Portland, where he will be tendered a banquet by the leading residents of the town.

Commander Peary is due to reach his Eagle Island home, in Portland harbor, early Friday morning.

The person who is known as "splitted" when young, is apt to be called "cranky" when old.

Pink Pain Tablets—Dr. Shoop's—stop headache, womanly pains, any pains, any pain, anywhere, in 30 minutes sure. Formula on the 35c box. Ask your druggist or doctor about this formula—it's fine. Capital Drug Store.

**Norwich Union Insurance Company**  
Frank Meredith, Resident Agent  
City Hall, Salem, Or.

**MONEY TO LOAN**  
TPOS. K. FORD  
Over Ladd & Bush Bank, Salem, Or.

**PIANO TUNING**  
LUTELLUS L. WOODS  
Tuning, polishing, repairing. Tel. 608

**PERSONAL MENTION**  
E. E. Blanchard, of Grants Pass, was today admitted to practice in the courts of Oregon on certificate from Iowa.  
Mr. and Mrs. E. Webb, who lived at Salem from 1889 to 1895, and are now at Santa Cruz, Cal., are in the city visiting at the home of I. D. Hetrick.  
Mrs. L. A. Byrd, Jr., and daughters, Lois and Grace, left Monday for a two-weeks' trip to Seattle, Victoria and other British Columbia points.  
Mr. and Mrs. Norris J. Brown, of Oakland, Cal., are guests of Mr. Brown's brother, G. G. Brown.

**NEW TODAY**  
NOTICE—Having severed my connection with the Fifth Ward Improvement Company, I will not be responsible for any bills for said improvement company. G. A. Back  
9-18-3t

**EXAMINATIONS**—For government positions will take place October 13 and November 17 for men and women in all branches of the service. Write us for full details. C. C. S. S., 425-7 Lumber Exchange, Portland, Or. 9-21-1mo

**FOR SALE**—Several houses in Salem, and farm lands at a bargain. Capital National Bank. 6-1-6od

**WANTED**—Girl for general housework. Enquire at 606 South 21st street, or phone Main 726. 9-21-3t

**FOR SALE**—Top buggy, harness, furniture, clothes washer, other miscellaneous household and kitchen articles. For a few days only. Call at once, Winan's barn, 453 North Winter street. 9-21-1t

**LOST**—A black sky terrier. Finder will kindly advise Wells Fargo & Company. 9-21-3t

**FOR SALE**—A SNAP—A corner property, 3 lots, 5-room house, barn, well, woodshed and chicken house and park; all kinds of fruit and roses. Must be sold at once. Price to suit purchaser. Call on or address R. D. H., 2172 Broadway, Salem. 9-21-5t

**FOR SALE**—My residence property, 411 Front street, at a bargain if sold soon. On terms. With or without furniture. Inquire at premises. 9-21-1w

**HELP WANTED**—Man to work on farm; sober and industrious. Address T. care Journal. 9-21-3\*

**ESTRAY**—Jersey cow, with horns; wart on side of neck. Notify H. W. Smith or phone 8x8 Farmers. 9-21-2t

**FOR SALE**—Desirable household goods, some nearly new. Apply at 1155 Broadway, R. P. Stinson. Expects to leave next Monday for Illinois. 9-21-3\*

**FOR RENT**—Four excellently furnished rooms, 3 suitable for light housekeeping; light, water and baths, \$12 per month. Call at 198 Twenty-first and Court street. Phone 1636. 9-21-3t

**CITY NEWS**  
Weather Forecast—Fair tonight and Wednesday.  
You—Are cordially requested to phone any item of interest, such as a personal about a friend or yourself, to The Journal, Main 52. No item too small.  
Anderson's Shop—six barbers. 8-16t  
Cottage Undertaking Parlors—Cottage and Chemeketa Sts. Calls day or night. J. C. Sill, Phone 724.  
Write Guy E. Allen—Woods, Oregon, for all kind of fish. 9-14-17t  
Gilson's Barber Shop—the best.  
Has Fine Delivery—Housewives get prompt service at Zagah's Court street grocery.  
The Best Place—To get the best groceries is J. M. Lawrence's Ferry and Commercial streets. Phone 311.  
Ben Ingalls—Went hunting last week. All he got for his pains was the pleasure of drinking Folger's Golden Gate coffee, which he took with him.  
Just Received—A large shipment of latest ideas in jewelry, which can be seen at the handsome new store of H. W. Barr, corner of Liberty and State streets.  
Try Crystals—For the breath. For sale at: Myer's barber shop. Eckert's. Water's cigar store. Adolph's cigar store. Dick Madison's. The Spa. Willamette Hotel. The Council. Talkington's. The Court.

**U. J. Lehman, Assistant—**Undertaker, 10th W. T. Rigdon, 456 Court street. 6-27-2odt

**Time to Secure Attorney—**Ellis Redel, the man who is being held under \$1000 bonds in the county jail pending a hearing on a statutory charge, was given until tomorrow in which to secure an attorney.

**Pickpocket Trial—**Witnesses were called late this afternoon in the case of State vs. Farrell and Porter, the two men charged with stealing a purse from Mrs. Homer Smith at the fair grounds last week.

**Wants a Divorce—**A suit for divorce has been started in the circuit court by Lorain Pugh against Alice E. Pugh. The plaintiff filed a complaint yesterday afternoon in which he alleges that his wife deserted him.

**Sucht Eine Frau—**Ein deutscher Mann, 45 Jahr alt, gesund und arbeitend, von guten Gewohnheiten und heiterem Gemuth sucht eine Gattin Jungfrau oder Witwe, nicht mehr als 40 bis 45 Jahr alt. Adresse in Deutsch Peter Peter Redelsberger, Hillsboro, Or. 9-12-2w\*

**His Pocket Picked—**Chief of Police Gibson received a phone call last night from W. A. Liston, the real estate man, saying he had his pocket picked of \$51.25 yesterday afternoon while assisting some friends on the Oregon Electric car. Mr. Liston says he did not miss the money until after he returned to his office. The officers, although having practically nothing to work on, are looking into the case as much as possible.

**Save a Dollar—**Owing to the fact that so many of the Journal subscribers were out of town on our last annual Bargain Day, August 31, and failed to take advantage of it and wish to do so now, we have decided to give everybody another opportunity to secure the reduced rate September 30. The proposition is very simple: If you are behind on your subscription simply pay up to September 30 at the regular rate, then pay \$3.00 for one year in advance. You do not have to wait until September 30 before paying, drop into the office any time you are in the city and pay up to September 30 and then the year in advance. This rate does not apply to papers delivered at your house by our carriers but applies to all rural routes, mail and store papers. This offer is good for old and new subscribers. Think it over and take advantage of The Capital Journal Bargain Day—September 30, 1909. Do not ask for this rate after the above date, as it ends then.

**Hillside Club to Entertain—**The Hillside club will start the fall season by giving a little extra entertainment on Thursday night, the 23d. This is the night that is set aside each week for the ladies and a special effort will be made to arouse interest in the club and make this Thursday night feature something to be looked forward to each week. Stondenmeyer will furnish music.

**The Judge Tied Them—**County Judge Bushey proved himself to be not only a friend of the taxpayer yesterday, but also a joy-contributor to the prospective lovers who seek to be joined in wedlock. After procuring the necessary papers from Deputy Clerk Dan Allen yesterday afternoon, William Perry, of Hayesville, aged 20, and Nora B. McWilla, aged 18, called on the judge to perform the ceremony, which that official did with the greatest precision and pleasure. The young couple thanked his honor, and tripped merrily down the court house steps, as one, John L. Dock, of Portland, aged 33, and Ollie M. Asborn, of Salem, aged 27, also secured a marriage license yesterday.

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**BUCKLEY FINALLY ESCAPES GALLOWS**  
[UNITED PRESS LEARNED WIRE.]  
Sacramento, Cal., Sept. 21.—Governor Gillett today commuted the sentence of William Buckley, convicted in San Francisco of the murder of George Rice on October 11, 1901, and sentenced to hang, to 15 years' imprisonment, with the view to giving the man an immediate parole. Buckley will be pardoned at the end of two years, if he has made good on his parole.



**HALLBERG'S**  
for Stylish  
Millinery at  
Low Prices

## The Electric Fixture and Supply Co.

Are now in their new quarters at 245 North Liberty street. We have a number of new, catchy designs to select from. Come and see us.

### Electric Fixture & Supply Co.

L. S. HYDE, Manager

## Salem Feed Barn

BAYNE & SMITH, Proprietors

Capacity for 300 horses. Waiting rooms open day and night.

All Modern Equipments.

### SOUTH END BIG BRIDGE ON S. COMMERCIAL ST.

Regular Feed Barn prices—10 and 15c, with your own feed. Best feed furnished at reasonable prices

Electric Lighted and City Water

Barn opens Monday, September 13th.

**Frank L. Smith Meat Co.**  
PAYS AS FOLLOWS.  
Fresh Eggs, 30c per doz; Hens and Spring Chickens, 15c; Dressed Veal, fat, up to 1 1/2 lbs., 9c; Dressed Hogs, fat, 9c.

ADDRESS  
**Frank L. Smith Meat Co.**  
"Fighting the Beef Trust"  
PORTLAND, OR.