

# GOATS MAY BUTT INTO RESERVE

**[UNITED PRESS LEASED WIRE.]**  
Los Angeles, Dec. 29.—Angora goats, bewhiskered goats, can-eating goats, billy goats and also nannies, attention!

The United States government wants 2,000 of your ilk to maintain the fire breaks in the Angeles forest preserve provided you can be secured without cost. Here is the proposition: R. H. Charlton, forest supervisor at Los Angeles, says it costs the government thousands of dollars to keep the fire breaks clear of weeds each year. He figures that 2,000 goats could do this work nicely, enjoying themselves the while. Consequently he is offering goat ranchers the free use of a great expanse of government grazing land.

# A GREAT NEW YEAR'S PROGRAM AT THE BLIGH

**JOHN CHICK AND COMPANY CAPTURES EVERY AUDIENCE WITH MAGNIFICENT SINGING AND SPLENDID ACTING.**

Whether or not John Chick and company, the popular comedy actors at the Bligh, deliberately planned it or not, they have certainly saved the best for the last. The sketch put on last night was freely pronounced not only the best this company has done but the best short comedy seen in Salem this season. Anyone wishing to end the old year in a happy frame of mind can not afford to miss this treat.

When Miss Mabel Alberta sang her solo the crowd realized that a good play was on. Then Elmer Ballard in his great bass voice followed with another song he was enthusiastically received. When Mrs. Chick rendered her "And this a man", the house was convulsed. And when the end of the unique and catchy plot was revealed the applause would not subside until the company made the return for a second march around the stage.

Other features of the last program of the year are well up in quality to the rare comedy put on by the John Chick company. Gorman and Phillips are in a class all by themselves when it comes to clever talking and dancing stunts. The work of the orchestra is attracting much attention in complementing the pictures, in assisting the dancers, and in rendering fine selections during the program. Take in your last 1911 show at the Bligh and laugh the old year out.

# A PORTLAND PHYSICIAN TALKS SUNDAY

Dr. W. S. Knox, one of Portland's most prominent physicians, will speak before the regular men's meeting of the Y. M. C. A. at 3:30 Sunday afternoon. His subject will deal with the vital question of "sex and health." In his position as a practicing physician in a large city, Dr. Knox has bumped up against this question over and over again and has been able to study it in all its forms. He is an able speaker, as are all men who really have a message to give.

Extra music has been provided for the occasion and the orchestra will render several selections. These meetings are being enjoyed by a large number of Salem men both young and old, and it is probable that a large audience will greet Dr. Knox when he delivers his address Sunday.

**Some Cold North of Us.**  
**[UNITED PRESS LEASED WIRE.]**  
Minneapolis, Dec. 29.—Weather forecasters here predict that an icy wave is due to strike the middle west within a day or two. Today it was 42 below zero at Prince Albert, Sask., and the low temperature was moving rapidly south.

**Will Ignore Theodore.**  
**[UNITED PRESS LEASED WIRE.]**  
New York, Dec. 29.—The committee here which is arranging for the "peace dinner" tomorrow night which President Taft will attend, today elected Henry Clews, the banker, general chairman, instead of Mayor Gaynor, who refused to serve. The committee today declared that hereafter it will ignore the comments on its actions by Theodore Roosevelt.

Baker City celebrated its centennial yesterday, it being in honor of the first white man, the Hunt party, to set foot in that part of Oregon.

# TO BEAUTIFY AND IMPROVE FAIR GROUNDS

Believing that if it can go before the next legislature will a well-defined scheme as to what improvements it intends to make on the fair grounds, that it can secure the appropriations needed, the State Fair Board, under the direction of Secretary Meredith, is having maps made of the grounds, and also has instructed the state architect to prepare a general scheme for the beautifying of the grounds and for the construction of buildings.

The board went before the last legislature and asked for an appropriation of \$150,000, and \$50,000 was appropriated. When this bill came up to Governor West he vetoed it. The board not only intends to ask for this appropriation, but much more added to it, and has begun its campaign. A topographical map of the grounds is now being prepared by the engineering department. This will show the location of every building, tree and shrub. When completed it will be turned over to State Architect Knighton, and, with it a guide, he will be asked to formulate a general scheme of improvements, which will bring the grounds up to a state where they will not only accommodate the fair held here, but make them equal to state fair grounds of other states.

# A PLETHORA OF HOBOES AT ROSEBURG

Declaring that the city of Roseburg is being flooded with hoboese, Mayor Joseph Miceli appeared before the State Railroad Commission today to inquire if it could not take any steps to bring about a cessation of the immigration of the "unwashed" to that city.

Mayor Miceli stated that both passenger and freight trains brought dozens of the undesirables to the town each day. So numerous have they become, he asserted, that the police find themselves unable to cope with them, and the city authorities have for some time been endeavoring to find a solution for the problem.

The commission advised him that it was powerless in any way to assist him.

# LA FOLLETTE GETS A WARM RECEPTION

North Baltimore, O., Dec. 29.—With every shop and store in the town closed to hear him speak, Senator Robert M. LaFollette, of Wisconsin, was given a most enthusiastic welcome here today and 2500 persons heartily cheered him as he explained why he was a candidate for the presidential nomination.

All the way to this city from Toledo LaFollette got a warm welcome along the line of the interurban electric road traveled. At Bowling Green a great crowd blocked the progress of the car on which LaFollette rode and, on their demand, the Wisconsin senator stood in the door of the baggage car and spoke for two minutes to the throng.

At 12:30 today the LaFollette party left here for Lima, where they caught a train for Dayton, where the progressive leader speaks tonight. LaFollette party is hourly growing and it has become necessary for them to have a special car. Most of those accompanying him are representatives of newspapers who are joining the tour at every stop.

LaFollette's address here was warmly received.

# CHINA ELECTED A PRESIDENT.

**(Continued from Page 1.)**  
revel will reach its height. Banquets, processions, queer religious ceremonies and Chinese theatricals are included in the program. Business houses are closing down, dancing girls are getting out their most gorgeous costumes, tons of chop suey and Fo Young Dan are being prepared in the kitchens and Chinese newshos are yelling their extras of Republican success in China through the thronged streets.

**Big G For 30 Years the Standard Remedy for Diseases of Mucous Membranes**

Experienced pharmacists will tell you Big G is the accepted standard remedy for diseases of mucous membranes—discharges from the nose, throat and urinary organs. Avoid substitutes. To experiment is dangerous. Big G, used everywhere since 1881, has proved safe and reliable. Non-poisonous, antiseptic and tonic in its properties, containing no silver nitrate, zinc sulphate, alcohol, cocaine, or any narcotic. It may be used full strength without fear. Why not cure yourself? Sold by druggists, or we ship express prepaid, upon receipt of \$1. Full particulars enclosed with each bottle or mailed sealed in plain envelope on request.

**The Great Chemical Co., Cincinnati, Ohio, U.S.A.**

# OREGON SUPREME COURT DECISIONS

**Henderson v. Lemke, Multnomah Co.**  
Decided December 19, 1911.

P. W. Henderson, appellant, v. Henry Lemke and Agnes Lemke, respondents. Appeal from Multnomah County. Hon. John B. Cleland, judge. Argued and submitted Dec. 6, 1911. E. S. J. McAllister (McAllister & Upton on brief) for appellant. James Cole (Cole & Cole and J. G. Wilson on brief) for respondents. McBride, J. Reversed and new trial ordered.

This is an action to recover commissions upon a real estate sale. The complaint alleges, in substance, that plaintiff is a real estate dealer in Portland, Oregon; that at the date of the alleged contract defendants were the owners of certain real estate which is described in the complaint; that on August 20, 1909, defendant Henry Lemke, acting for himself and as the duly authorized agent of Agnes Lemke, gave to plaintiff the exclusive right to secure a purchaser for the period of five days—the purchase price of the property to be \$10,000; and defendants agreed to pay plaintiff, as commissions for his service in securing a purchaser, the sum of 5 per cent on the first \$2000 and 2½ per cent on the balance of the purchase price, which agreement is in the following words and figures: "I hereby agree to pay to P. W. Henderson a legal commission of 5 per cent on the first \$2000 and 2½ per cent on the balance, provided any customer shall purchase my property who has been shown the property by P. W. Henderson at any time." Signed "H. Lemke."

That plaintiff produced a purchaser, within the period, who was able, ready and willing to purchase the property on the terms of the sellers; that thereby the commissions were earned and became due and payable.

There was a denial of all the material facts stated and the case was called for trial. On the trial defendants objected to the introduction of any testimony on the ground that the complaint did not state facts sufficient to constitute a cause of action, and after consideration the objection was sustained. The specific point to defendants' objection was that the alleged contract was within the statute of frauds and therefore void. That portion of the statute pertaining to the matter in issue is Sec. 808, L. O. L., and reads as follows: "In the following cases the agreement is void unless the same or some note or memorandum thereof, expressing the consideration, be in writing and subscribed by the party to be charged, or by his lawfully authorized agent; evidence, therefore, of the agreement shall not be received other than the writing, or secondary evidence of its contents in the cases prescribed by law. . . . . An agreement entered into subsequent to the taking effect of this act, authorizing or employing an agent or broker to sell or purchase real estate for compensation or a commission." Plaintiff appeals.

McBride, J. We are of the opinion that the contract is valid and not in contravention to the statute of frauds. It amounted to an employment of the plaintiff to show the property which defendants owned, and practically stipulated that if he did so and a sale in defendants terms followed that labor, then defendants were to pay a commission. Here the thing to be done by plaintiff is to show the property. If he does that he has paid his price for the commission. It is the consideration for the contract. It is not necessary that the consideration be stated in exact terms if it can be made out clearly from the whole writing. Straight v. Wright, 60 Minn. 515; Union Bank v. Coster, 3 N. Y. (3 Comstock), 53 Am. Dec. 280; Harney v. Forbes, 118 N. Y. 580; Laing v. Lee, 20 N. J. L. 337; Marquand v. Hipper, 12 Wend. 520.

The objection that the contract is void because it does not state the sum which was to be paid for the property, is untenable. It was sufficient if a purchaser who had been shown the property, presented himself and was ready, able and willing to purchase for any price, that defendant saw fit to ask. The agreement does not limit defendants to any specific price; they had a perfect right under it to make the price \$5000 or \$100,000 but if they did fix the price and it was paid or the purchaser was ready to pay it, they were liable under their promise.

The argument that the memorandum is void because it does not describe the property is not tenable. This is not a contract for the sale of real property but a contract for the services of a person to find a purchaser. It is immaterial what the description of the property is if it can be identified, and while the complaint is not so definite in this respect as it could have been made, we think in the absence of a motion to make definite, it is sufficient: Baird v. Loescher, 9 Calif. All. 65; Sanchez v. Yarra, 8 Calif. App. 490.

The evil, which it was the object of this statute to remedy, was to put a stop to a once prevalent practice of real estate brokers of claiming commissions. Here what both parties were to do clearly appears from the

writing "signed by the party to be charged."

For the purposes of the motion to dismiss, every allegation of the complaint is taken to be true and, therefore, we have a case presented in which defendants agreed in writing that, if plaintiff should perform a certain act and a sale upon defendants' terms resulted, defendants would pay plaintiff a specified commission; and that plaintiff performed his part of the contract to the letter. It is true that the statute of frauds ought to be enforced even though the results may be harsh and inequitable, but courts ought not to give it a forced and far-fetched construction where such interpretation will affect a fraud greater than that which the statute was designed to remedy.

We are of the opinion that upon a fair construction this contract does not contravene the law. The judgment is reversed and a new trial ordered.

# BODIES ARE DEVoured BY THE DOGS

**NEWSPAPER MAN TELLS OF CONDITIONS IN HANKOW—HUNDREDS OF THOUSANDS ARE STARVING IN CHINA'S LARGEST CITIES.**

**[UNITED PRESS LEASED WIRE.]**  
San Francisco, Dec. 29.—Dogs are devouring the bodies of the dead in the streets of ill-fated Hankow, according to G. Wybrands, editor of a Batavia, Java, newspaper, who returned from China on the Chyo Maru, and hundreds of thousands of destitute, starving persons in the big cities of the war stricken country are giving the infant republic a drastic situation to face at its very birth.

The Rev. John Wesley Hill, president of the International Peace Forum and pastor of the Metropolitan Temple, New York, arrived on the same ship, bringing a greeting from the emperor of Japan to President Taft.

# SHOWS GIRL WAS FRUGAL WITH TRUTH

**[UNITED PRESS LEASED WIRE.]**  
San Francisco, Dec. 29.—Most of today's session in the trial of Dr. Otto C. Josten on a charge of betraying Ethel Williams, under promise of marriage, was consumed by the defense in the examination of Arthur H. Retzlaff, and but one point established. Retzlaff admitted that he made Miss Williams the beneficiary of an insurance policy in January, 1909, and that the girl at that time gave her age as 18, at variance with the age now given by her.

Efforts by Attorney Shortridge for Josten to show anything derogatory to the complaining witness in her relation with Retzlaff fell flat. Josten's counsel was twice admonished by Judge Lawlor, after long stretches of unproductive questioning, to proceed at once to some material issue, but was unable to open up a single vein of testimony that reflected upon the girl.

Retzlaff frankly admitted making presents to the girl. He declared that he had never taken her to questionable resorts. The witness took every opportunity to indicate that their relations were above reproach. He punctured one line of testimony which the defense has apparently been holding in reserve, by declaring, in answer to a question that the woman with whom he had drinks in a certain cafe was not Ethel Williams, but another woman, whom he volunteered to produce in court.

Cross-examination of the witness is in progress this afternoon.

# TEDDY WILL REFUSE TO TALK OF IT

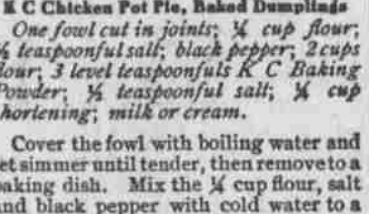
**[UNITED PRESS LEASED WIRE.]**  
New York, Dec. 29.—As the result of embarrassment caused by stories circulated and printed as to the motives attached to visitors' calls upon him, Colonel Theodore Roosevelt today announced that hereafter he will not disclose the names of his callers, or their business. He does not state the specific instance that has caused the ruling.

A 11-year-old boy, Douglas Wheeler, of The Dalles, pointed a gun at his playmate, Nicholas Mason, aged 8, Wednesday, and remarked, "I am going to kill you." The fact that the bullet missed a vital spot prevented him from keeping his promise, and Mason will recover. It was a dandy plaything.

# Chicken Pot Pie The Chef's Favorite

**By Mrs. Janet McKenzie Hill, Editor of the Boston Cooking School Magazine**

Some folks think that only "colored snummies" can cook chicken, but a trial of this famous chicken pot pie disproves that assertion. Every member of the family will thoroughly enjoy it.



**K C Chicken Pot Pie, Baked Dumplings**  
One fowl cut in joints; ¼ cup flour; ¼ teaspoonful salt; black pepper; 2 cups flour; 3 level teaspoonfuls K C Baking Powder; ¼ teaspoonful salt; ¼ cup shortening; milk or cream.

Cover the fowl with boiling water and let simmer until tender, then remove to a baking dish. Mix the ¼ cup flour, salt and black pepper with cold water to a smooth paste and use to thicken the broth. Remove the fat from the top of the broth if necessary before adding the thickening. Pour this gravy over the fowl, until it is nearly covered, and reserve the rest to serve apart. Sift together the flour, baking powder and salt, three times; into this work the shortening and use cream or milk to make a dough, less stiff than for biscuits. Put this by spoonfuls over the fowl in the dish, which it should rest upon and completely cover. Let bake about 35 minutes.

When young, tender chickens are served, this presents a most satisfactory way of serving old fowls. Veal or lamb prepared in this manner is more appetizing than when served as a stew. Try this and the 89 other delicious recipes in the K C Cook's Book, a copy of which may be secured free by sending the colored certificate packed in the 25-cent can of K C Baking Powder to the JACOB MFG. CO., Chicago.

# THE RUSSIANS CAPTURED THE PERSIAN CITY

**[UNITED PRESS LEASED WIRE.]**  
St. Petersburg, Dec. 29.—Russian troops have formally occupied Tabriz, Persia, after bombarding the official headquarters for two days, and the town is again reported quiet. A detachment of the Fifth regiment rifle brigade is guarding the property of the deputy governor-general, who fled to the British consulate.

# ADVOCATES MUNICIPAL DANCE HALL

**[UNITED PRESS LEASED WIRE.]**  
Oakland, Cal., Dec. 29.—The suggestion that a new city auditorium here should include a municipal dance hall for boys and girls, a skating rink and other similar features has come from Rev. Albert W. Palmer, pastor of the Plymouth Congregational church, in a letter to Commissioner of Public Health and Safety Fred C. Turner, which will be referred to the city council.

The Rev. Palmer's letter contains many suggestions as to what the new auditorium should provide, which will probably be followed in drawing up the plans for the structure.

# VANCOUVER HAS A COSTLY MORNING FIRE

**[UNITED PRESS LEASED WIRE.]**  
Vancouver, B. C., Dec. 29.—The premises of the Terminal Construction & Manufacturing Company, Ltd., situated at the corner of West street and Eleventh avenue, Kilsitlan, were, at 2:15 this morning, completely gutted by fire.

Manager E. W. Falls stated this morning that the approximate damage is estimated at \$25,000, fully covered by insurance.

# BALDWIN'S PAROLE IS REVOKED

**[UNITED PRESS LEASED WIRE.]**  
Sheriff Harry P. Minto received advice this morning from the chief of police of Seattle that he has under arrest in that city C. S. Baldwin, alias C. S. Allison, and the sheriff will leave for that city tomorrow armed with extradition papers for his return.

Baldwin was an operator for the Oregon Electric at Woodburn, and was arrested in November, 1910, for embezzlement of the company's funds. He was sentenced to a one year term in the penitentiary in April of this year but paroled by Judge Kelly. Yesterday the judge revoked his parole, and Baldwin will have to return and serve his one year.

Home-made things are often the best. Especially is this true of the home-made man.

# A MILLIONAIRE TRAMP AT THE GRAND TONIGHT

President Taft or our genial ex-President Theodore Roosevelt may not visit our city on their coming tour of the country, but Harry J. Webster, the well-known theatrical firm, has arranged with the management of the grand opera house to bring its well-known comedy drama, "A Millionaire Tramp," to our city tonight.

This time-tried production will be presented in its entirety, the best cast of characters ever put together to interpret a play, all new and special scenery befitting the locality the scenes are laid in, and a grand array of head-line vaudeville acts will be presented during the action of the piece.

**SNAP**  
Until January 3d we can sell eight large lots, a whole block for \$1000; terms.

**230 ACRES, \$70 PER ACRE**  
For a short time only we can sell one of the best dairy farms in the county 170 acres under cultivation, 130 acres in crop, good six room house, barn, windmill, spring water; some fine timber. Will take \$2500 city property as part pay, balance terms.

**CHOICE FRUIT TRACTS AND HOUSE**  
Sold on Easy Payment  
**WE WRITE INSURANCE**  
BECHTEL & BYNON  
347 State Street  
**THE BEST PROOF.**  
Salem Citizens Cannot Doubt It.

Doan's Kidney Pills were used—they cured.  
The story was told to Salem residents. Time has strengthened the evidence. Has proven the cure permanent. The testimony is home testimony—The proof convincing.  
It can be investigated by Salem residents.

F. A. Sutton, Hoyt & West streets, Salem, Ore., says: "For 10 or 12 years kidney trouble was the plague of my life. I suffered intensely from pain in the small of my back and was often unable to move. I doctored and tried a number of remedies but to no avail, and I was in a bad way when I procured Doan's Kidney Pills at Dr. Stone's Drug Store. They benefited me at once and after I had taken the contents of three boxes, I was free from every symptom of kidney complaint. My health is now of the best and for that reason I cannot recommend Doan's Kidney Pills too highly." (Statement given January 31, 1906.)  
On November 22, 1909, Mr. Sutton confirmed his former statement, saying: "I willingly reiterate all I have previously said in favor of Doan's Kidney Pills. This remedy cured me three years ago and I have had no return attack of kidney trouble."  
For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States.  
Remember the name—Doan's—and take no other.

The 18-months-old baby of Mr. and Mrs. H. J. Goswami, of Pendleton, as a result of slight injuries, held its breath for 15 minutes, and was given up for dead, but a physician resuscitated it.

When you have ambitious attack give Chamberlain's Tablets a trial. They are excellent. For sale by all dealers.

A rat in the trap is worth two in the hair.

Remember the name—Doan's—and take no other.

# CASTORIA For Infants and Children.

**The Kind You Have Always Bought**  
Bears the Signature of *Dr. J. C. Watson*

# Portland's Popular Fire-Proof Hotel

# THE OREGON

**The House of Comfort Combined With Elegance**

Our Rathskeller Grill finest dining service in city, with Hawaiian orchestra from 6 to 12 p. m.  
Most perfectly furnished, moderate priced, modern hostelry in the metropolis of the Northwest

**WRIGHT & DICKINSON HOTEL CO.**  
Owners and Managers  
Also Operating Seattle Hotel, Seattle.

# WEST SALEM TRANSFER

**Passengers Baggage**  
Connecting with all trains at West Salem for Dallas, Falls City and Salem.

Leaves Journal office for West Salem at 3:40 a. m., 12 m., 1:10 p. m. and 4 p. m. every day except Sunday. Also for Independence, Monmouth and McMinville.

Leaves Sunday at 8:00 a. m., 1:00 p. m. and 5:15 p. m. Calls at hotels on request.

Telephone or leave orders at Capital Journal office any day but Sunday. Phone 82.

**NO ORDERS TAKEN FOR CALLS MORE THAN THREE BLOCKS FROM CORNER OF STATE AND COMMERCIAL STREETS UNLESS ARRANGED FOR IN ADVANCE.**

**J. B. Underwood, Mgr.**

# An Alarm at Night

That strikes terror to the entire household is the loud, hoarse and metallic cough of croup. No mistaking it, and fortunate then the lucky parents who keep Foley's Honey and Tar Compound on hand. H. W. Casselman, Canton, N. Y., says: "It is worth its weight in gold. Our little children are troubled with croup and hoarseness, and all we give them is Foley's Honey and Tar Compound. I always have a bottle of it in the house." H. Jerman, Red Cross Pharmacy.

The farmers of this country are fast reaching the conviction that the parcels post is a good post to hitch to.

# ATTENTION LAWYERS

We publish legal notices as required by law, furnishing affidavit and proof of publication.

# Fine Brief Work

Is our specialty. Let us figure with you on your next case.

# Capital Journal SALEM, OREGON

# Foster & Baker Groceries and Meats

It is almost time to make new resolutions. May we suggest that you resolve to buy your groceries where good quality, low prices and quick service are given, and has proven such trade winners for us. With our rapid auto delivery service we can reach any home in Salem quickly. Check your wants and phone us. Main 259.

**CRANBERRIES SWEET POTATOES CAULIFLOEWER CELERY ORANGES APPLES GRAPE FRUIT WALNUTS, ETC**

**Fresh Country Meats**  
Sausage, tenderloin, spare ribs. Country Dressed Chickens. Begin the new year by ordering your first groceries of

**Foster & Baker**