

PUZZLING CASE PLACED BEFORE SUPREME COURT

Involves Lien Claims to Material Used in Cofferdam Which Was Swept Away by Flood.

One of the most peculiar actions the supreme court has ever been called upon to decide developed at Lewiston during the recent October term of court for the northern part of the state involving lien claims to material used in a coffer dam that does not now exist because of the fact the dam was swept away by a freshet. The litigation is represented in the cases entitled Chamberlain versus the City of Lewiston; Potlatch Lumber company versus the City of Lewiston; Hewett et al versus the City of Lewiston; Nineman et al versus the City of Lewiston. The court has all four cases under advisement at the present time.

The litigation represents the attempt made by a contractor to lay steel pipes in the Clearwater river in order to supply the city of Lewiston with purer water for domestic purposes. It had been decided by the city to run a longer main of pipes up the bed of that stream in order to reach the water wanted and to later connect the pipe line with the pumping station. The contractor proceeded with his work. He ordered the necessary lumber and other material for the construction of a coffer dam and the pipe to be laid. The material and pipe was delivered. Then he proceeded with the construction of the temporary dam in order to be able to pump out the water impounded in it so that the steel pipe could be laid on the river bed.

Flood Removes Material.
The contractor had proceeded with his work and constructed the coffer dam, but when about to finish it he ran short of funds, in fact became financially embarrassed and could go no further. In the meantime the rain was left standing and the pipe delivered at the river shore was not touched for the contractor could not go ahead with his work. Then a freshet, not at all unusual in the Clearwater river, boiled down, that stream and swept away the coffer dam, leaving none of the material standing.

Those parties who had delivered the material for the dam, the lumber, etc., and who sold the pipe immediately started action against the city to recover for the material. The pipe had never been laid, however, and therefore no connection had been made with the city pumping station. The lien claims against the city were taken into the district court, where the contractors secured a favorable judgment. The cases were appealed to the supreme court and argued and submitted during the term that closed this week and are now under advisement by that tribunal.

Cases Dismissed and Continued.
Many other cases were heard, most of which were of interest to the northern part of the state. It was while at Lewiston that the supreme court handed down a decision on the Electors' Progressive ticket, as well as other important litigation, including the Boise county removal seat case. The appeals in the cases of the Olympia Mining company versus Kerns and Nass versus Ladies of the Maccabees were dismissed. The appeal in the cases entitled the State of Idaho versus Wylie & Skeeman, Kerr et al versus Finch and Kerr et al versus Graham were continued. The court also dismissed the appeal in the case of the Chicago, Milwaukee & St. Paul Railway company versus Setser.

Lien claims for material and labor have been allowed by the courts when it has been proven that the material and labor was actually used in construction work, and the courts have even gone so far as to hold that lien claims for material and labor should be met even after the structure has been completed and still stands and the contractor paid, especially where these claims were by sub-contractors. However, in the City of Lewiston cases, there is nothing visible in the coffer dam, where the material or labor was used, but in reality it had been swept away and completely disappeared.

WASHINGTON COUNTY FOR COL. ROOSEVELT

(Capital News Special Service)
Weiser, Oct. 21.—Washington county will give a big majority to Roosevelt and Martin. At a country sale here Tuesday a straw vote was taken giving Roosevelt 5 to 1 over Wilson. If Taft had any supporters present they failed to register any vote as he received nothing.

G. H. Martin seemed to be the unanimous choice of all present as there was not a vote cast against him for governor.

Chicago Wheat Market.
Chicago, Oct. 31.—December wheat closed today at 91 1/2c.

Announcement.
Dr. Ed E. Maxey, owing to recent severe illness, will not be in his office until Nov. 2. Adv. N-1

Your watch does not run right, we repair it. You will be satisfied.
CON W. HESSE, Jeweler, Adv.

See the Moving Picture of the Rose Carnival Parade. This Afternoon and Evening At the Isis Theater.

BECKER IN DEATH CELL OF PRISON; KEEPS HIS NERVE

Former Police Lieutenant Taken to Sing Sing to Await Execution — Says Fight Has Only Begun.

Ossining, N. Y., Oct. 31.—Former Police Lieutenant Charles Becker was in the "death house" at Sing Sing prison last night under sentence to die on December 9, the convicted murderer of the gambler, Herman Rosenthal. He was brought here from New York yesterday after sentence was pronounced upon him by Justice Goff in the courtroom where he was found guilty six days ago.

"I come here an innocent man. I never had a chance," said Becker just as the prison gates were shut behind him. "I was railroaded. I expect a reversal of the verdict and a new trial."
Becker, manacled to a deputy sheriff, arrived at the prison at 1:30 o'clock after a 20-minute walk through the streets of the village surrounded by several hundred persons curious to see him. With stoic countenance and head erect, Becker withstood the ordeal without losing his composure. A window of the warden's office framed a woman's tear-stained face as Becker marched up the prison walk. It was that of the convicted man's wife, who had accompanied him from New York and had driven ahead of him from the railroad station. Becker waved his hand sadly and the woman threw a kiss.

An hour later, after the formality of taking the prisoner's pedigree had been disposed of, Becker was in his death cell in solitary confinement clad in the prison garb and entered as prisoner No. 62,498. Ten other condemned murderers occupy cells in the "death house" with him.
Mrs. Becker was allowed to see her husband through the steel screen of his cell door before she departed, but was forbidden entrance. She purposes to make her residence in Ossining during her husband's confinement and will be allowed to visit with him daily, but not to enter his cell.

WITNESSES COME FROM AFAR FOR MEDBURY TRIAL

Officers of the Medbury Valley Investment Company Are Placed On Trial in Federal Court.

Wherever the mails carried the literature and the letters of the Medbury Valley Investment company, witnesses will be brought to Boise by the government in its case against the officers of the corporation on charges of using the mails for the advancement of a lottery scheme.

The northwestern and middle western states may be called upon for their quota of witnesses to testify for the government in one of the most important lottery charges that has been brought in this court. Nebraska has already had two representatives on the stand in the court room, two men who say they were interested by the advertisements and literature the company sent out and that they invested their money in the company's project and received, after the money had been fully paid in, a final certificate to some property near the townsite of Hammett.

Exhibits began to litter the desk of the clerk and the court reporter this morning when both sides to the case introduced papers connected with the litigation. Contracts under which the company worked with the investors, letters that are said to have passed through the mails and to have been sent out from officers of the corporation to investors in the east, final certificates issued to those who had paid in every cent of the purchase price of one of the lots or tracts in the projects were introduced both by the government and by the defendants.

G. E. Warrick of Heathergrove, Neb., and C. H. Smith, a banker of Tilden in the same state, testified to the receipt of letters and literature about the enterprise and said that they had put money into it and had received their final certificate for the land. They also understood that there was to be a drawing of some sort but Mr. Warrick, especially, could not remember the details in connection with that feature of the company's statements.

C. H. Lingenfelter, district attorney, and Peter E. Cavaney, assistant, are representing the government, while Edwin Snow and Judge Richards are counsel for the defendant.

The Recall.
"Father, what do you think of the recall?"
"Well, my dear, I hardly know. Some people think it is dangerous. But why do you ask?"
"I sent Ferdie away last night and now I'm sorry."—St. Louis Post-Dispatch.

In order to vote on Nov. 5, you must register. Do it today.

See the Moving Picture of the Boise Rose Carnival Parade. This Afternoon and Evening At the Isis Theater.

TWO ARE PLACED ON TRIAL FOR A DOUBLE MURDER

Shreveport, La., Oct. 31.—The details of one of the most diabolical murder plots ever executed in this section of the country are expected to be unraveled in the trial of Albert L. Watson, which has commenced here. Watson and Mrs. Eva Wells Bailey are charged jointly with successfully plotting to murder the wife of the man and the husband of the woman in order that their own illicit love affair might end in marriage.

C. C. Bailey, a wealthy lumber mill owner and husband of the woman defendant, was hacked to death with an ax in his home on the night of September 2 last. Watson, whose intimacy with Mrs. Bailey had already attracted attention, was immediately taken into custody. The next day he is said to have made a detailed confession of the crime to the authorities.
According to the alleged confession, Watson came to Louisiana in the early summer after having poisoned his wife in a Texas town. Some months previously, according to the confession, Watson and Mrs. Bailey had entered into a compact by which Watson was to poison his wife and Mrs. Bailey her husband. Watson did away with his wife without arousing suspicion, but repeated efforts by Mrs. Bailey, it is said, failed because she did not know how to administer the poison.

Watson came to Louisiana and obtained work in Bailey's mill. Bailey became suspicious and quarreled with his wife. This resulted in hurrying along the plot. Mrs. Bailey having again tried unsuccessfully to poison her husband, Watson crept into the house at night and, according to his statement, killed Bailey with an ax.

GREAT ARMY OF TURKEY

(Continued from First Page.)
cially reported. The villages were destroyed, the inhabitants massacred, women and children being burned alive.

It also is officially reported that three-fourths of the Turkish wounded at the beginning of the fighting were Christians. Now only about one-fourth of the wounded are Christians, which is taken to mean that the Christians were placed in the forefront of the battle.

Five hundred Greeks enrolled in the Turkish army, who managed to desert, have arrived here by way of Trieste. They marched through the streets singing war songs. They will be placed in the reserves.

Important Point Captured.
Rieka, Oct. 31.—The Montenegrins have captured an important position on Mount Dardigniol, thus completing a cordon around Scutari.

A vigorous bombardment is being maintained daily against Tarabosch, but no decisive progress has been made. Floods on Friday carried away a bridge across the river near Scutari, cutting off from the town 4000 Turkish troops.

King Nicholas, in reply to the question, "How long will Scutari hold out?" said yesterday:

"We should have been in possession days ago if I were not obliged always to have regard for the valuable lives of my soldiers. My Montenegrins are brave and full of self-sacrifice, but their numbers are inconsiderable. My sacred duty is to spare their lives, so that Montenegro may be able to win more battles. We have sufficient time, for even without our assistance, the common cause of the Balkan kingdoms already has been crowned with success."

Rear Attack Planned.
London, Oct. 31.—Thirty thousand Turkish troops, according to information from Turkish sources, have effected a landing on the Black sea coast. They will attack the Bulgarians in the flank and rear.

INTENSE FEELING

(Continued from First Page.)
1906, directed by Dr. Alfredo Zayas and General Pino Guerra, and precipitated the second American intervention. The next election was held in 1907, under American supervision, and resulted in the choice of General Jose Miguel Gomez as president and Dr. Zayas as vice president. The election was marked by the absence of any disorders.

The question now uppermost in the minds of all persons having the welfare of Cuba at heart is whether or not the republic can hold an honest and orderly election for the presidency with a loyal submission of the defeated party to the will of the majority. Many view the future with grave forebodings, but the more conservative of all of the rival parties and political factions express the belief that the republic will satisfactorily solve her own problems, and that there will be no occasion for outside intervention.

The Liberal Candidate.
The candidate of the Liberal party for the presidency is Dr. Alfredo Zayas, the present vice president. The standard-bearer of the Conservative party is General Mario Menocal. Both are able men and each has a large following. Dr. Zayas is a journalist by profession and is well known as an orator. Dr. Menocal is an engineer and distinguished himself as a military leader in the war for independence. Four years ago he was an unsuccessful candidate for president in opposition to General Gomez. For several years past he has acted as manager of one of the largest sugar plantations of Cuba.

The Liberal party candidate for vice president is Rafael Manduley, governor of Oriente province. The candidate of

the Conservative party for second place is Enrique Joe Varnoa, a philosophical writer former editor and at present a professor of the National University of Havana.
Unprejudiced observers of the situation appear inclined to the belief that General Menocal will carry the election, though the following of Vice President Zayas is still strong. The chances of General Menocal have been considerably augmented by his recent alliance with the wing of the Liberal party under the leadership of General Ernesto Asbert. The latter was himself a candidate for the presidency but withdrew from the contest in favor of General Menocal. General Asbert is vastly popular with the masses, having risen by his own efforts from a very humble position in life to the high post he now occupies as governor of Havana province.
Bids for Negro Vote.
Both Conservatives and Liberals are making strong bids for the large negro vote, the former trying to excite the animosity of the negroes against the Liberals on account of fatalities to men of their race during the last insurrection in Oriente, and the latter seeking to placate them by promises

NINTH AND IDAHO STREETS

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Geo. W. Strickler, Manager.

Where Fashion Reigns Supreme

Big Anniversary Sale

SIXTY FINE TAILORED SUITS - \$23.95




Sixty in this assemblage—Suits of such style and character many stores would advertise as worth up to \$50.00.

They are not "Sample Suits," or a "Special Purchase"—they are, however, Special Suits—made by Wooltex, Newgrass and Golstein that were regularly bought and priced unusually low—"as is our custom" at \$30.00 up to \$37.50.

These sixty suits are to go on sale Friday morning at \$23.95—and you must know that at these bona fide reductions, sixty appreciative women will quickly buy these suits. The extent of the assortment from which you will choose depends upon the time you take to come and make your selections. Sizes are Misses' and Ladies', 16 to 42, and in Stouts, sizes 41 to 53.

If you have the slightest idea of buying a suit, don't let anything stand in your way, but come tomorrow and as early as possible.

Remember—suits that up to this minute sold at \$30.00 to \$37.50 are

\$23.95

Coats, too, are on the run—long top coats—many of them just in by express. Anniversary sale prices, \$23.50, \$20.00, \$18.00, \$15.00, \$13.75 and \$9.50.

Girls' Chinchilla and Seal Plush Coats, \$4.95, \$8.25, \$9.50.

Girls' and Misses' Mackinaw Coats, in Norfolk styles, for \$9.98 and \$11.75.

Johnny Coats, 45 in. long. Very Swagger, a new lot, just in. Marked Very Special for Anniversary, \$13.75.

New One-piece Dresses, made of Mannish Serges, Anniversary Sale, \$6.75.

Charmeuse Silk Dresses in newest models and prevailing shades of brown, blue, black and taupe. Special, \$14.75 and \$19.50.

Anniversary price in Parisiana Corsets, sold up to \$3.50. Choice, \$1.75.

New Furs are here for your choosing.

Tables stacked with newest things in Trimmed Hats. Special, \$2.47 and \$3.98.

of unconditional pardon to thousands of negro prisoners now confined in jails throughout the island.
Besides the president and the vice president, there are to be elected tomorrow 13 of the 24 senators, 49 of the 95 representatives who compose the lower house, the governors of the six provinces into which the island is divided, and mayors, councilmen and minor officials in 95 municipalities.
During the closing days of the campaign the opposing parties have reached such a stage of rivalry that street fights and incipient riots have been frequent. Today the cooler heads

on both sides are counselling moderation, and the unusual precautions taken by the authorities in Havana and elsewhere to prevent disorder at the polls tomorrow have met with general approval. Both parties realize that the recourse to arms in the settlement of election difficulties will almost inevitably precipitate American intervention, but grave fears are yet over the outcome of the election nevertheless. In the present state of the public mind it appears to be likely that many on both sides would as soon face another intervention as to submit to the rule of the opposition.

FALK'S

"THE QUALITY STORE."
EST. 1868—EIGHTH AND MAIN.

Grocery Dept. News

—TOMORROW IS THE FIRST OF THE MONTH; START IT RIGHT AND LOWER YOUR MONTH'S LIVING EXPENSES BY PATRONIZING OUR GROCERY DEPARTMENT.

—While we never make a big noise about cut prices, a comparison—a daily comparison—will prove that this store does sell the best groceries at the lowest price always.

—We have always in stock the best quality fruits and vegetables.

—On sugar, flour and canned goods we offer nothing but the best and give you the advantage of a low quantity-buying price.

—Service is also a particular feature worthy of note here; our deliveries start promptly at 9 o'clock and 11 o'clock in the A. M. and at 2 o'clock and 5 o'clock in the afternoon, thus assuring prompt delivery for all Phone orders given us on time; in other words, if you trade here you can get what you want on time.

PHONES, 97 and 96.

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