

Clackamas County Record.

VOL. II.

OREGON CITY, CLACKAMAS COUNTY, OREGON, MONDAY, APRIL 27, 1903.

No. 7.

WILL GO TO TRIAL

EX-RECORDER LUELLING WILL ASK FOR CHANGE OF VENUE.

Judgment Against County Was Obtained by Default, But Judge McBride Granted a Motion to Open the Judgment.

The suit of Ex-County Recorder Alfred Luelling against Clackamas County for \$1400 with interest from 1896-98 will be tried in Multnomah county. The case has been in the circuit court during the past week on a motion to open the judgment obtained by Luelling by default. Thursday afternoon Judge McBride ruled that the judgment should be set aside and that the answer to the complaint should be filed and the case go to trial. As the Judge is a tax payer in the county the trial will be held in some county outside of Clackamas, Clatsop, Columbia and Washington.

Mr. Luelling was elected recorder as a Populist in 1896 and 1898. It has been stated that he promised on the stump to pay his own deputies if elected, but he and his attorneys deny this and say that he was the only candidate on the Populist ticket who made no such promise. During his term of office, covering two years, Mr. Luelling filed bills with the county court for deputy hire but no action was taken upon the bills. Several months ago Mr. Luelling presented a claim to the board of county commissioners, through his attorneys, G. B. Dimick and Geo. L. Story, for \$1400 and interest, bringing the total to nearly \$2000. The board of commissioners rejected the claim and Luelling filed the suit in the Circuit court. The law is that an answer to a complaint must be filed in ten days after the complaint is filed. Summons was served on County Clerk Sleight, in the absence of Deputy District Attorney J. U. Campbell, who was in Salem at the legislature. The clerk notified Mr. Campbell, who in turn, notified District Attorney Harrison Allen.

Mr. Allen filed a motion to strike out certain portions of the complaint but this motion was not received by the clerk until the eleventh day after the filing of the complaint, although it was in the post office on the tenth day. The plaintiff's attorney appeared in court last week and asked that the judgment be opened on the ground that the motion, being in the postoffice, was sufficient. An affidavit from the clerk was presented in court stating that the motion was in the postoffice on the tenth day after the filing of the complaint but that he left it there until the next morning. An answer was also presented, specifically denying every allegation in the complaint.

Judge McBride heard the arguments Thursday morning and the same afternoon granted the motion. The case will now go to trial. The plaintiff's attorneys will come into court next week and ask for a change of venue to Multnomah County.

EARLY OREGON CITY HISTORY.

George H. Himes Delivered an Interesting Lecture Friday Evening.

George H. Himes, of Portland, assistant secretary of the State historical society, delivered a lecture in Willamette Hall Friday night on the early history of Oregon City. The lecture was given under the auspices of the Mothers' Club, and was replete with incidents of pioneer days. Mr. Himes' information on the subject would fill a large volume and he had material enough for a dozen lectures. Probably no man in Oregon is as well versed in the history of the city as is Mr. Himes.

Preceding the lecture, vocal solos were rendered by Miss Anna E. Wimer and Miss Maysie Foster, and a piano duet was executed by Miss Edna Canfield and Miss Edna Daillon.

R. L. Holman, leading undertaker, Oregon City, Or. County coroner.

HALL-HEDGES CASE

TRUE BILL IS RETURNED AGAINST THE FORMER.

Paul Schroeder, Accused of Rape, Enters a Plea of Not Guilty and His Trial is Set for Tomorrow—Decrees Granted.

District Attorney Allen returned a true bill Thursday against William H. Hall, who is accused with assault with a dangerous weapon on Silas B. Hedges at Sandy several months ago. Hall brought suit against his wife, prior to the assault on Hedges, and in the divorce suit named Hedges as co-respondent. The divorce was denied on the ground of insufficient proof. After the trial of the case, Hall and Hedges started for home. They live at Salmon. They met in a store at Sandy and Hall pulled out a revolver and fired five shots at Hedges, who dodged all of them. The assault case will probably be tried this week.

A true bill was returned against Paul Schroeder, accused of rape. He pleaded not guilty and the case has been set for next Tuesday. Divorce decrees were granted in the cases of Royal B. Holcomb vs. Grace M. Holcomb and Belle Riley vs. Joseph Riley. A decree of foreclosure was handed down in the suit of A. E. Latourette vs. Gustav Dahlke, et al. John Murdock, James Murdock and Grant Nash were discharged from custody. They were accused of larceny and the evidence was found to be insufficient to return a true bill against them. Jeremiah Evans pleaded guilty to the charge of assault with a dangerous weapon. His sentence was suspended on account of his advanced age, 79 years, and because of his previous good behavior.

A decree of divorce was granted Friday in the case of Anna M. Miller vs. August Miller. In the case of Inez Grimm vs. Clark Green a decree for plaintiff was made. The case of Francis J. Dunbar vs. S. A. Diel, et al, was dismissed. The decree for plaintiff in the suit of Catherine Gibbons vs. Laura and George Doll as set aside. Judge McBride Friday afternoon adjourned court until today.

MILWAUKIE'S FIRST ELECTION.

Will Be Held for City Officers on or About May 28.

The Milwaukie city election will be held about May 28. It will be about May 20 before the charter passed by the legislature goes into effect. Unlike the charter for St. Johns there was no emergency clause, and 30 days must elapse after the adjournment of the legislature before it takes effect.

There are prospects of an active election, and two tickets will probably be in the field. William Shindler, leader of the movement for incorporation, who was elected mayor when the county court erroneously granted a charter, naturally will be put forward by that party. The opposition seems to have centered on B. Fish. It is stated that those who were opposed to a city government will undertake to capture it at the coming election. There is some talk of Thomas A. Sellwood as a candidate for mayor. He has always been strongly opposed to forming a city government.

An entertainment will be given in Shively's opera house on Friday evening of next week by the Young People's Society of the Presbyterian Church. A musical and literary program will be rendered. Mrs. Kate Ward Pope will sing a solo, and the male quartette of the Presbyterian Church and the ladies' quartette of the Congregational Church will sing. Mr. Confer will render a selection and other entertaining numbers are promised. Following the program, refreshments will be served and the public is invited to attend.

Steel burned and berries frozen in the same dish Thursday, April 30, by Liquid Air. That is only one of the many wonderful things that will be done. Better attend. Shively's Opera House.

TO HONOR THE DEAD

ARRANGEMENTS FOR THE OBSERVANCE OF MEMORIAL DAY.

Mrs. William Galloway Will Deliver Annual Address—Dr. C. P. Mars Appointed Grand Marshal—G. A. R. Will Visit Schools.

George A. Harding, L. W. Ingram, C. H. Dauchy, Frank Redner and J. Doremus, the committee from Meade Post, No. 2, Grand Army of the Republic, to arrange for the observance of Memorial Day, met yesterday afternoon and elected Dr. C. P. Mars grand marshal of the day. He will appoint four aides. Practically the same program will be carried out as in former years. The school children will bring flowers to Willamette Hall, where the members of Meade Relief Corps will receive them. At 9.45 A. M. a procession will be formed and a line of march will be taken to the suspension bridge across the Willamette River, and here flowers will be strewn on the water in honor of the sailor dead. The procession will then march to Shively's opera house, where the memorial services will be held. A program will be rendered and the annual address will be delivered by Mrs. William Galloway. This is the first time that that honor has been bestowed upon a woman in the department of Oregon. Following the exercises, the members of the Grand Army and Relief Corps will go to Mountain View cemetery and decorate the graves of the deceased soldiers of the war of the rebellion. Arrangements have been made to visit the schools as follows: West Oregon City and Willamette schools, Wednesday, May 27; Barclay and Eastham schools, Thursday, May 28; St. Johns and Parkplace schools, Friday, May 29.

DEBATE AT NORMAL ACADEMY.

Howard M. Brownell Wins Debate From Henry S. Westbrook.

Howard M. Brownell won the debate at the Oregon City Normal Academy Saturday evening, taking the negative side of the question: "Resolved that capital punishment should be abolished." A large audience was present to hear the debate, which was more than usually interesting. The affirmative was taken by Henry S. Westbrook, of Portland, who is a very entertaining speaker and a thorough gentleman. The judges were Mr. Harrington, of Portland, William Hornshuh and Henry Roos. A short program was rendered, opening with a song by the audience. Rev. Davis followed with prayer. Miss Crystal Cockling sang a solo and Marcus Sugarman gave an exceedingly interesting address. A declamation by Charles Robinson was followed by an entertaining solo by Miss Gertrude Griffith. The program ended with a solo by Miss Gertrude Cockling.

JUDGEMENT ON PLEADINGS.

Defendant Fails to Appear in Suit of Boyer vs. Austen.

The suit of J. S. Boyer vs. Willard Austen came up for trial in the circuit court this afternoon, but the defendant failed to appear and Judge McBride granted a motion of the plaintiff's attorneys for a judgment on the pleadings. The defendant gave Seth Austin a note for \$400 on December 24, 1896. Austin transferred the paper to Boyer, who brought suit February 10, 1902. The case was tried on a plea in abatement in June last year and the defendant was allowed to answer by filing a plea in bar. At the November term it was set for January and continued until this term, with the stipulation that the defendant would pay the plaintiff \$15 before the case came to trial. Unless the case is reopened the judgment will probably be filed tomorrow.

The custody of Earl and Jeptha Smith, the minor children of J. S. and Annie Smith has been given to the mother. She had obtained a divorce from her husband and since that time he has had the care of the children.

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MAKETENDAYS RUN

FLOURING MILL IS FILLING AN ORDER FOR 5000 BARRELS.

Wheat in Bulk Now Worth 75 Cents Delivered at Portland, But That Price Was Paid Here Last Week For Small Lots.

The flouring mills are making a short run of about ten days to fill a recent order from Japan, consisting of 5000 barrels. Four thousand barrels will be manufactured here and one thousand at Salem. The mills are now paying 75 cents per bushel for wheat in bulk, delivered at Portland, but during the past week have paid that price at the mills here, although 75 cents is probably 5 cents higher, on export basis, than the market price.

Frank Jaggard and Mr. Christianson, of Beaver Creek, each sold 400 bushels last week at 75 cents. Howard's mill at Mulino, and other mills throughout the county have been paying that price for wheat. It can be retailed for chicken feed at 80 cents per bushel. For several weeks past the local mill has been receiving a cargo of flour from up river points on the Saturday afternoon boat. There is no immediate prospect of the market justifying the expectation that the mill here will run steadily for some time to come.

Maud Seely, of Wilsonville.

Maud Seely, the 23-year-old daughter of S. B. Seely, of Wilsonville died Friday of a complication of diseases. The funeral was held at noon yesterday and the interment was in Stafford cemetery.

Clackamas County Record \$1.75

FOUTS COMMITTED

ADJUDGED INSANE BY JUDGE RYAN THIS AFTERNOON.

Was Taken to Salem Tonight—Friends Have Used Every Means to Keep Him Quiet But He Was Beyond Control.

Theodore W. Fouts was committed to the insane asylum this afternoon by County Judge Ryan and taken to Salem by Sheriff Shaver. Fouts has been violent for some time past and his friends have used every endeavor to keep him quiet but their efforts have been unavailing. This morning he gathered a crowd around him by his denunciations of State Senator Brownell, Deputy District Attorney J. U. Campbell, City Attorney A. S. Dresser and other prominent republican politicians of the county, whom he believes were trying to do him injury. He was told to be quiet by Chief of Police Burns, but not long afterward he went to the courthouse and raised a disturbance in the courtroom. A complaint was sworn out against him, Dr. J. W. Norris was summoned as county physician to examine him, and he was adjudged insane. Fouts has been in the asylum before. He was formerly justice of the peace in this precinct and had been circuit court bailiff.

KILLED BY A TRAIN

DAN WHITE RAN OVER AT BARLOW THIS MORNING.

Lay on the Tract in a Drunken Stupor—Had Started to Walk to Aurora After Being Put off the Train at Barlow.

Dan White was run over and killed by a freight train half way between Aurora and Barlow this morning. The engine struck him in the head, which was badly mangled. White boarded the south bound overland train this morning at Portland in an intoxicated condition. His drunkenness caused him to be quarrelsome and boisterous and at Barlow the trainmen put him off. After the departure of the train White started up the track for Aurora. He had gone but half of the way when he fell in a drunken stupor, and lay across the track, with his head and shoulders on the rail. Fifteen minutes after the freight came along and struck him, killing him instantly. The train did not pass over his body but threw it aside. The body was brought to Barlow and Coroner R. L. Holman, of this city, was notified, and started for Barlow this afternoon to bring the body here, where an inquest will be held. A bottle of whiskey was found in the pocket of the dead man. He has a brother in Vancouver, Wash.

Dyeing at Johnson's

BARBER SHOP

LEAVE ORDERS FOR DYEING AND CLEANING. Our representative will be in Oregon City Tuesdays and Saturdays.

Gents Clothing Cleaned, Colored and Repaired.

All work left at Johnson's Barber Shop will receive prompt attention.

OREGON STEAM DYEING AND CLEANING WORKS

388 Burnside Street, Corner 8th, Portland, Ore.

FRANK BUSCH,
The Housefurnisher

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You can save money for yourself if you do your buying here. • We can put pennies into your saving account every day. • The little we save you on every purchase is what will count in building plenty for you in your saving fund.

Friday is our busy day, and all who appreciate a real bargain will find us ready with something that every house has use for. We will put on sale:

FRIDAY
April 24



FRIDAY
May 1

100 12-quart XXXX heavy galvanized Milk and Water Pails, weighing 4 pounds and will last longer than one dozen of the cheaper kind. The regular price is 75 cents, but it will be sold for

50 Cents

on Fridays only—as long as the present stock lasts. On inquiry you will find a list of other goods reduced at the same rate and sold Fridays only.

FRANK BUSCH,
The Housefurnisher

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