LAND BOARD CAN DECIDE

IT MAY OR MAY NOT DECLARE PURCHASERS DELINQUENT.

Becision in Proceeding Brought to Secure Land on Which Payments Were Not Up to Date.

SALEM, Oct. 1. - Attorney - General Blackburn has won the mandamus suit brought by Dr. C. H. Robertson against the State Land Board. Robertson applied for the purchase of a tract of land in Wasco County which had been previously sold, but upon which the payments of interest had not been made when due. The statutes provide that if any installment of principal or interest shall remain unpaid for one year after becoming due, the certificate of sale shall be void, and the land shall be subject to resale as in the first instance. Robertson held that since the former purchasers were delinquent more than one year, the land was subject to re-sale, and that when he filed a proper appilication, accompanied by the legal pay-ments of money, the Land Board had no discretion, but must lesse him a certificate of sale. The Land Board, however, de-cided that before issuing a certificate to Robertson, it would notify the first purchasers and give them an opportunity to
pay up the delinquency. Robertson then
began a mandamus proceeding to compet

Petition for Postoffice. the issuance of a certificate of sale, and Attorney-General Blackburn filed a de-murrer to the writ on the ground that it did not state facts sufficient to entitle Robertson to the relief demanded. The case was tried on the demurrer, and Judge Boise sustained the Attorney-General's po-sition, holding that his court has no juris-diction to direct the State Land Board in n case of that kind.

While the statute heretofore referred to, section 14, page 160, laws of 1830, provides that a certificate of sale shall be void if the purchaser becomes delinquent one year, there are other statutes which have a bearing on the controversy. By the act of February 17, 1899, page 77, laws of 1899, provision was made whereby holdere of certificates of sale could secure a reduction in interest by paying all ar-rearages of interest and all but one-third of the principal. It is then provided that "In case the holder of such certificate of sale shall make the payments berein provided, his note for the remaining one-third of the purchase price shall bear in-terest at 6 per cent. and, in case the interest is paid promptly, shall be permitted to stand until demand is made by the

Act Under Which Land Was Held. The land applied for by Robertson was held under this act of the Legislature. While the purchasers had permitted their interest payments to become delinquent more than a year, there is no provision in this act for certificates becoming void if payments are not made within the year Those who have paid all except the one-third of the purchase money, under the act referred to, are in a different position from those who have bought land on the plan of paying one-fifth each year. The law under which Judge Boise rendered his decision is section 6, of the act

of February 18, 1839, found on page 158 of the laws of 1839, which reads as follows: The State Land Board may make rules for the transaction of business under this act. They shall meet on the second and fourth Tuesdays of each month to pass on all matters properly coming before a board for consideration, to hear and decide all questions about priority of setiement and other disputes between applito the legal title shall be final as to the right to a deed from the state,"

Decision of Board Is Final.

The matter having been before the board, and the board having considered it and rendered a decision, Judge Boise holds that the decision is final and that the courts can not take action in the matter. Though one section says that a certificate of sales shall be void and the land shall be open for re-sale, if payments are not made within certain times, another ction leaves it in the power of the land not subject to resale. In other words, while the statute says that the tain conditions, the board may declare that it is not void under those conditions, and a subsequent applicant cannot go to any other tribunal to compel the board to follow the law.

While that question was not before Judge Boise, it would seem that if a sub-sequent applicant has any remedy at all, it must be by a suit in equity against the first applicant after a deed has been issued by the board,

Though the law as it has been construed by Judge Bolse leaves the State Land Board the sole arbiter in state land matters, the decision in this particular case is clearly in accordance with justice. While if the board had declared his certificate void and had issed a certificate to Rob-ersson, it would be a hardship upon the first purchaser to be thrown out of possession without notice of his delinquency. The commencement of this suit has caused a large number of delinquents to pay up the amounts due, for they are liable to suffer a forfeiture at any time the board may so declare.

CONDEMNED BY STOCKMEN. Harney County Association Opposed to Range-Leasing.

BURNS, Oct. 1.-A meeting of the Harney County Livestock Association has just been held here, at which resolutions were adopted condemning the leasing of range lands. The meeting was well attended by runchers and livestock owners. Following are the resolutions adopted:

Whereas, a bill is to be introduced in the next Congress authorizing the Govern-ment to lease the public domain or ranges of the Western States; and Whereas, the land laws now in force

are liberal enough to enable any person to gain title to all the land sufficient for all ordinary purposes; and "Whereas, such a bill, if passed, will be a dangerous act and detrimental to all

small livestock growers, and also retard the settlement of our already sparsely settled territory; and "Whereas, such a bill is more liable to be framed for the benefit of large sheep and cattle syndicates, and enable them to gain control of all our valuable public

os; therefore be it Repolved. That the Harney County Livestock Association is emphatically op-posed to any bill being introduced or passed by Congress authorizing the Government to lease or sell any of the public domain, and that no person shall be al-lowed to own or control any of the public lands except by the beneficent laws now on our statutes; and be it further "Resolved. That the members of the Harney County Livestock Association will endeavor, by all honorable means, to defeat any candidate for Congress, at our pest election, who shall favor any such bill, regardless of politics; that a copy of these resolutions be forwarded to our members in Congress, to all livestock asso-clations in Eastern Oregon, to The Oregonian, the Harney County papers, and all public papers elsewhere.

LITTLE WHEAT IS BEING MOVED Farmers About Salem Want More Than Porty-five Cents.

SALEM, Oct. 1.-Wheat is coming into Salem vory slowly, more slowly, in fact, than for many years heretofore, at the same season. The price at Salem is only 45 cents per bushel, and this prob-ably accounts for the disposition of the farmers to keep their wheat at home. Not many are willing to sell at that low price, and most of them are able to hold their grain for a time. Those who must have money immediately, sell only as much wheat as is necessary. only as much wheat as a mong farmers

to haul their grain before the roads are softened by the Winter rains, and as a consequence very few have graneries in which to store their wheat at home. The roads will now be in good condi-tion for hauling, and it may be expect-ed that wheat will soon be coming in

rapidly. new Capital City Mill, on Trade and Church streets, is running, but only in the day time. When wheat becomes more plentiful it will be operated both day and night. The Salem Flouring Mill Company has not yet put machinery in its new mill, and will not be ready for grinding until November 1.

Hop Sales at Woodburn.

WOODBURN, Oct. 1.-The hop crop is moving rapidly, though at low prices. Sales were reported yesterday as fol-lows: John McCormick, 50 bales, at 10 cents per pound; M. Ferschweiler, 30 bales, at 9 cents per pound; W. M. Garrett, 20 bales, at 9 cents per pound; W. R. Townsend, 125 bales, at 10% cents per

NEVER SO MANY SCHOOL CHILDREN. Astoria Will Probably Have to Provide More Room.

ASTORIA, Oct. 1.—The opening attendance at the city schools is larger than ever before, and every room is already filled, and before the week is out, it is expected that they will be so crowded that th school board will have to make

The people living at and around Hume's Station have made an application, through Congressman Cushman, to the Postoffice Department to have a postoffice established there, with a star route service daily to and from Astoria. Accompanying the application is a request that the postoffice be named Aloovia. September Weather.

Weather Observer Johnson furnishes the following figures showing the weather conditions in Astoria during September: precipitation, 4.71 inches, which is an ex-cess over the average for the month of 65 inch. Mean temperature, 567. There were 11 clear days, eight cloudy and 11 partly cloudy. On the warmest day the thermometer registered 81, and on the

Runnway Girl Located, H. H. Hawley, of the Boys' and Girls'
Aid Society, arrived down from Portland
lest evening, in search of Mary Brandenburg, a 14-year-old girl, who had run
away from her home in East Portland.
The child was located, and will be taken turned to Portland, and will be taken charge of by the society.

County Court Will Meet Today. The October term of the County Com-missioners' Court will be convened tomor-row morning. During this term the tax levies for county purposes will be made.

Sunday School Convention. ROSEBURG, Oct. 1.-A convention of Douglas County Sunday schools will be held at Roseburg, October 10-11. Rev. C. A. Dotson, state field worker of the Oregon Sunday School Association, and Rev. T. C. Worley, state superintend-ent of the Congregational Sunday schools, will deliver addresses. An instructive part of the work will be the "Round-Table Talks," at which all Sunday school workers are invited to par-

Making Ready for the Street Fair. M'MINNVILLE, Or., Oct. 1.—There is great activity here in getting ready for the street fair and carnival, which opens Thursday morning. Fifty men are building booths, cleaning streets and crecting pavilions. A monster canvas-covered pa-vilion covers the entire intersection of the two main streets. The 125 booths will be filled with products of the county. There will also be a good display of live-

Are Oregonians Civilized? SALEM, Oct. 1.—Governor Geer has re-ceived the following inquiry from a pros-pective resident of this state, who now resides in Canyon City, Colo.:
"I would like to have a complete map

to the civilization of Oregon people.

Supreme Court Orders. SALEM, Oct. 1.-In the Supreme Court today the case of J. J. Hecker, respondent, vs. the Oregon Railroad & Navigation Company, appellant, was argued and sub-

IF IT'S A "GARLAND," That's all you need to know about a stove

MRS. WEATHERRED IS DOING

GREAT WORK AT BUFFALO.

Baker City Man Just From There Also Praises Oregon's Exhibit at the Exposition.

BAKER CITY, Oct. 1 .- W. E. Grace, of Baker City, returned from an ex-tended visit East today. While away he took in the Buffalo Exposition, and he speaks in the highest terms of it. as a show well calculated to impress the visitor with the wonderful resources of the countries represented. He says Mrs. Edith Tozier Weatherred, single-handed and alone, is doing a won-

derful work in the way of advertising the Lewis and Clark Exposition of

to Seattle, a large delegation from Port-land being in the field. Getting the limit of 10 birds, as provided by the new game law of the last Legislature, was an easy matter. Some respected it and came back to the city early, but a large number remained out until evening, when they came in with large bags, far more than the limit. One Portland man hired a tramp to assist him and reached the city in time for the Corvallis & Easterr and a connection with the West Side train. He had two large bags full, nearly 50 birds. The sport has been greatly enjoyed, and as the fields are full of the birds, which are more prolific this year than ever before, it is expected to last for several weeks.

PETITION FOR PARDON.

Strong Plea in Behalf of a Portland Man Now in the Penitentiary. SALEM, Oct. 1 .- Governor Geer today received a petition for the pardon of Gustave Lagny, who was received at the Penitentiary March 21, 1896, on a 10-year

FORT HALL RESERVATION LANDS TO BE OPENED.

Quinalt Reservation in Washington Will Probably Be Thrown Open Next Spring.

WASHINGTON, Oct. 1.-The Interior Department is rapidly completing plans for the opening of the Fort Hall, Idaho, Indian reservation. The date for the opening has not been fixed, as the preliminary work has not been completed but it is expected that the reservation, which contains 400,000 acres, will be thrown open to settlement within a few single-handed and alone, is doing a won-lerful work in the way of advertising the Lewis and Clark Exposition of gloves from the office of Dr. A. A.

Mr. Grace is of the opinion that in Ausplund, at Portland. With credits the reservation is settlement within a few tave Lagny, who was received at the weeks. The Quinalt reservation in Wash-ington, comprising 350,000 acres, will probably be thrown open to settlement of gloves from the office of Dr. A. A.

Mr. Grace is of the opinion that in Ausplund, at Portland. With credits the reservation is about to be awarded.

were thoroughly identified with the early history of Southwest Washington. The old family home was at Claquato, three miles west of Chehalis. The father, Louis miles west of Chehalis. The father, Louis H. Davis, and the sons, of whom there were several, cut the first road through a were several, cut the first road through a considerable section of Lewis County and thus helped in laying out the route of the old Government military road. At an early day they conducted a stage-line business between Olympia and the Cowlits River, and when the boys were young men they met and entertained the historic personages who were then stationed i this section-Grant, Sheridan, McClellan Hooker and others, For a number o years Mr. Davis had again been living the life of a ploneer, having taken up land in the Big Bottom country, in the extreme east end of Lewis County, 75 miles from the railroad. His death, though sudden, was not unexpected. He left a widow and family of grown children, all of whom are respected citizens of the state, the children being: Mrs. J. F. Gates and Mrs Fannie Tuilia, of Chehalia; Mrs. Dr. Smith, of Auburn; Syvenus Davis, of Nap-avine; Brad W. Davis, of Clympia; Lewis H. and Harry Davis, of Cora,

Funeral of an Oregon Volunteer. AMITY, Oct. 1.—The body of Edwin E. Hamilton, a member of Company L. Forty-third Volunteers, arrived here Monday. He was buried today. The services were held at the Christian Church at 1 o'clock, and from there the body was taken to the Amily cemetery for burlai, escorted by members of the Second Oregon. At the grave a salute of three volleys was fired by the soldiers, after which a bugier sounded taps. Edwin Earle Hamilton was the son of Mr. and Mrs. J. K. Hamilton, and was born Au-gust 16, 1882. He enlisted September 27, 1898, and was assigned to Company L. Forty-third Volunteers, and shortly after-wards was sent to the Philippines. After remaining in Manila for some time his regiment was sent to the Island of Levie and he was killed in action near Sebank, on that island, December 14, 1900.

Veteran Miner of Eastern Oregon. BAKER CITY, Oct. 1 .- Joseph Evoe who died at the insane asylum at Salem last Friday, was a pioneer of Baker County. He was one of the first men to discover gold near Auburn, in 1862, and he had resided in that neighborhood ever since, until he was committed to the asylum. At one time he was wellto-do, having made a large stake out of the mines, but he died in poverty, after having spent his money in search

Funeral of an Oregon Pioneer. CORVALLIS, Oct. 1 .- The funeral of W. E. Bohannon occurred from his late home, three miles west of Corvailis, today. He dled Sunday, after several weeks' suf-fering as a result of a paralytic stroke.

TO LOOK OVER HER MINES. Miss Clinton Jones, of New York, Is in Eastern Oregon.

BAKER CITY, Oct. 1.—Miss Clinton Jones and her cousin, W. F. Traphagen, of New York, arrived in Baker City last evening. They have large interests in several Eastern Oregon mines, and in-tend to look over the field and examine a few of the properties in which they are interested. Miss Jones is a granddaughter of ex-Governor Clinton, of New York, and a cousin of E. H. Harriman, the great railroad magnate. Miss Jones is quite well-known in the literary world. Some years ago she resided on the Coast, both in San Francisco and Portland.

Will Open Up the Flagstaff. Word comes the East that P. A. Campbell, of the Flagstaff mine, is on his way to Baker City, and that a large force of men will be put to work as soon as he gets here. The purpose is to open up and develop this property in a systematic way.

ALBANY FARMER TO THE FRONT. Captured More Prizes Than Any

Other Exhibitor at the State Fair. ALBANY, Oct. 1.—J. R. Douglas, the Santiam gardener, of Linn County, assisted by his son-in-law, W. A. Eastburn, secured more premiums at the State Fair last walk than came acquainted with Lagny and found him a man of good family and of previous good character.

Chericals, wasa, Oct. 1—word was cared more premiums at the State Fair last week than any other exhibitor in the county affords. Game Warden Quimby the city at neon, on his premiums were received for the best county and had served as a member of the County and the city at neon, on his premiums were received for the best county exhibit, the best Burpee display, the best commercial, best plate of 25 Winter the number of birds that each hunter is BOISE, Idaho, Oct. 1.—Judge J. H. Commissioner of Lewis County, and filled las has proven himself a genius in the entitled to kill, been appointed vice-president for Idaho of the Benjamin Harrison Monument Association. He has appointed a committee in each county of the state to solid the state of a solid to the Republican National Convention of the Benjamin Harrison Monument Association. He has appointed a committee in each county of the state to solid the state of the s

Thin Hair You can't expect a halfstarved child to prosper. Neither will half-starved hair prosper, either. Growth demands food. Then feed your hair. Feed it with Ayer's Hair Vigor, the only genuine hair-food. "My hair was falling out rapidly, and my head was nearly bald. I then be-

gan the use of Ayer's Hair Vigor, and less than two bottles stopped my hair from falling out and made it grow rapidly. It has done wonders for me."

Ruth Lawson, Detroit, Mich.

St. All druggins.

J. G. AYER CO., Lowell, Man. dening, and is worth several thousand doilars. Albany generally rejoices in his victory at the State Fair, as well as his general prosperity.

MURDERER GREEN SENTENCED: Will Be Hanged in Not Less Than 30

Nor More Than 90 Days. STEVENSON, Oct. 1-Superior Court ommenced here today, when the motion for a new trial in the case of the State of Washington vs. James G. Green was overruled, and sentence of death was passed upon the defendant that he be hanged at a future date, which shall be not less than 30 days, nor more than 10

The defendant was convicted of murder in the first degre last March for the killing of E. V. Benjamin. When asked by the court if he had anything to say whether sentence of death should be passed upon him, he repiled in the nega-tive. His attorney gave notice of ap-

Quotations of Mining Stocks, SPOKANE, Oct. 1 .- The closing quotations of mining stocks today were;

SAN FRANCISCO, Oct. 1.—Official closing seasons gaining to encitation

NEW YORK, Oct. L-Mining stocks today

Adams Con30 20 Little Chief 80 12 Adama Con 30 20 Little Chief Alice 48 Ontario 49 Ontari

BOSTON, Oct. 1 .- Closing quotations Adventure \$ 23 50 Cascala \$ 377 00 Bing, Min. Co. 32 00 Farrott 40 100 Amal. Copper 90 12 Quincy 189 00 Atlantic 33 00 Santa Fe Cop. 5 00 Cal. & Hecia. 600 00 Tamarack 205 00 Cal. & Hecia. 600 00 Tamarack 205 00 Centennial 20 50 Utah Mining 2 10 Centennial 15 75 Windows 25 00 Humboldt 25 00 Wolverines 60 00 Humboldt 25 00 Wolverines 60 00

Many Hunters at Hillshoro. HILLSBORO, Oct. 1 .- The first day of the shooting season for Chinese pheasants opened bright and clear, and th guns commenced at daylight. Hundreds of sportsmen from Portland were out enjoynumber of birds that each hunter la

Duplicate of a Ploneer Cabla,

HILLSBORO, Oct. L-The Native sons have erected a cabin which is supposed to be a duplicate of the first cabin built by Linn County, the original home in America of the season.

Linn County, the original home in America of the state to solicit such capacity.

Ica of the Mongolian ring-necked pheasant, as in the past, was this year the center of attraction for the hunting of this maginificent game bird, and hunters were here all the way from California to the interest of the season.

It is an example of the state to solicit such capacity.

Adrian Davis was born in Fort Wayne, larger and produce-raiser. Eight years ago the 28d of March. He is an example of the instruction in the state to solicit. The farmer and energy will do for the Oregon farmer and produce-raiser. Eight years ago the 28d of March. He is an example of the instruction in the place and energy will do for the Oregon farmer and produce-raiser. Eight years ago the 28d of March. He is an example of the instruction in the such capacity.

Adrian Davis was born in Fort Wayne, lind, 70 years ago the 28d of March. He is an example of the instruction in the place of the instruction in the such capacity.

Adrian Davis was born in Fort Wayne, larger and produce-raiser. Eight years ago the came to Albany with eight child and the place of the instruction in the such capacity.

Adrian Davis was born in Fort Wayne, larger and produce-raiser. Eight years ago the came to Albany with eight came to Albany with eight came to Lewis County in 1851, having previous produce-raiser.

It is an example of ward of the instruction in the place of the instructi



THE SEAL OF WASHINGTON, A FEATURE OF THAT COUNTY'S EXHIBIT AT THE WASHINGTON STATE FAIR.

NORTH YAKIMA, Oct, I .- The exhibit of Clark County at the Washington State Fair, which opened here yesterday, is an excellent one. The most striking feature is the great seal of the state, made of the products of the county. The corners are of oats, and that, being the main grain grown, occupies the largest space. The outer wreath is rye; the spaces between the points are of onion seed; the points are of bearded barley; the inner wreath is of red top grass; the ground work of the next circle is of buckwheat; the letters are of wheat head; the next circle is of timothy; the background of the figure is of red top; the hair is of flax; the forehead of Mesquite grass, and the nose of wheat; the eyes of English walnuts; the face is of rye; the mouth and brows of red top; the neck of timothy; the cravat of flax; the body

many respects the Pan-American Expomany respects the Par-American Expo-sition is a better exposition than the World's Fair of 1893, although not on parry so large a scale as the Chicago exposition. The Oregon exhibit pleased prisoner has reformed. Lagny pleaded prisoner has reformed. Lagny pleaded reservations. exposition. The Oregon exhibit pleased Mr. Grace, not because it was so large and imposing as some of the others, but for the way it was being cared for and shown to the best advantage. The fruit exhibit, like the mineral showing, was a

of oats and red top, and the date of corn.

MANY PHEASANTS WERE KILLED. Opening of the Season Brought

Scores of Hunters to Albany. ALBANY, Or., Oct. 1.-The open season for upland birds began this morning in the most glorious weather of the season.

earned by good behavior, Lagny has Commissioner Hermann, of the General prisoner has reformed. Lagny pleaded guilty to the charge against him, and was sentenced by Judge Stephens. The granting of the pardon is recommended by the prosecuting witness, Dr. L. E. Hibbard, the Deputy Prosecuting Attorney who conducted the case, J. J. Fitzgerald and by Rabbi J. Block, of Portland, who be-came acquainted with Lagny and found

For the Harrison Monument.

DEATH OF L. J. DAVIS.

A Pioneer and Prominent in the Af-

fairs of Southwest Washington. CHEHALIS, Wash., Oct. 1.-Word was

It is heroic for a woman to suffer in silence but a study of her face in the looking-glass must convince her it is not possible to hide her trouble. These pictures represent the faces of millions of women who are suffering today. They suffer in silence, but the lines and crow-tracks show that pain—the pain nearly always caused by "female troubles"—is there. Do you expect to suffer the agonies of female ills every month during your life? If you do suffer, it will be because you choose to suffer. Did you ever stop to consider how little effort you are making to secure health? Do you really want to be well? No woman has made every effort to gain health, when she has not tried Wine of Cardui. Female troubles wear out the life of a woman. Menstrual pain so shatters her nervous system that she is often brought near to the asylum or to the grave. These frightful alternatives are the almost inevitable results of prolonged suffering. Every woman should understand that deranged menses cause headaches, backaches, nausea and derangements of the stomach, bowels and kidneys. Wine of Cardui stops all this by regulating the menses and strengthening the ligaments which hold the womb in place. This pure Wine has completely relieved 1,000,000 women of menstrual pain, giving them strong nerves and rugged health. This medicine has demonstrated that it is not necessary for a woman to go through untold agony every month.

NORFOLK, VA., May 13, 1901. I will at least write a few lines to let you know how I am enjoying life after taking Wine of Cardui. I can say your good medicine has done me more good in the thirteen months I have been taking it, than all the doctors and their medicines have in all my long suffering, which has been 21 years. I can eat at the usual times and sleep like a child. I have no pain at my monthly period, so I feel like a new woman. I advise all sickly women to use Wine of Cardui. I never will stop using it. Mrs. FANNIE DUCK.

Go to your druggist today and ask for a \$1.00 bottle of Wine of Cardui.

For advice and literature, address, giving symptoms, "The Ladies' Advisory Department", The Chattanooga Medicine Company, Chattanooga, Tenn.