

OPERA TRIAL
Dentist Sues Mother-in-Law
for \$50,000.

SAYS SHE TOOK HIS WIFE AWAY

John H. Davis Presents Testimony to Show That Hannah Nicolai, Whose Daughter He Married, Broke Up His Happy Home.

The trial of the suit of John H. Davis against his mother-in-law, Hannah Nicolai, for \$50,000 damages for alienating his wife's affections, was begun yesterday before Judge George and will continue for several days.

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ment. A quiet, well-behaved cooler spaniel was coming down the street chased by a wicked little fox terrier just as the man took his position on the corner. He did not see the dog because they were behind him, and the spaniel did not see him because it was looking back to see whether the terrier was likely to overtake him or not, and he ran against the man's legs and plumped between them, upsetting him on the walk. The terrier passed over him, seeing nothing but the spaniel he was after, and when the victim regained his feet the dog was out of sight around a corner, and he started about to see what it was that had knocked him down, and finally concluded it must have been a thunder-bolt.

PROTECT THEMSELVES.

City Attorney Will Not Defend Councilmen in Damage Suits.

Damage suits brought against the city by victims of bridge accidents may be fought by members of the Council as individuals. City Attorney McNary has requested the different members to hire attorneys to look after their interests in the suits, explaining that he is officially disqualified from representing them, as, according to a decision of the Circuit Court, the suits must be directed against the City Council, the city not being a party thereto.

Attorney McNary bases his action upon the decision in the case of Bottler vs. the City of Portland. In that case Attorney McNary, by separate demurrers to the complaint on behalf of the Mayor, City Engineer and Board of Public Works and City Council. The demurrers were sustained except in the case of the Council. Following is a copy of the letter, which was sent out yesterday to the Councilmen:

"Dear Sir:—In the case of Bottler vs. the City of Portland, I, separate demurrers to the complaint on behalf of the Mayor, City Engineer and Board of Public Works and the members of the Council, all of which demurrers were sustained excepting that of the members of the City Council which was overruled. The charter of the City of Portland provided that the City Attorney must attend to and shall, subject to the direction of the Council, have control of all actions, suits or proceedings in which the city is legally interested. The city, not being further interested in the case above mentioned, I have concluded to inform each of the members of the Council that, in my judgment, it will be improper for me to further appear officially in the case, and to ask that you employ an attorney to be substituted for me therein. I am, yours very respectfully, L. McNary, City Attorney."

Before the opening of today's Council meeting the members will gather in the ante-room and discuss the situation with regard to the matter.

DOGS HAVE THEIR DAY.

Poundmaster Rounds Up Untagged Canines.

Business at the City License Collector's office received a great impetus yesterday morning. Licenses on dogs became due September 1, but less than 600 licenses had been paid for, as 15 days of grace in which to pay are allowed and few are in a rush about paying dog licenses.

The days of grace having expired the Poundmaster, out a dog catcher with a cage wagon and a long-handled scoop net early yesterday morning. He left a trail of wailing women and children in his wake, and arrived at the City Hall at 10 o'clock with his cage comfortably filled with a varied assortment of dogs.

Shortly after a bareheaded woman in a blue calico wrapper, accompanied by two excited boys, rushed into the City Treasurer's office and asked for an order on the dog catcher to deliver up to them a canine pet, displaying a certificate for license tag 26. It appeared that when they had seen the dog catcher coming, one had hurried to the City Hall and secured a license tag, but before it could be got to the dog, the catcher had caught the dog, and he had taken him in the case, and so the trick failed. It was necessary to go to the pound and pay the fee in order to get him back.

When this incident was over a man came in for tag 698, and being told that there was likely to be about 200 tags sold, he remarked: "That means \$600 gone to the dogs." The number of dogs kept in the city is falling off rapidly and in 10 or 15 years the amount collected for dog licenses was about \$700, while last year it was but a little over \$500. People can live without dogs, but when the catcher seizes a dog, the owner is generally in as great a hurry to get license and redeem him as people are to pay water rates after the water has been shut off.

VIE IN HONORING PALMA.

Cuban President is Heartily Greeted on His Tour of the Island.

PUERTO PRINCEPE, Cuba, Sept. 15.—President Palma, after he started yesterday from Havana on his tour of Eastern Cuba, traversed long stretches of sparsely inhabited country. At every town he was greeted by squadrons of mounted Cubans, received addresses from the officials and party leaders, and was presented with bouquets by patriotic women who made speeches of welcome. The enthusiasm when the President entered the region in which opposition to the administration was reputed to be the strongest.

On President Palma's arrival at Puerto Principe last night, the entire vicinity of the station was filled with a cheering throng of people of all colors and conditions. Nearly the whole population followed the carriages containing the Presidential party to the provincial building, where President Palma was formally welcomed.

Commenting on the enthusiastic reception accorded him the President disclaimed that it was a tribute to his personal popularity. He said: "It is the result of the people's joy over the success of the Republic, and the tribute is tendered to me as the Chief Executive."

President Palma is making no speeches but brief responses to addresses of welcome. When local speakers bring up the subject of the revolutionary soldiers' pay, the status of the matter is courteously and briefly explained by the President.

FIERCE ELECTION RIOT.

Tammany Contest Calls for the Face of Sticks and Stones.

NEW YORK, Sept. 15.—One man may die and several others are seriously injured as a result of the most serious riot for years in New York, which broke out on the eve of a primary contest. The riot occurred at Fifth avenue and 118th street. Many shots were fired, and only when a large force of police officers were rushed to the scene was peace restored. For more than an hour the street was filled with a howling crowd of partisans of Isaac A. Hopper and Daniel J. O'Connell, rival candidates for the Tammany leadership in the Thirty-first Assembly District. Sticks and stones filled the air, while the cries of the contestants could be heard for blocks.

Robert Crowley, formerly a county detective on the staff of District Attorney Jerome, is in the Harlem Hospital with a fractured skull, one arm broken, and it is feared, internal injuries which he suffered when he fell into an unconscious state. He is not likely to recover. George Leonard, a policeman, was bruised about the head and body and beaten almost into insensibility. Half a dozen others were hurt, and one man's shirt in his legs, but the police did not get their names.

LETTER NEVER SENT.

Neither Will District Attorney Have to Give It Back.

Deputy District Attorney Arthur C. Spencer need not return the letter which he took from John C. Carroll, to Carroll's attorney, R. S. Pague. Judge Sears so decided yesterday. He held that while in the judgment of the District Attorney he had no legal right to take possession of the letter, the court was without jurisdiction to interfere.

Carroll is held on a charge of passing forged checks for \$100,000 in the County Jail, and Attorney Spencer intervened in order to compare the writing that contained on the bogus checks. Mr. Pague may take other legal steps to obtain possession of the letter which he does not want used in evidence against his client.

Amerson is Innocent. The information against John Amerson, charging him with arson in setting fire to a house in Albina, was dismissed by Judge Cleland yesterday on motion of District Attorney John Manning. The reason assigned for the dismissal was that Edward Arpin, the young freeman recently arrested, confessed to the crimes of which Amerson was accused.

Run Over by a Fox Terrier. A slightly injured young man was standing on a Third street sidewalk yesterday waiting for a car was seriously jolted and scared and hardly knew what it did

MARQUAM LOSES POINT

J. THORBURN ROSS WAS WITHIN THE LETTER OF THE LAW.

Plaintiff Who Would Regain Title to Big Building Must Rely on Charge of Fraud.

In the suit of P. A. Marquam against the Title Guarantee & Trust Company, J. Thorburn Ross and others to recover possession of the Marquam block and other property, Judge Sears yesterday held that it was not illegal for Ross to bid in the property at the mortgage foreclosure sale, notwithstanding he was trustee for Marquam.

The decision of Judge Sears was rendered on demurrer to the voluminous answers of various defendants, which were overruled.

This is at least a technical victory for the defendants because there was involved in these rulings the question of the validity of the original purchase by Ross; this matter having been resigned before Judge Sears at great length last Spring, and the contention of the defendants was yesterday upheld by the court. The court likewise held that the defenses of the former decisions made by Judge Cleland in the original foreclosure suit, tried two years ago and affirmed by the Supreme Court, were properly pleaded in this suit and could be availed of by the defendants; also that the defense of laches were available, though the court expressed the opinion that from his knowledge of the evidence this defense could probably not be proved upon the trial.

The plaintiff, Judge Marquam, was allowed time to file replies, and the indications are that, as the cause now stands, the suit will have to stand or fall, so far as his complaint is concerned, upon his direct charges of fraud in the conduct of Ross; and even then should he win upon that issue, he will be confronted with some of the other defenses that the court yesterday, upon their face at least, upheld.

Judge Marquam instituted suit November 11 of last year to recover possession of the Marquam block, also 50 acres in the Quinn donation land claim and lots 1, 2, 3 and 4, in block 120. The defendants were the United States Mortgage & Trust Company, the Title Guarantee & Trust Company, the Oregon Company, J. Thorburn Ross and Thomas A. Prince. In his complaint, Judge Marquam alleged that the Title Guarantee & Trust Company was trustee of the property for Marquam and his wife and that J. T. Ross, as general manager of the Trust Company, conducted all the negotiations for the mortgage of the property to the United States Mortgage & Trust Company and transacted all the business for the Marquam trust. The complaint further cites the contention that neither the Trust Company or Ross, as its officer, could purchase the property free from the right of Marquam to redeem it, which he contends is now his desire. It is further claimed that the Title Guarantee & Trust Company and Ross misappropriated the trust reposed by Marquam for the purpose of bringing on a forced sale of the property, and thus enabling them to buy it in for less than one-half of its actual value. Further on the complaint asserts that on October 24, 1901, J. Thorburn Ross, with the knowledge of other persons, caused the incorporation of the Oregon Company and became the owner of all its capital stock, either in their own names or those of others, and that March 19, 1902, Ross, with the knowledge and consent of the United States Mortgage & Trust Company transferred to the Oregon Company all his interests in the certificate of sale of the Marquam property, issued December 19, 1900, and caused the Sheriff to execute to the Oregon Company a deed as assignee of the certificate of sale.

The transfer to the Oregon Company, says the complaint, was without any consideration other than to assist in carrying out a scheme to deprive Marquam and his wife of their property. November 8, 1902, cites the complaint, Judge Marquam demanded of Ross, the Trust Company and the Oregon Company a statement of the amount of net income received from the property since December 19, 1900, and to be allowed to redeem the property from sale upon payment of the full amount justly and legally required for the purpose and tendered the amount as soon as it should be ascertained, but each of them refused to allow him to redeem. Plaintiff contends that he is still able and willing to pay any of the money legally required.

According to the complaint, the Marquam building was erected at a cost of over \$200,000 and the Quinn tract is said to be worth \$50,000. The four lots in block 120 are placed at \$15,000, and the total value of the property involved is held to aggregate \$770,000. The complaint cites additionally that November 12, 1904, Marquam owed a debt of \$250,000 to James Fiedart, of San Francisco; \$20,000 to Dr. A. Sonnenfeld and aggregately, with accrued interest, a total of \$300,000. It then says that Judge Marquam was indebted on other claims to the amount of \$300,000.

ART OF REST.

May Be Acquired and Used With Great Benefit.

Complete and restful repose of the body and mind is an art not easily gained. Perhaps nothing brings one so much content, comfort, happiness and pleasure as those conditions of easy, restful, resourceful and well-balanced mind and body, that make of work pleasure and the daily life happy and peaceful.

The nervous housewife busy with a hundred duties and harassed by children; the business man, pouring the pressure of daily affairs, etc., cannot enjoy the peace and restful repose and healthful nervous balance unless they know how.

There is a way. First and foremost the stomach must be kept in good condition, means leaving off coffee absolutely, for the temporary stimulant and the resulting depression is a sure ruin to the nervous system, and the whole condition of health and happiness rests upon stomach, nerves and mind.

Start with the stomach, that is the key-stone to the whole arch. Stop using things that break down its power, upset its nervous energy and prevent the proper digestion of the food and the consequent manufacture of healthful blood and nerves, brain and tissues.

When you put coffee, take on Postum Food Coffee. That is like stopping the payment of interest and starting on a career where you are loaning money and doubling your investment. The good results are double. You stop using coffee, stop with coffee and start building up the broken down nerve cells by powerful elements contained in Postum. These are pure food elements, highly selected by experts for the purpose of supplying just the thing required by Nature to perform this rebuilding.

These are solid substantial facts and can be proven clearly to the satisfaction of anyone, by personal experience. Try the change yourself and note how the old condition of shattered nerves and worried mind changes to that of feeling of restful repose and well-balanced nervous system. The managing physician of a hygienic sanitarium in Indiana says that for five years in his practice he has always insisted upon the patients leaving off coffee and taking Postum Food Coffee with the most positive, well-defined results and with satisfaction to the most confirmed coffee tapers.

The doctor's name will be furnished by the Postum Co., Ltd., Battle Creek, Mich.

Look in each package for a copy of the famous little book, "The Road to Wellville."

ECZEMA

The World's Greatest Skin Torture

Many Infants are Born with Eczema

It's the Only Thing Some Folks Have Left When They Die

THE ONLY INFALLIBLE CURE IS CUTICURA

It is in the treatment of this most distressing of tortures and disfiguring skin and scalp humors, with loss of hair, that the Cuticura remedies have achieved their greatest success. Original in composition, scientifically compounded, absolutely pure, unchangeable in any climate, always ready, and agreeable to the most delicate, they present to those suffering from Eczema the most successful curative of modern times. We know that this will be considered strong language by those acquainted with the character and obstinacy of the disease under consideration, but it is justified by innumerable successes where all the remedies and methods in vogue have failed to cure, and in many cases, to relieve, even.

The first step in the treatment of the chronic form is to remove the scales and crusts and soften the skin, by warm baths with Cuticura Soap. The scales, crusts, elbows, hands, ankles and feet will require frequent thorough soaking in water and crusts with which these parts are often covered. Dry carefully, and apply Cuticura Ointment, lightly at first, and where advisable spread it on pieces of soft cloth and bind in place. Take the Resolvent, pills or liquid, in medium doses. Do not use cold water in bathing, and avoid cold, raw winds.

Gold throughout the world. Cuticura Resolvent, 50¢. One Box of Cuticura Soap, 25¢. Per Box of Cuticura Ointment, 25¢. Total, 1.00. Cuticura Soap, 25¢. Cuticura Ointment, 25¢. Resolvent, 50¢. Total, 1.00. Cuticura Soap, 25¢. Cuticura Ointment, 25¢. Resolvent, 50¢. Total, 1.00.

retary Hay, was today committed to the Manhattan State Asylum, Ward's Island, he having been pronounced by physicians to be not in full possession of his faculties.

DAILY METEOROLOGICAL REPORT

PORTLAND, Or., Sept. 15.—Maximum temperature, 76; minimum temperature, 48; reading, 11 A. M., 47; change in 24 hours, -0.3 feet. Total precipitation, 3 P. M. to 9 P. M., 0.1 inch; total precipitation since September 1, 1903, 0.21 inch; normal precipitation since September 1, 1903, 0.94 inch; deficiency, 0.73 inch. Total sunshine, September 14, 1903, 12:30. Barometer, reduced to sea-level, at 9 P. M., 30.18.

PACIFIC COAST WEATHER

Clear pleasant weather prevails everywhere in the Pacific Coast States and the temperatures have risen to slightly above normal west of the Cascade Mountains. To the east of this range it is warmer than yesterday, but still cooler than usual at this season of the year.

The indications are for fair weather in this country Wednesday. It will be warmer in Eastern Oregon, Eastern Washington, and Idaho.

FORECASTS.

Portland and vicinity: Wednesday, fair, northerly winds. Oregon and Washington: Wednesday, fair, warmer in east portion; northerly winds. Idaho: Wednesday, fair.

EDUCATIONAL.

Lady assistant, Phone Main 430. CLARKE BROS., FINE FLOWERS, Floral Designs, 220 Morrison. F. S. DUNNING, Undertaker, 414 E. Alder. Lady assistant, Tel. East 52.

NEW TODAY.

EBERHARD BROS. MOVED TO 2525 YAMHILL ST., near 4th. Phone Main 3972.

MORTGAGE LOANS

On improved city and farm property. L. LIVINGSTONE, 221 Stark st.

SHERLOCK'S ADDITION

Lots for sale on favorable terms. Apply to Hiram Hewitt & Co., room 228 Sherlock block, corner 3d and Oak sts.

PIANO STUDIO

Is now open. Patrons desiring certain hours should apply at once. LOUIS H. BOLL, The Auditorium, 208 Third, near Taylor st.

BARGAIN

302d, Marshall st., between 23d and 24th. \$1200; beautiful building site. P. 39, care Oregonian.

MORTGAGE LOANS

On improved city and farm property. Building loans at low rates. W. M. MACMASTER, 511 Worcester block.

Mortgage Loans 5% and Upwards Real Estate—City and Farm Insurance in All Lines

A. H. BIRRELL, Formerly of MacMaster & Birrell, 202-3 McKay Building, Third and Stark. Phone Main 202.

FOR SALE—REAL ESTATE.

SOME GREAT BARGAINS ALONG THE line of the O. W. F. electric railway. O. R. Addition, Lewis, Or. Mount South side, Se.

FOR SALE—NEAR 8-ROOM HOUSE AND LOT, corner Dupont and Benton, between 1st and 2nd streets. Inquire on premises.

CLASSIFIED AD. RAFFES.

"Rogues," "Rogues and Boats," "Hundred-Rooms," "Savannah Wreck," 12 words or less, 15 cents; 16 to 20 words, 30 cents; 21 to 25 words, 45 cents, etc. No discount for additional insertions.

UNDER ALL OTHER HEADS except "New Today," 30 cents for 15 words or less; "16 to 20 words, 40 cents; 21 to 25 words, 50 cents." Each additional insertion, one-half; no further discount under any conditions.

"NEW TODAY" (change measure grade) 15 cents per line, first insertion; 10 cents per line for each additional insertion; 120 words and less.

ANSWERS TO ADVERTISEMENTS, addressed care The Oregonian, and left at this office, should always be inclosed in sealed envelopes. No stamp is required on such letters. The Oregonian will not be responsible for errors in advertisements taken through the telephone.

FOR SALE—REAL ESTATE.

\$1000—NICE 5-ROOM COTTAGE, BELMONT, Summerville. \$2000—Very nice 7-room house, West Side. \$2700—Very nice 6-room cottage, furnished, Alameda. \$1100—Fine improved corner lot, Holladay Addition. \$1700—Elegant lot near 10th and West Park; a snap. CHARLES S. STAUB, 245 1/2 Morrison st.

SIX-ROOM MODERN HOUSE, WELL FURNISHED, newly papered and painted inside and out. Full range of Upper Albina; a home at a bargain; \$2500. Four-room house, East Side, nice yard. Inquire at State or Oregon Addition, Weston Real Estate Assn., Weston, Or.

\$1200 WILL BUY NICE COTTAGE ON IMPROVED street; 1 block to car line in Sunnyvale, on account of sickness owner must leave Oregon; easy terms if desired. Hemke & Baker, 217 Alameda bldg.

FOR SALE—NEARLY SIX ACRES OF LAND in Eugene, Or., graded, well improved, three blocks from graded school, fine new improvements; 8-room house; barn, farm orchard, and fruit trees; 12000 and 2 Madison st., Eugene, Or.

A GOOD HARD-FINISHED 4-ROOM COTTAGE, basement, woodshed, barn, lot 40x125 in Marquette, near 10th and 11th streets, farm near Portland. Frank Thebo, 227 Wisner st., Montavilla, Or.

DESIRABLE WEST SIDE HOME, FURNACE, gas, porcelain bath, location unsurpassed; excellent corner lot, special bargain for short time; "B" car to 300' Corbett at Owner. Hemke & Baker, 217 Alameda bldg.

FOR SALE—BEAUTIFUL LOTS ON CAR LINE; the location, price, \$100, \$3 down and 12 per cent monthly. Land Co., 107 1/2 1st st. Open Sunday.

SMALL PAYMENT DOWN. BALANCE PAID. Myrtle buys the best and cheapest 6-room house on Woodstock car line; \$100 to \$175 each; one mile nearer city than Woodstock. Buchanan & Patterson, 222 Stark st. and 2 P. M. O. S. Matthews, Milwaukee, Or.

FOR SALE—MODERN 2-ROOM HOUSE, bearing fruit tree, lot 60x100. Call afternoon, 124 East 13th st., Danforth, owner, Mrs. M. J. Danforth.

FOR SALE—220 ACRES GOOD WHEAT land in Walla Walla County, 5 miles to R. station; half cash. Address Box 73, Beaverton, Or.

\$2800—80 ACRES, 5 MILES FROM DALLAS, 25 head cattle, 40 acres hay land; two sets of buildings. F. T. Shute, Dallas, Or.

\$6000—A SNAP, IN HOLIDAYS' ADD, 12 minutes' walk to heart of city; a new modern 6-room house. Peery, 252 Russell st.

NEW MODERN 6-ROOM COTTAGE; PART cash, installment, 40 acres hay land; 252 E. Alder. Phone Scott 2602.

7-ROOM HOUSE, FULL LOT, NICELY LOCATED Central East Portland; cheap. Owner, Phone Scott 2510.

TWO 5-ROOM COTTAGES; ONE 6-ROOM cottage; small payment, balance monthly. Phone East 675.

LAND TITLES REGISTERED; ALL TROUBLE avoided. Meridian Trust Co., 694 DeKalum bldg.

5-ROOM COTTAGE AND 6-ROOM HOUSE, by owner. \$50 E. 8th st., north; part cash. Phone Main 3200.

FOR SALE—CORNER LOT, WITH SMALL cottage, Sunnyside, Owner, 215 E. 35th st.

TIMBER LANDS FOR SALE. THE AMERICAN TIMBER CO., OF PORTLAND, Or., has the exclusive sale of 50,000 acres of the best yellow pine on this Coast, with perfect title, in tracts of 7000 acres or more, at a very low price. This is a genuine snap. We have 200,000 feet of sugar pine, yellow pine and fir, handy to transportation, with 40,000 mill and all accessories complete. For full particulars apply to our office, 60 North 5th st., Phone City 562. No buyers will get footsore running after propositions we offer. Our information is reliable.

We always have on hand approved reserve scrip for immediate delivery and use, at the market price. We want good scrip for exchange, proportionate to acre tracts or larger. If the fees are reasonable. Correspondence solicited. E. M. BENTLEY, Manager, 714 Marquam Bldg.

SMALL AND LARGE TRACTS IN SKAGUIT, Snohomish, King, Clallam, Chehalis, Lewis, Columbia and Thurston Counties, Wash. Co. Knox, Klaskan, Union and Yamhill Counties, Or.

Several tracts for sale on a logging basis. Small cash payment, balance monthly as timber cut off.

FOR SALE.

FOR SALE—A FRESH, CLEAN STOCK OF new merchandise, including a large quantity of the best of Eastern Oregon; stock about \$4000; good reasons for selling. Address: A. Alms, Albina, Or.