

MARQUAM TRIES TO REOPEN CASE

Alleges Errors in Supreme Court Decision by Which He Lost His Property.

FILES PETITION IN COURT

Asks That Original Decision of Circuit Court Be Reaffirmed or Case Be Reopened for Introduction of Additional Evidence.

Claiming error in the Oregon Supreme Court's decision in the famous Marquam litigation, an effort was put on foot in the State Circuit Court yesterday to reopen the case. P. A. Marquam, through his attorneys, W. D. Penton and the firm of Watson, Beekman & Watson, filed a voluminous statement of the case, setting out 19 errors in the final decision, and asking that the original decision of the State Circuit Court be reaffirmed or the case reopened for the introduction of additional evidence.

The document is, in effect, an application for a bill of review. The title is that of P. A. Marquam against the United States Mortgage & Trust Company, the Title Guaranty & Trust Company, the Oregon Company and J. Thorburn Ross.

The action caused considerable surprise at the Court house, as the matter was regarded as settled long since. The property involved is the Marquam building and the entire block upon which it is located, as well as 30 acres making up the John Quinn donation claim. The total value of this property is now considerably more than \$1,500,000, the Marquam block being one of the most valuable portions of the business district.

The case has been in court during the past six years, and has been closely contested. Title of the property is now in the hands of the Oregon Company. It was secured by the corporation for the sum of \$365,549.97 under an execution sale. That sale is only a fraction of the present value, and at the time of sale, November 8, 1899, was considered as being about one-half the real value. The Marquams, however, were unable to meet payment on judgments allowed in foreclosure proceedings, and the forced sale was carried out by the Sheriff, under protest.

The basis of the litigation was made the relation of Mr. Ross and the Title Guaranty & Trust Company to the property in question. It was shown by Marquam that Mr. Ross secured him a loan of \$200,000, on notes, taking the title in trust for security. At the time Mr. Ross and the trust company handled the property in trust, and were really its agents, so claim was made. An agent for the property, it was contended that it was not lawful for him to bid it in for another concern at an execution sale. The loan of \$200,000 was secured during the financial depression of 1894, and was for the purpose of paying off the sum of \$200,000 owed to the James Phelan estate, together with other small sums of indebtedness. October 20, 1899, foreclosure proceedings were instituted through Mr. Ross, the loan having become due and remaining unpaid. At the execution sale which followed, November 8, 1899, Ross bought in the Marquam building and grounds for \$250,249.97. The donation claim was secured for \$10,000, and other scattered holdings brought the total up to \$262,249.97.

The Marquams at once commenced action in the State Circuit Court to have the sale set aside. After long-drawn-out litigation, Judge Sears found for the Marquams, holding that the trust company had violated a fundamental rule of law in buying property under the conditions named, even at an execution sale. The Circuit Court reversed this decision, holding that the trust relationship applied only to the income from the property, and did not affect the property itself; that the property was sold in satisfaction of a debt in trust, and that the defendants had a legal right to purchase the property.

COURT WILL NAME COUNSEL

C. H. Danielson to Be Arraigned Today on Charge of Murder.

C. H. Danielson, charged with complicity in the Oscar Lindstrom murder at the Garfield Hotel bar several nights ago, was taken before Judge Carson yesterday forenoon for arraignment. He pleaded not guilty, but the court directed that this plea be withdrawn, as Danielson had no legal representative. An attorney will be appointed to defend the accused, and his arraignment will occur today. He was sent to the County Jail for safe-keeping. Ed Nelson, accused in connection with Danielson of the killing, denies emphatically that he had anything to do with the shooting or that Danielson was implicated. When seen at his cell in the County Jail yesterday he admitted having been at the scene of the killing on the night in question, but asserted that he, with Danielson and a third man named Harry Anderson, reached the bar after the shots had been fired. He insists that Anderson is the third man in the case who the police have been trying to find, but maintains that Anderson is innocent of any part in the crime.

Mullady Held in \$1000 Bonds.

Thomas Mullady, identified by F. Bradbury as the man who held him up at the point of a revolver and robbed him of \$5 cents, was arraigned before Judge Carson yesterday forenoon on a double charge of highway robbery and carrying a concealed weapon. Bradbury in his testimony positively identified Mullady as the thief. The court held the accused to the grand jury under a bond of \$1000. Unable to raise that amount, Mullady went to a cell at the County Jail to await his appearance before the grand jury.

Gets Verdict for \$1000.

A verdict allowing P. P. Allen damages in the sum of \$1000 from the Standard Box & Lumber Company was returned by the jury in the case in Judge Cleland's court yesterday afternoon. Allen had a leg broken while working for the company last summer and asked for \$2000 damages.

Sues for \$20,000 Personal Damages.

W. F. Wisler brought suit in the State Circuit Court yesterday against the Jones Lumber Company for damages aggregating \$20,000. Wisler claims that through



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The Growth in Sales is the Evidence

1865	8,000 Barrels
1870	18,000 Barrels
1880	131,000 Barrels
1890	702,000 Barrels
1900	939,768 Barrels
1901	1,006,495 Barrels
1902	1,109,315 Barrels
1903	1,201,762 Barrels
1904	1,365,711 Barrels
1905	1,403,788 Barrels

1906 - 1,543,468 Barrels of Beer

Budweiser

Sales for 1906

162,700,710 Bottles

This Exceeds that of All Other BOTTLED BEERS. The high standard of quality, fine flavor and exquisite taste have won for Budweiser its great popularity.

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defective machinery he was crushed so severely as to be rendered permanently unfit for work last May. At the time he was employed in the company's lumber mill.

Oregon Society at Notre Dame.

The Oregon students at the University of Notre Dame have organized an "Oregon Society" and as this is the first year of its existence the number of members are not large. Notre Dame is a Catholic institution and as no fraternities or secret societies are allowed, it has been the custom of the students to form state societies. In past years, there have not been enough Oregon students at the institution to form a society. The officers are Joseph N. Sinnott of The Dalles as president and John F. Brown of The Dalles vice-president.

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Dislocates His Joints to Evade Labor

Rockville Prisoner Manages to Keep From Working During 90-Day Sentence, but Will Have Another Chance.

JOHN BONNER's ability to dislocate the joints of his arms, shoulders and fingers secured him immunity from labor on the rock-pile during a sentence of 90 days, which he has just completed. Believing the man was actually crippled, Bonner was allowed to remain about the county jail doing light chores, and not until yesterday did it become known that the man is a fraud, and that he has been a professional beggar for several years past. The fellow will probably go back to the rock-pile and work out another sentence. Bonner's term of sentence expired Monday.

LEE MEMORIAL SATURDAY

Daughters of the Confederacy Comptroller Arrangements for Services.

A called meeting of the Multnomah Chapter, Daughters of the Confederacy was held yesterday afternoon to complete arrangements for the Lee memorial services to be held next Saturday in the Women of Woodcraft hall. The disposition of a sum of \$20, which the Multnomah Chapter sent to the flood sufferers in Pensacola during the storms last Fall, and which that chapter returned, was also decided. At the time of the flood the local daughters were quite active in their efforts to help their Southern associates and through a benefit theatrical performance were enabled to send substantial amounts to a number of states and cities in the flood district. The Pensacola Chapter, evidently misunderstanding the purpose for which the \$20 was

Board of Trade to Meet.

The executive committee of the Board of Trade will hold a meeting this afternoon, when it is understood that several matters of importance will come up for consideration and disposal.

Home Training Association.

The Home Training Association will

It has been decided to turn the \$50 in question into the general relief fund maintained by the local organization, and not to return it to Pensacola with more explicit directions, as a few of the members favored doing. There have been no misunderstandings or contentions about the matter and it was settled most amicably. The Multnomah Chapter is a comparatively new organization but is flourishing and growing in membership. The president is Mrs. Jennie George.

hold a meeting at the City Hall this afternoon at 3 o'clock. The subject is "Dental Problems of Children," and will be discussed by Dr. Walter F. Lewis.

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