

REGINING

Good Samaritan Hospital Management Will Erect at Once One Wing of a Magnificent Structure.

Good Samaritan hospital is destined to be a different looking edifice from the familiar building now bearing its name in Portland. Plans have been completed for an imposing structure, of large dimensions, airy and modern, the initial work on which will commence shortly.

Of the two blocks owned by the hospital association only one will be used for building purposes. This space will be fully occupied by the edifice and courts. While the ground plan gives the structure the form of a cross, it is in fact a square on one side, as the space fronting Lovejoy street will be crossed by a low colonnade, covered with glass, to be used in disagreeable weather by patients as a promenade.

The history of this undertaking is so well known to you that I need hardly say that the present changes have been made in a quarter acre of ground have been purchased in the northwestern part of the city for the sum of \$2300, on which \$1000 has been paid.

The building was finally completed in 1874, and was a fine structure. It was enlarged, making the total cost approximately \$25,000. About 1880 the dimensions were again increased until the total cost was \$50,000, when many minor additions were made.

Reading the last report of the hospital will show how its work has enlarged, and the wide scope covered. Patients of every color and creed are cared for, and among the sick there was just as great a diversity of creed or religion.

Following is a list of the present endowments of the hospital, exclusive of the funds for building purposes to be used in the present work:

St. Morris Wain memorial bed fund, \$500.00; Grace Charlotte Stark memorial bed fund, 300.00; H. W. Morris memorial bed fund, 250.00; Mary and Lewis Flanders memorial bed fund, 250.00; George C. Morris memorial bed fund, 200.00; Caroline Couch memorial bed fund, 200.00; Queen Victoria jubilee bed fund, 150.00; British consulate bed fund, 150.00; Filial piety bed fund, 100.00; Strangers bed fund, 100.00; Arthur William Morris memorial bed fund, 100.00; Maria E. Blanchard memorial bed fund, 100.00; Trinity church free bed fund, 100.00; Henry Whitesaker bequest, 100.00; Nurses' home-building fund, 100.00; R. Gilman fund, 100.00; Mother's bed endowment fund, 25.00; Child's comfort cot fund, 20.00; Hamilton-Brooke memorial bed fund, 20.00; Stinking fund (cotages), 20.00; Altar fund, 20.00; King Oscar II jubilee bed fund, 25.00; Queen Victoria diamond jubilee bed fund, 20.00; C. H. Hall fund, 116.50; Child's comfort cot No. 3, 16.00; Margaret L. Linsley bequest, 250.00.

FUNERAL OF A PIONEER.

Deceased Minister Was a California Argonaut.

The funeral of the late Rev. R. P. Buker, a California argonaut of '49, took place yesterday afternoon, from the home of his niece, Mrs. A. Farley, 541 East Fifth street, at 2 o'clock. An appropriate service was conducted by the Rev. R. D. Streyfeller, pastor of the Memorial Evangelical church, East Eighth street, and at the close the remains were buried in Multnomah cemetery. The deceased was born in Virginia in 1823, and was educated for the Methodist ministry. For some time he engaged in that work in Kansas, but in 1849, when a young man of 26 years, he caught the California gold fever that swept over the country and started so many toward the Golden Gate.

The last years of his life were spent in the pursuit of gold. After spending two years in California, during which he enjoyed all the ups and downs, he concluded that he had enough experience and gold when he decided to return to Virginia. He was married on his return home, and then he and his bride returned to California, where they made their home. Mr. Buker then entered the active work of the ministry in the United Brethren church. Up to five years ago he occupied a prominent place in that denomination. He served the churches of Los Angeles, Pasadena, and other prominent cities of that state. Five years ago he became ill, and he was unable to return to the active ministry. He came to Portland, and since then had been making his home with his sister, Mrs. Sarah Eddy, and niece, Mrs. A. Farley. Those who were acquainted with him can testify for him a high regard. The record of his life is unspotted, and he came to the sunset of his life in peace.

Boys Tempting Fate. A lot of boys have been making a practice of jumping on motor cars at the lower depot on the Southern Pacific railway and riding south as far as Hawthorne avenue, where they get off. They swing underneath the coaches, between the front and rear trucks, where they are having an exceedingly narrow perch, and know some of them have escaped being killed cannot be explained. Last evening, one boy about 15 years old, as he swung down from the car, did not get from under the car, and only saved himself from a fearful death by swiftly rolling out of the way. As it was, one foot was struck by a car wheel and pushed to the ground. He lay there for some time, held his breath and looked in another direction, expecting that the boy would be crushed to death. By the time the train reached Hawthorne street they are

CARING FOR CHILDREN

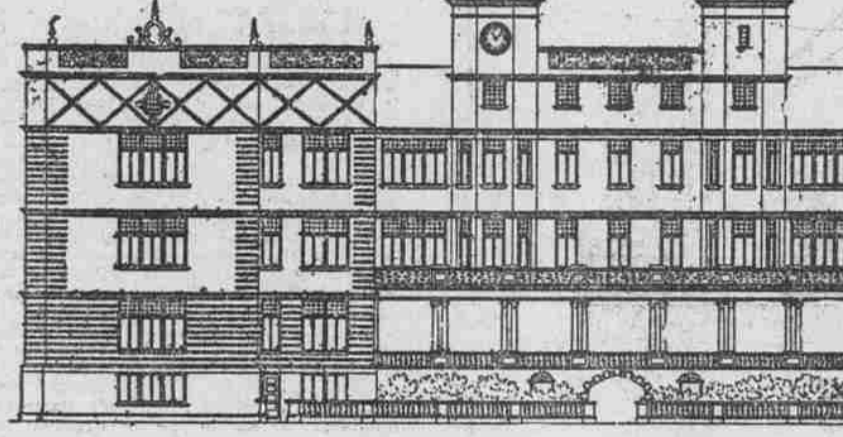
YEAR'S WORK OF BOYS' AND GIRLS' AID SOCIETY.

Need of a State Home for Feeble-minded Children—Number of Waifs Cared For.

The regular monthly meeting of the board of trustees and ladies' advisory board of the Boys' and Girls' Aid Society, was held yesterday in the chambers of Judge Gilbert, of the United States court. Present were: Judge Gilbert, A. H. Freyman, F. E. Beach, L. L. Hawkins, Dr. T. L. Elliot, Mrs. W. A. Buchanan, Mrs. Levi White and Mrs. C. R. Templeton, also Superintendent Gardner.

The report of Superintendent Gardner was read for the month of December, 1899, and also the report of children received and disposed of for the year ending December 31, 1899.

Current bills for the month of December, amounting to \$35.49, were read and ordered paid. The matter of persons whose children have been taken from them by process of law for cause, attempting to harass the society by habeas corpus proceedings, was discussed, and the opinion of the members of the board, who are



FRONT ELEVATION OF ADMINISTRATION WING.

high up in the legal profession, was shared by the other members, that an order of court, when once made after due hearing and the lapse of time allowed for appeal, could not be set aside. Attorney A. F. Fiegl's kindness in assisting Superintendent Gardner in legal matters was much appreciated.

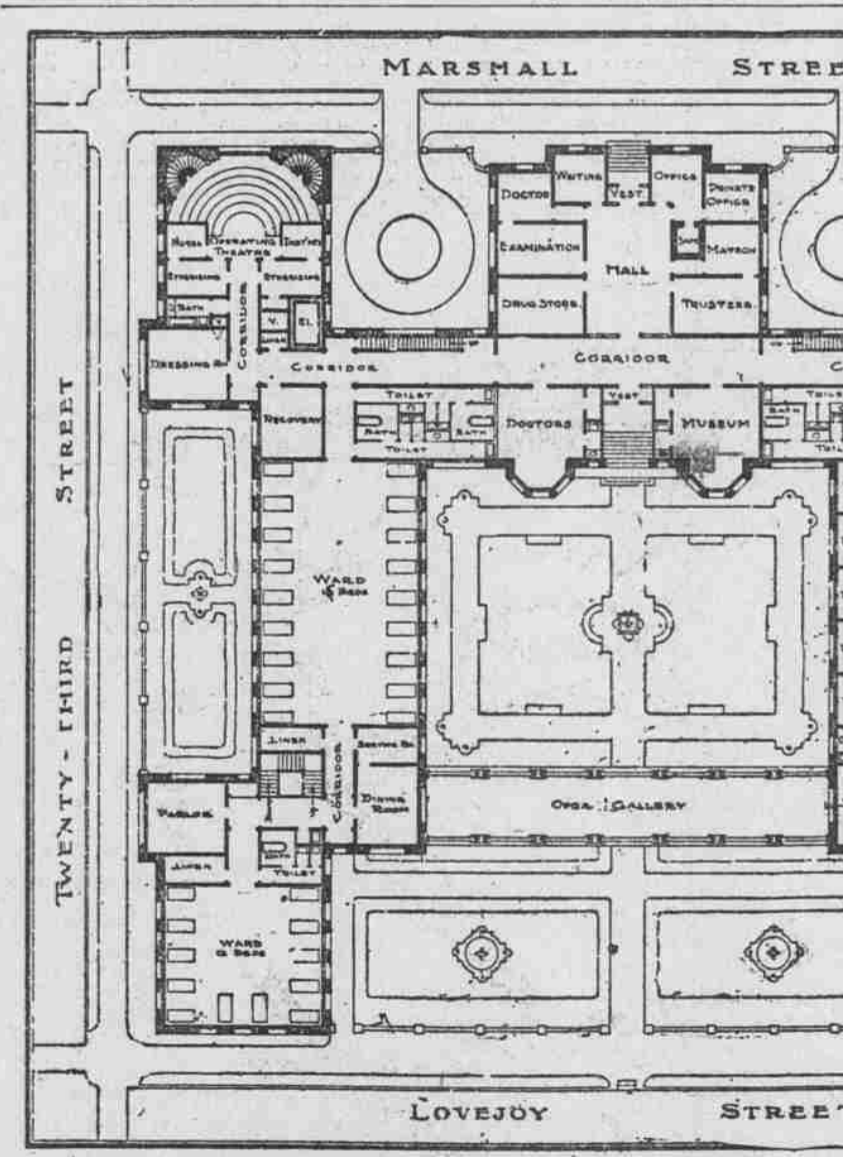
Mrs. C. R. Templeton, secretary of the ladies' advisory board, reported matters at the Home in good condition.

Superintendent's Report. The superintendent's report for the month of December, 1899, was as follows: To the Honorable Board of Trustees and Ladies' Advisory Board of the Boys' and Girls' Aid Society: The month of December is the ending of one of the most satisfactory years since the organization of this society.

A large amount of work has been done, much larger than any year previous, and I believe the work is appreciated by every county in the state. Considering that there is no asylum for feeble-minded children in the state of Oregon, we are lucky in getting a few sent to us as we do, but in all cases I have found the counties who committed them are willing to make other provisions as soon as they are notified. There are but two feeble-minded children under our care at this time, and they were committed from Klamath county. I am, however, in correspondence with the county judge, and efforts will be made to place them in the home for feeble-minded at Vancouver in the near future.

Recapitulation—On hand, January 1, 1899, 30; received during the year, 351; total, 381. Placed during the year, 350; on hand, January 1, 1900, 31; average number of children in the Home each day during the year, 35; total number of children found homes for during the year, 1899, 350, or an average of 29 per month.

The children received during the year 1899 from the several counties, are as follows: Baker, 3; Clackamas, 6; Columbia, 1; Douglas, 4; Jackson, 1; Lincoln, 2; Morrow, 5; Umatilla, 2; Washington, 3; Benton, 2.



GOOD SAMARITAN HOSPITAL PLAN OF FIRST FLOOR SCALE 1/4 INCH = 1 FOOT.

GROUND PLAN OF THE PROPOSED NEW GOOD SAMARITAN HOSPITAL. (This general outline of the hospital is correct, but there will be some changes in matters of interior detail.)

clined to have a gathering on the evening of February 8, to which the members will invite their friends. This will be just before the meeting of the state republican league. The club has one of the best organizations in the city and knows how to entertain its friends.

Mrs. Minnie Patterson is very ill at St. Vincent's hospital, having undergone another serious operation. Her health has been very poor for several months, but her friends, with the rest and good care she is receiving at the hospital to soon see her fully restored to health.

No mother should overlook so good a skin cure as 'Grease' Ointment. Every hair grows. Parker's Hair Balsam also the hair grows.

IN THE SEVERAL COURTS

APPEAL CANNOT BE TAKEN FROM POLICE COURT.

So Judge George Decided Yesterday—Several Decisions by Judge Cleland.

Judge George decided yesterday that there can be no appeal for a new trial from a judgment on a trial in the municipal court under a city ordinance, there being no statute nor constitutional provision in Oregon whereby appellants can bring such an appeal. This opinion was held to conform to decisions formerly rendered by the Oregon supreme court.

The new city charter is silent upon the subject, but the former charter mentions that there shall be appeals. The city ordinance under which the case was brought is silent upon the subject, but the ordinance mentions that city cases may only be reviewed in the circuit court as to the regularity of the proceedings in the municipal court, correcting only errors of law.

Section 9 of the Oregon state constitution reads: "All judicial power, authority, jurisdiction, or any state shall be vested in the several courts, and they shall have appellate jurisdiction and supervisory control over the county court, and all other inferior courts, officers and tribunals."

Counsel argued that this section grants a constitutional right of appeal which a person cannot be deprived of. The attorney contended that the question presented had never been raised in any of the cases presented in the supreme court of this state.

The following section of the code was also alleged to insure the right of appeal: "Where jurisdiction is by the organic law of this state or by this code or any other statute conferred on a court or judicial officer, all the means to carry it into effect are also conferred on that officer of the jurisdiction. If the course of proceeding be not specifically pointed out by the code, any suitable process, or mode of proceeding may be adopted which may be as conformable to the spirit of the code."

"Our supreme court, commenting on this law, says in Alken vs. Alken (13 Or. 208): 'The inherent jurisdiction of the courts of justice under the jurisdiction of this state in consequence of the mode of proceeding pointed out being inadequate to afford a remedy in any particular case as to the regularity of the proceedings, is adopted conformable to the spirit of the code.'"

In Snow vs. Reed (14 Or. 346), Judge Thayer, speaking for the court, said: 'The several courts of justice of this state, under the constitution and laws of this state, have ever necessary to keep them within the line of their duty, or to correct such acts done outside their jurisdiction, in the future, as there is no doubt that these gentlemen consider the work of this officer of great importance to the city of Portland in this opinion, I feel certain they are joined by the best people of our city. The chief of police always endeavored to assist this work all in his power, and I feel sure the matter of keeping our police officer means with the general approval of this board.'"

Children Received and Placed. Following is the report of children received and disposed of for the year 1899: Received—January, 25; February, 33; March, 28; April, 20; May, 35; June, 22; July, 22; August, 34; September, 23; October, 30; November, 42; December, 29; total, 381.

Placed—January, 20; February, 34; March, 30; April, 27; May, 28; June, 16; July, 23; August, 30; September, 27; October, 30; November, 54; December, 22; total, 350.

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Land and a Fishnet. In the suit of Mark Miles against Peter Covacek for recovery for services rendered, Judge Sears decided in favor of the plaintiff to the amount of \$107. The two men had a verbal agreement by the terms of which the defendant was to pay plaintiff for giving him a piece of land and \$150 on another piece of land was sold, and also to give plaintiff a fishnet. The terms of the settlement were reduced to writing and mention of the fishnet was omitted. Judge Sears decided from the evidence that it was plain Peter intended to give the fishnet to Mark as part payment of wages earned, and had not done so. The value of the fishnet was found to be \$37.

No Picnic, No Money. Judge George was engaged yesterday in hearing the trial of the suit of R. H. Horman against the State of Oregon, to recover \$305 for music to be furnished for a picnic in the summer of 1899. The picnic never came off, because it rained every Sunday on which it was arranged to hold it. Horman wanted to be paid notwithstanding. He testified that he and his son turned out three different times, ready to play, and he demands \$305 for each occasion. The defense was that it was a case of no picnic, no money.

Probate Matters. Mary L. Suve, executrix of the estate of Maria Floris Oberie, deceased, filed a claim against the estate for \$1500, representing the value of a piece of land. A. C. Spencer was discharged as guardian of Solomon W. Fisher, who was adjudged able to care for his own property in January.

Collins has petitioned the county court for an order requiring the executor of the estate of Annie Voss, deceased, to distribute the estate.

Court Notes. Judge George left for Baker City last evening, and will return Saturday. Judge Frazer, yesterday, in the suit of Mary Couch et al. vs. the City of Portland, in which the city was ordered to pay for a street improvement in North Portland, denied the petition to dismiss the writ of review.

A judgment in favor of the defendants was rendered by Judge Sears yesterday, in the suit of Western Contract Company vs. T. L. Ray et al., for possession of five acres of land at Woodstock. There is a suit in equity pending over the same matter.

DECISIONS BY JUDGE SEARS.

Defense of Usury Sustained—Dent Examiners' Case.

Judge Sears yesterday, in the suit of W. C. Lewis against J. C. McGrew and George P. Lent, to recover \$1000 on two notes, sustained a defense of usury, overruling the demand of the plaintiff to the defendants' answer.

The answer recites that between the years 1889 and 1895 the plaintiff turned over to the defendants divers sums of money to lend for him, they being in the business of lending money as brokers. The defendants state they did, exacting from the borrowers, besides the legal interest, other interest under the name of bonus or brokerage, and it is alleged the Lewis, as his share of the bonus, received from the defendants \$438. Lent and McGrew aver that they unfortunately made two bad loans of \$500 each to E. E. Chapman and H. C. Helt, from whom they succeeded in collecting more or less interest, which plaintiff received, but could not realize upon the principal. In May, 1895, McGrew and Helt, through the agency of the plaintiff, obtained a loan of \$500 each, which plaintiff received, but could not realize upon the principal. In May, 1895, McGrew and Helt, through the agency of the plaintiff, obtained a loan of \$500 each, which plaintiff received, but could not realize upon the principal.

Judge Sears decided both points in favor of the defendants, that the notes are usurious and without consideration. He wrote a strong opinion that would upend this defense of usury, but it strangely happened that the "dismissing opinion" was given by Justice Lord and Waldo Foster, and the district attorney always intervened in a usury case, but after Judge Thayer's decision this practice ceased.

Lawyers for this reason seemed to take Judge Sears' decision as a precedent, and such is not the case; for while the case is recorded as "dismissing" opinions, those of Judges Lord and Waldo must lay down the law, because they constitute a majority of the court. Judge Sears also reviewed Massachusetts and New York decisions, by which, in addition to that of the dissenting majority of the supreme court of Oregon, he was obliged to overrule the demurrer.

Other Decisions.

M. J. MacMahon was allowed to become a party plaintiff in the damage suit of Katie Hlubrick against the city of Portland, in which the city court recently refused to grant Attorney Spencer for the plaintiff. MacMahon set up a written contract with plaintiff as her attorney, but to receive one-half of what might be recovered, and the district attorney also asks for his expenses. Altogether his claim against the city will amount to about \$100.

An appeal was denied in the damage suit of Mrs. E. W. Woodard vs. Dr. H. B. Drake. The court said if a patient goes on the witness stand and testifies in her own case against a physician, she waives the statutory right of professional secrecy.

In the case of H. S. Gile et al. vs. Justice Kraemer et al., sale confirmed. Judge Sears held that a sale on an old exequatur was valid.

DENTAL CASE.

Judge Sears Will Allow Examiners Large Discretion. The questions submitted to Dr. F. A. Bryant by the Oregon state board of dental examiners are to be submitted to court, with the answers, in order to disclose if Bryant passed a satisfactory examination, and should be allowed to practice dentistry in this state, or if the board maliciously shut him out. Judge Sears held yesterday. The court remarked that the court would not trench upon the prerogatives of the dental board. The court could not reverse their decision except upon clear and positive evidence of abuse of discretion. Large discretion was necessarily lodged in such a board, and the court would not interfere with it. The court could not and would not convert itself into a dental college, nor attempt to decide as to the best manner of filling teeth, but it would permit the court, merely to discover whether or there had been a positive, palpable and inequitable abuse of the board's discretion. Unless the evidence disclosed that the decision of the dental board would stand.

The board decided that Bryant did not obtain 70 per cent at the examination, and only about 50 per cent, and that he did not pass. The court said that the legislature has enacted a law giving it. They have uniformly held that the right of appeal comes from the statute and not from the constitution. And in the several states even, with conditions generally similar to ours, it seems to be generally, indeed we might almost say universally, held, that language, such as ours, does not give the right of appeal unless some statute expressly confers it. The present contention grows out of construction of the meaning of the constitutional words. Language of this kind in the state constitution, giving certain courts appellate jurisdiction is generally construed to mean that the kind of jurisdiction and not as measuring its quantum. That it is not in itself so much a grant of power as it is a description of the kind of court it shall be, or instances whether it shall be a court of original or appellate jurisdiction or both. In other words, that it is merely telling what kind of court it may be in which the practice must still be regulated by laws enacted by the legislature. It is a definition of the court and which relates to courts only, and in the other there is a constitutional recognition of a 'right of appeal' applying to individual litigants. And on reflection the distinction a construction must be conceded to be strong and sound. The mere saying that the circuit courts shall be appellate courts having jurisdiction over all inferior courts does not in itself say that every litigant in any case below shall be given the right to appeal his case to such court having appellate powers and requiring it to take up its time retriving every case tried below, however petty the cause. The law enacted by the people in its legislature, must first allow such litigant a right of appeal when the case has once been tried, before any appellate court can acquire a special jurisdiction over him and his cause, and over the cause that has been already tried and adjudicated in another court."

Judge George reviewed similar constitutions and cases passed upon in other states, and also decisions of the Oregon supreme court in a case where it was held that no appeal existed unless conferred by statute, and another case that unless the city charter expressly gave the right of appeal from a decision under a city ordinance, no such right existed. Other decisions are referred to, and Judge George, in conclusion, said: "The supreme court must certainly be presumed to have considered the questions raised here, and at least silently acquiesced in the construction so generally placed on similar clauses in other constitutions, and this court must follow

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Articles of incorporation of the Acme Dredge & Pump Company were filed in the county clerk's office yesterday. The incorporators are C. W. Brainard, H. C. Nickols and H. C. Helt, with a capital stock of \$5000. The objects are to operate dredges and pumps for mining and other purposes.

TO CURE LA GRIPPE IN TWO DAYS. Take Laxative Bromo Quinine Tablets. All druggists sell them. Beware of cheap imitations. E. W. Grove's signature is on each box.