TEAPOT TEMPEST

Why Oregon City Pension Examiners Were Suspended.

FALLING OUT WITH THE BUREAU

Congressman Tongue's Friends Mistakenly Thought Politics Had Something to Do With It.

OREGON CITY, Jan. 18 -- All Clackamas county has been in the biggest kind of a political stew for several days. all came about through a Washington dispatch, published in The Oregonian a few days ago, to the effect that Representative Tongue, having heard that the board of pension examiners of Oregon City had been suspended, took matter up with Pension Commissioner livens and had the board reinstated. This was halled by the congressman's friends as a great Tongue victory, for it had been hinted by knowing ones that the suspengion of the examiners was a move upon

the first district. Representative Tongue is out for the renomination as the republican candidate. That's no state secret. He has several sturdy opponents, and among them is State Senator George C. Brownell, of Oregon City. Senator Brownell is putting up the hardest kind of a fight. If he does not have the Clackamas delegation at his back in the congressional delegation is well be because he has lost delegration it will be because be has lost his grip on the county. The senator is renowned for his ability to hold on to anything political that comes his way.

Just what Representative Tongue has

Just what Representative Tongue has gained or what he expected to gain by the reinstatement of the examiners is not apparent. There are three members of the hoard—Dr. J. W. Norris, of Oregon City, who is president; Dr. W. E. Carll, of Oregon City, is secretary, and Dr. J. J. Leavitt, of Mollaia. Dr. Leavitt is friendly to Senator Brownell's candidacy for congress. Dr. Norris is opposed to Bownell. Dr. Carll is a gold democrat and is not tied to any republican. If he has any preference it probably is for Senator

It Started From a Business Letter.

This is the true story of the way the tempest blew up. Lest December Senator Brownell was visited at his law office at Oregon City by an old soldier named Terman, who complained that he had been man, who companies that it is made and the ordered to McMinnville for examination before the board of pension examiners resident at that place. This struck the veteran as being an odd propeeding, especially as there was, so he believed, an examination of the propeeding of the prope ing board at Oregon City. Senator Brown-ell took the matter up with Senator Simon and in due time received the following

"Washington, Dec. 16.—Hon. George C. rownell, Oregon City—My Dear Senator: I beg to hand you herewith a letter re-ceived by me from Hon. H. Clay Evans, commissioner of pensions, in answer to my request that the order heretofore made requiring Mr. Frank Terman to appear before the board of surgeons at McMinn-ville be changed to appear before the board at Oregon City. You will note that the commissioner writes that the board at Oregon City has been temporarily dis-continued, and that therefore it will be impossible to change the order as requested. Kindly inform Mr. Terman of the discontinuance of the board at Oregon City. Very sincerely yours, "JOSEPH SIMON."

Tongue's Friends Take Alarm.

Sensior Brownell was surprised at the news of the suspension of the board, but he did not faint. He is too old a pollimmediately reached for his pen and wrote to the Oregon senators and insisted, in interest of the old soldiers of his locality, upon the reinstatement of the No word came from Washington of the

removal of the board, but evidence that something hard had dropped was not iong in reaching the surface. The board held meetings, but no persons appeared for examination. This did not inconvenience Drs. Caril and Norris, as they live in Oregon City, but it was not pleasent for Dr. Leavitt, who had to drive 16 miles to Oregon City and back home again, and all for nothing. Soon stories got into circulation that ex-soldiers had been ordered before the Salem board for examination. Still the Oregon City board continued to hold meetings, and still no word of official d'spleasure and decapitation from Washington. Little by little the news contained in Senator Simon's letter to Senator Brownell leaked out, and before Clackamas county knew what was up it was in a tremble of excitement. Senator Brownell showed the letter to Dr. Carll, secretary of the board of ex-aminers, and through Dr. Carll the other members learned of their deposition. In brief time County Judge T. F. Ryan heard of the letter. The mere fact that Senator Simon had written to Senator Brownthe first to get news of such prime imrinnee, was sufficient to move so ardent Tongue man as Judge Ryan to Instan There is no thought that politics can inspire that did not enter into his head as he sat in his office in the courthouse and endeavored to make out the purport of the Simon-Brownell letter. He saw through the whole thing, or, rather, thought he saw through it, at a glance concluded that the examiners had re-ed to stand in with Senator Brownell for the congressional nomination, and that the senator had them removed as a pun-ishment. Forthwith, Judge Ryan wrote to Congressman Tongue, who, following the same scent which Judge Ryan had struck, demanded the reinstatement of the board. Forthwith, Pension Commissioner Evans complied, and forthwith the Tongue men in the first congressional district be

gan congratulating themselves upon their amous victory. Nothing Political in It.

The political aspect of the suspension of the examiners was knocked into a cocked hat by documents which were made public at Oregon City yesterday. After Judge Byan had told an Oregonian man that he would not like to say that the examiners had been removed for political reasons, but that when the news came he had his suspicions," he reached to a near-by was one from Representative Tongue, dated Washington, January II. It had this to say about the examiners: "The discontinuance of the board was made on the recommendation of the medical examer because the business coming before the board was small,"

"De you now think that politics had anything to do with the suspension of the examiners?" asked The Oregonian man after the judge had read the part of Mr. Tongue's letter to which reference is

"No." snid Judge Ryan.

The Oregonian man was shown a letter from Commissioner Evans, dated January 9, in which the commissioner said that the board had been suspended for refusal to obey certain orders. "Notice of the suspension of orders to the board was inadvertently omitted." added the coner. This letter and the one from missioner. This letter and the one from Congressman Tongue effectually disposed of the political side of the question, and the Tongue men reluctantly admitted that You need Carter's Little Liver Pills.

Real Cause of the Suspension

The rupture which ended in the suspen-tion of the examiners is a matter which concerns only the board and the pension bureau, and has no bearing on politics. It began long ago. The members of the Oregon City board are physicians of large practice, and they do not care a whit how long or how short they are retained. They are paid \$2 each for every appli-cant examined, and the work is out of all proportion to the compensation. The get for doing the same work for insurance companies. Dr. Carll has had many tilts with the pension bureau. He does not like the red tape of the bureau, nor is he in love with some of the officials who wind and unwind the tape. If there is anything that will stir up his blood it is a letter from some subordinate of the bureau asking him to explain medical terms which he uses in his reports. Once he wrote to the bureau that he was not running a school of instruction for the "medical experts" of the pension bureau, and that if they could not comprehend terms in common use among physicians they would better attend a medical college.

Last November Dr. Carll received an order from Commissioner Evans, directing a member of the board to proceed to Barlow to examine an applicant for a pension, who had reported to the bureau that he was physically unable to present himself before the board at Oregon City. Mr. Tongue's political intrenchments. Dr. Carll refused to go to Barlow for Therein the knowing ones were off the The suspension of the Oregon City examiners would not attract especial attention in ordinary times, but these are not ordinary times. A general election will take place in June, and among the officers to be chosen is a congressman in the first district. Representative Tongue is out for the renomination as the repubsaid he would not go to Barlow and gave the commissioner to understand that he was not a \$2 man, and that he did not propose to be bossed around. However, Dr. Carll did not state reasons to Commissioner Evans. If he had, there might have been no trouble.

The Bureau Discontinues Orders. It was about that time that the pen sion bureau discontinued sending orders to the Oregon City board. But the board heard nothing until Senator Simon's let-ter to Senator Brownell was made pub-

The members of the board felt keenly the discourtesy of being suspended with-out notice. Dr. Caril promptly wrote to Commissioner Evans, saying the board was entitled to direct dealings with the pension bureau; and that if the board had been suspended the members should have official notice to the end that they might turn over records and other prop erly to their successors. This letter brought the following answer, dated Jan-uary 9, from Commissioner Evans:

"Orders to your board were suspended November 21, 1899, because of the receipt of a letter from you refusing to make a of a fetter from you retusing to make a home examination of an applicant living 10 miles from Oregon City, on a line of railroad. Notice of the suspension of orders was inadvertently omitted."

Dr. Carll's Letter to Evans.

In reply Dr. Caril today mailed the illowing letter to Commissioner Evans:
"In reply to your letter of January 9, which was in reply to mine of the 3d, I wish to further state that I supposed, after I stated the situation as to the time quired to make the trip to Barlow staon, the pension department would not hold that we were obliged to lose a day's time for the compensation. After return-ing the papers to the department, I consuited with the other members of this board, and they both declined to give the time for the fee. The whole proposition sooms so absurd that I feel surprised and indignant that I should be expected to do this, and with to declare now that I will this, and wish to declare now that I will not make such visits for such a fee. In this case of . . I knew at the time that he was well able to make the trip to Oregon City, as well able to make the trip

the disinclination of myself and the other he did not faint. He is too old a poll-tician for any weakness of that sort. He As I stated before, the trains to Barlow only run so that in order to make this trip it is necessary to leave here in the evening, thereby losing a whole day, as the return train is the California overland. It is often late (today it is 12 hours late). Therefore the time taken from one's business is very much. I am personally willing to do all in my power for worthy applicants, even to going to Barlow sta-tion or any other place within reach, but I would do it for charity, and not for \$2 a day, at the order of the pension partment or any other branch of this or any other government.

"With reference to the statement in your letter that for further reasons, there is no special pecessity for a hoard of examining surgeons at Oregon City.' I have nothing to say except that I had nothing to do with the establishment of the board at Oregon City, and therefore feel cern about it on that score. My only effort has been to do the work sent us to do, and when not able or willing to do the work endeavor to inform the depart. ment of my inability to perform the quirements of the department; and again express to you my entire indifference as to the continuance, discontinuance or oth-er status of this board, except as the rules and requirements of the department may in my opinion interfere with my personal rights. Then I shall always pro

test and abide the consequences." Tongue Smoothing It Over.

Dr. Caril received a letter today from Congressman Tongue. So much of It as refers to the removal of the ex-

"I received a letter from Oregon City yesterday morning, that the pension board at that place had been suspended. This was all new to me. I had received no intimation to that effect, whatever, went at once to the department, however and found the report true. It seems that the order was made about the 19th of last November, I saw your letter in which ou rather protested against dealing with ward heelers and grafters, instead of the department.' The commissioner of pen-sions admitted you were justifiable in this language, and that the officers should have notified the board direct. However, at my request, and at my solicitation, the order for discontinuance was promptly rescinded, and the proper officers were di-rected to notify the several members of the board to that effect. They called my attention to a letter from you, declining to examine some one about 10 miles south from Oregon City, and seemed to take a little offense at it. In fact the recom-mendation for the discontinuance of the board relied practically upon that. The commissioner of pensions wished me to write to you and ask you if possible to comply with those orders as far as pos-sible. He states there are occasions when soldiers are sick and unable to attend. It is not, as I understand, strict requir-ments that the examination should t on any particular day. Possibly the examinations can be shaped at such times as some member of the board may be traveling in that direction, and thereby not require to devote too much time. The to compensate a physician for making a special trip. Where, however, it can be imed in with practice in that neighbor

hood, it will not be particularly incon-venient. I hope yourself or some member of the board will find it reasonably convenient to make the examination."

The Oregon City tempest in a tenpot is now up to Commissioner Evans.

POSSIBLE FATE OF FRED H. CLAY-SON, OF PORTLAND.

He Disappeared on the Dawson-Skngway Trail Under Very Suspicious Circumstances.

SKAGWAY, Jan. 10.—Fred H. Clayson, formerly of Portland, and Dominion Lineman Olson are supposed to have been raurdered on the trail between this city and Dawson. Clayson left Dawson December 17 on a bicycle for Skagway, and expected to make the trip in 10 or 14 days. For the past week his brother, Will H. Clayson, base been telegraphing to all H. Clayson, has been telegraphing to all points along the Dawson line. Clayson was lest heard of Christmas day at Minto,

they had been barking up the wrong tree, and creating a lot of thunder of the comic-opera variety.

Real Cause of the Suspension.

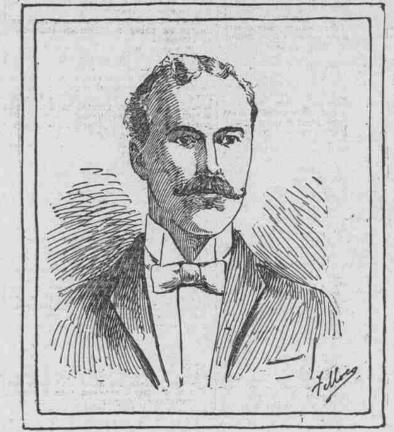
MAYHAVE BEEN MURDERED men the season up to the present has been an ideal one. Except in crowded districts, grass has been fairly good on the outside range, and plentiful on fenced and side range, and plentiful on fenced land. Little hay has been fed in comparison with last year, and kneep are in excellent condition. Should the present mild weather continue up to March, the wool clip of 1800 will be a phenomenal one; sheep will shear two or three pounds more to the fleece than last year, and with the present prospect of 16 or 18 cents for wool next summer, the Eastern Oregon sheep-raiser is to be envied.

LETTER FROM RALPH PLATT

Says He Is Making Plenty of Money in Mantia

A letter received by Deputy District At-torney W. M. Davis, from his friend, Lieutenant Ralph Platt, formerly commissary officer of the Second Oregon, contait some information of the Oregon boys in company with Olson and a third man Manila. Lieutenant Platt was one of the who was a stranger. Olson is said to have had \$300. Canadian police are diligently searching the country between sel on the steff of the provost marshal-Bennett and Dawson.

Arrivals in last night from the interior report a party of four suspicious characters were encamped near Hootchikee.



FRED H. CLAYSON.

before the men disappeared, and that one of the four was supposed to have been Lieutenant Platt wrote: O'Brien, a man wanted in Dawson for jail-breaking. The police were intending to arrest them, but it is said they had apparently abandoned the camp.

this case of . . I knew at the time one at White Horse on suspicion in considerable current in the was well able to make the trip to Oregon City, as well able to make the trip have not been given out, save that the as anybody. Furthermore, at the time he was examined before this board, he tried to bribe the president of this board, he tried to bribe the president of this board, by tendering him money to 'fix' the report. The enemy is well broken up, field glasses, and a span of horses he bought on the trail. It is reported by late arrivals that Clayson had told Mail Superintendent Richardson at Minto he

step in the way of resignation."

Speaking of the situation there, and of these children. Guardianship under the statute runs until the age of 21 with males arrivals when the boys have had him on the run from one place to another during the last of the obligations of guardianship nor conferil upon any one else, except to apprendictly the proposity of the situation there, and of these children. Guardianship under the statute runs until the age of 21 with males and obligations of guardianship of the situation looks a little brighter at present. The society has assumed the rights and obligations of guardianship of the situation looks a little brighter at present. The society has assumed the rights and obligations of guardianship of the situation there, and of the other Oregon men, he says:

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"The situation looks a little brighter at present. The society has assumed the rights and obligations." Superintendent Richardson at Minto he is gone entirely but there is bound to be had \$5000. Bank advices received in Skag- a greater or less amount of guerrilla war-Dawson for \$2000.

> dispatch, was a resident of Portland before the Klondike movement. He has a sisfore the Klondike movement. He has a sis-ter residing here now, Dr. Esther C. Poli, and many friends, all of whom sorrow to learn that their apprehensions of the past learn that their apprehensions of the past few days are now apparently confirmed. The daring spirit of the young man has there is a strict censorship in regard to led him to make many hazardous journeys between the coast and Dawson since were north before I heard of their arthe rush to that gold field. Like many others of numerous adventures, he

Mrs. Pohl was sadly affected vesterday upon reading what is undoubtedly con firmation of her brother's death. It seeme impossible for her to realize the dauntless spirit that had wrung a small fortune from forbidding conditions where thousands failed had at last succumbed. The last letter she received from him was in December, and in it he announced that he would start out for the coast about the middle of that north. His use of a bicycle was a novelty that was being tried to

make better time at a season when most transportation facilities were useless. Moyer & Co., and later spent some time retired, yesterday received the following fishing for salmon on the Columbia river. He commenced the latter work while the would cast his net. Clayson seized the op-portunity to reap the benefits of high prices then being paid for fish, little heeding the danger connected with his work. When the rush for the Klondike commenced, he was among the first to embark, reaching Skagway on the first trip died of the Geo. W. Elder, in company with his brother-in-law, Dr. Pohl. The mer-rites. cantile firm of F. H. Clayson & Co. was immediately established, which became very prosperous through the enterprise of the senior member. It was Clayson's custom to push his way from Skagway through to Dawson in the early spring, before any other person, taking with him a good stock of such goods as he judged would find ready sale at the highest prices. Tinned vegetables and certain groceries usually formed his load. Reaching Dawson at this period, no difficulty was experienced in selling at a splendid profit. Before returning to Skagway in the fall, Clayson waited until after all others in-tending to make the trip had started. In this manner he was able to form the best judgment of what would be needed in the spring, and have at least many days' advantage over all competitors. From these ventures and the store in Skagway Clayson accumulated a fortune his sister estimates to have been at least \$40,000 How much money he possessed when he started upon this last trip from Dawson Mrs. Pohl is not able to state accurately, but she says he would carry several thou-sand dollars. She has a photograph of him and his dog-team when they arrived at Skagway last fall, which give the hardy young adventurer a very youthful appearnce. He was just 27 years old at the ime of his departure from Dawson, but booked far more boyish than a man of

that age. The young man's brother Will-lam and his mother are both in Skagway now, as is stated by the dispatch. The winter so far has been all that can be desired by the farmers. Plenty of rain has taken the place of snow, with little frost to injure young grain. For sheep-

Lieutenant Platt wrote:

"I have resigned my position with the government, and am going into active practice as soon as possible. I will go to China and Japan immediately after the parently abandoned the camp.

It is also brought by the same late arrivals that two other men left Minto with Clayson and Olson, and none of them have been heard from. One of the other men is Lynn Rolf, bookkeeper for some time in Dawson for the famous Klondike character, "Nigger Jim," and who is thought to have had gold with him. The name of the fourth man is not known. Word has been brought from Bennett that Superintendent Crean heard there that trees had been cut so they fell across the wires near Minto.

China and Japan immediately after the first of the year, on a combined business and pleasure trip, during which I expect to visit Hong Kong, Canton, Foo Chow, Amoy, Shanghal, and possibly Peking, on my return from Japan. In a business way in the very best business firms, and several on yearly retainers. My retainer fees alone give me a monthly income of at least \$240 in gold. But I cannot handle their business and the government's too, on account of the many conflicting interwires near Minto.

A man has been arrested at Tagish and one at White Horse on suspicion in constep in the way of resignation."

had \$5000. Bank advices received in Skag-way prove that he had bought a draft in fare, mostly with mountain bands or savages; but they are hunted closely. Crowne, Fred H. Clayson, mentioned in the above Worrick, Brazee and Prescott are already in the northern field with their regiments, and we are expecting the others on the to the front immediately on their arrival, going from the boat to the train. As were north before I heard of their ar-

Lieutenant Platt savs he will come to others of make the trip upon which he resolved to make the trip upon which he was last seen to start the close of his coming here in all probability by way to say a last seen to start the close of his coming here in all probability by way to say and another of the same character of the acter in Washington, D. C.

BURIED IN LUZON.

Funeral of the Late Lieutenant Harry A. Boutelle.

News has been received of the funeral of the late Lieutenant Harry A. Boutelle, who was well known in the Northwest as a young man of noble character, and one who merited and gave every indication of attaining a high level in his profession, Clayson came to Portland when he was and who was killed in battle at the head 9 years old, with his parents. After grow- of the Macabebe scouts. His father, Gen-ing up he was employed for a time with eral F. A. Boutelle, United States army,

"In the Field, San Isidro, Luzon, P. Columbia-river fishermen were on a strike I., Nov. 5, 1839.—My Dear General Boutelle: and endeavoring to kill any one who It has been my sad duty to read the burial service today over all that was mortal of your boy. My heart goes out to you in sympathy, for my only boy, an only child, left us but a few years ago, and I can speak from the heart. You can have the consolation of knowing that your boy died like a soldier, and that his inter-ment was attended with the usual military

"The funeral took place at 11 o'clock, under the direction of Lieutenant-Colonel Keller, Twenty-fourth infantry. There were 20 officers present, and several hundred men, besides the escort. The day was perfect, and I think I never saw calmer or more peaceful sight than that presented as we approached the cemetery. The grounds are enclosed by a substantial stone wall, and are well kept. Palms and banana plants gave a tropical beauty to the scene, while in view at a distance of 15 miles rose noble Mount Arayat. The quiet, beautiful scene, the occasion, the solemn music, and the uncertainties of the coming campaign, made an impression on me I shall not soon forget, and I deter-mined to write and give you what little comfort is possible by the assurance that your boy's remains were tenderly cared for, and that we were proud to do honor to a noble and fearless soldier. May God With deepest sympathy, I am, most sin-

cerely yours, "W. D. BEACH "Major and Inspector-General, United States Volunteers, Captain Third Cav-

alry. Another Advance Agent of Prosperity Baker City Republican. When that opera-house and modern hotel is built in Baker City, the people can begin to talk about expansion. It was the great Portland hotel that made Portland the prosperous city she is today.

CAN CONTROL CHILDREN TAKEN FROM PARENTS.

RIGHT OF COUNTY COURT

Judge George Holds That Circuit Courts Cannot Interfere by Means of Habeas Corpus Proceedings.

Judge George yesterday decided that the county court has exclusive jurisdiction ver minor children which it has committed to the Boys' and G.rls' Aid Society, and that parents must first go there to enforce any parental rights, and that the circuit court cannot interfere by means of abeas corpus.

The decision was rendered in the petition of Emma Schmidt to regain possession of her daughters, aged 14 years and 10 years. respectively. They were first arrested for crime, and subsequently were surrendered to the custody of the society by Judge Cake July 30, 1898. Henry E. McGinn, attorney for the peti-

tioner, argued that the county court has not authority to make a permanent order restraining the children during their minority, and that the parents, by showing that the conditions existing when the children were taken have since changed, and that they can now properly provide for them, have a right to their recovery. The children have been apprenticed into

good families. Judge George, in passing upon the case,

"The fact that the Boys' and Girls' Aid Society in the last 10 years have handled the cases of over 1400 children, many of whom have been furnished excellent homes throughout the state, makes it important that the law be settled as to its rights and obligations.

"The case turns on the construction to be given to the act of 1889 authorizing the

"The law as parens patriae in this proceeding in personam intended the control over the children to be permanent to the extent that the corporation should for the time being be the legal guardian of the persons of the children and as such guardians should have and exercise all the right and authority of the parents of such children regarding the apprenticing and adoption of such children. The law certainly intended this, because it says so in gomany words. The act says the society shall be the legal guardian of the persons of all such children. The parents of these children, as appears from the record, appeared personally and by counsel and contested this order, and they were bound by it unless they appealed, and they did not

appeal.

"The corporation acting as guardian under the law and under the order appren-ticed these children into family homes. What, now, is the remedy of the par-

"If now dissatisfied with the order virtually appointing the society a guardian of these children, the parents might petition the county court for a modification of this order, citing all parties interested therein to appear and show cause why it should not now be set aside or modified to suit any changed condition. Or if they are now dissatisfied with the management of the corporation as guardian, they can petition the county court, sitting as a court of probate, which has jurisdiction under our constitution over all probate matters originally, and under subdivision 387 of section 895 of our code, specially to direct and control the conduct of all guardians. If dissatisfied with the action of the family under the apprenticement, then section 2925 provides for the jurisdiction of the county court to hear and deter-mine that cause, and from the rulings of the county court an appeal might lie to the circuit court, and then this court could hear and determine the matter.

"Under the order of the county court in the present case new rights and liabilities have arisen. The society has assumed the rights and obligations of guardianship of these children. Guardianship under the "The situation looks a little brighter at present. The enemy is well broken up, and the boys have had him on the run cannot abuse its trust nor discharge itself at present." tice, unless it have the approval of the court having jurisdiction over the direction and control of guardians. And rights have arisen also under the apprenticing of these children authorized by the statute of 1889. The master under the apprenticeship is not a party to this writ. If the defend-ant in the writ, the society, has under a proper order of the court received the custody of these children and has lawfully placed their personal custody in the hands f another, it is not now answerable under the writ, because the children are not held in its custody. Other persons have obtained the custody and control under and by the terms of the original order under the law, and they have some right in the

> matter "This order of Judge Cake is a continuing one by operation of law until these children come to the age of 18, unless the county court, under its jurisdictional right over guardians, changes it by making a new order of guardianship, or terminates the present guardianship on cause shown

in the proper court."

The court discussed some authorities submitted which it was held were not parllel cases, and continuing, Judge George

said: "There is nothing in the present plaint showing or alleging what, if any thing, has occurred that would entitle the mother to the custody of these children. The petition alleges that these children were taken from the care, custody and control of their mother without any reason therefor, but the answer shows that they were duly taken under the order of the county court for a good cause, which this ourt cannot now inquire into or review. "This court cannot interfere with guard-

anship proceedings nor to terminate them

except on appeal. The county court has been given the original jurisdiction over all guardianship matters, and this court, by habeas corpus, can no more interfere with the custody of this guardian over its minors, duly appointed by law under an order of the county court, than with the custody of any other guardian thus appointed. This order is no more a tem-porary one than any other order of guardlanship. It runs during minority of the ward or until the order is set aside by a court of competent jurisdiction, namely, the county court, which as original and exclusive jurisdiction over all guardians, especially those of its own appointment. The county probate court is certainly the best adapted to pass originally on the merits of proceedings relating to the guardianship of minors. It is true the act of 1889 gives the judge of any court of record the power, by summary pro-ceeding, to take up any neglected or abused child and turn it over to this char-Itable corporation; but when the order is once made, the law makes the corporation a guardian, and vests by our constitution and by our laws the jurisdiction in the county probate court to direct and control the guardianship."

Coming to another branch of the case, the court stated: "But it must be remembered that it is

not the right of the parent that would be passed upon by habess corpus looking to the mere releasing of the alleged unlawful detention of the child. It is the welfare and right of the child itself that constitutes the gist of the matter involved. Personal possession of the child was the jurisdictional test in the order of Judge Cake, and it may be quite immaterial whether parents were served with process or not. Under the universal authority the covereign state as parens patriae ever ex-ercises guardianship over all infants, idlots or lunatics, who, from legal disability, stand in need of protection. A law can authorize by a summary proceeding in personam the seizure of a neglected or suf-fering child and provide for its welfare and guardianship, irrespective of whether

right kind of parents require no summons—they will soon be on hand and will be heard, and if necessary will appeal from any order they do not acquiesce in, and will apply at any future time to the proper court for any proper change in the order of guardianship. No order of guardianship is permanent. It can always be changed

and just rights of parents will ever be re specied and never be regarded as barred. The parent can always assert its right i the best welfare of the child, but it mus the best welfare of the child, but it must be in the form prescribed by law. If the original order of detention of the child was lawful, then we must grant that the detention is lawful so long as the order exists, and that necessarily brings us back to the question, How long does an order of guardianship last? Evidently until mi-nority is terminated or the continuing or-der ceases through some authorized legal

der ceases through some authorized legal procedure to terminate, and this must be through a court having jurisdiction of such matters.

"There is but little danger that the state, through its proper courts, will interfere unjustly to deprive parents of the pres-ence, aid and comfort of their children if parents do their duty, and should derellet varents reform, and the best interests of the child be promoted by its return, the proper courts are ever open to grant the restoration, but the right of the parent in the child must ever give way to the best welfare and interest of the minor child. And it is also true that due and orderly legal procedure requires that any irregular interference in any manner un-authorized by law be denied. The statutes have provided full and ample remedy."

The court discusses habeas corpus and denies that it has any power to decide the case on habeas corpus, and says the surrender of the children to the Boys' and Is no immediate prospect of anything arising thus far being adjudicated, unless it

the subject-matter and over the guardian-ship, and this petitioner must first go there to enforce and protect any of her parental order. Was the order temporary, as rights in the premises. The demurrer is overruled. Unless the return can be controverted the writ must be dismissed." Attorney Flegel argued the case for the defendant

GRANITE TOWNSITE SECURE

The Town Will Now Leap and Bound.

The new town of Granite, which is des-tined to soon become a second Sumpter. now has its townsite title secure. The matter has been in dispute for five years on account of conflicting claims. These claims have been finally fought out and bought out, and at the United States district land office at La Grande yesterday final proof was made on the townsite. Thirty men made the filing on 80 acres, each thus acquiring a proportionate interest. Fowrteen of them came to La Grande and made the proof, and among them were Grant Thornberg, Gus Bachman, J. N. Ditmars and Nell Niven, all of whom have been residents of Grantise of whom have been residents of Granite

for the past 10 years.

The news of making the proof on the townsite was telephoned to Granite from La Grande, and a telephone message re-ceived in Portland last night said that residents of Granite were celebrating in the most enthusiastic manner, and were firing off anvils on top of three feet of

Fred R. Mellis and W. J. Patterson. who came down from there last night, say that the snow has had all gone off at Baker, and was reduced to one foot at Sumpter. It was raining at Granite, and rapidly settling the snow. In accordance with the land laws, the

20 men who have filed on the Grantte townsite will each be entitled to a city lot, and the remainder of the lots will be sold by trustees for the benefit of the town, the money received from their sale to be expended in laying out streets, etc. Granita gives every promise of at once becoming a lively mining town, as some of the best mines of Eastern Oregon are located near it. The erection of 100 buildings will begin next week. The town is 48 miles southwest of Baker, and 14 miles from Sumpter, the nearest railroad point

GOOD PROSPECTS.

Ex-Governor Moody Says Dalles Business Men Are Satisfied.

Ex-Governor Moody, of The Dalles, is visiting his son, Ralph, in Portland. He thinks Eastern Oregon has become very Webfoot-like in its weather this senson, as warm showers appear to be the rule where cool, bright, frosty days have heretofore been the fashion. As a result, the bunch-grass hills are reveling in a tropical green, and next year's wheat crop is as far along as it usually is in April.

The warehouses at The Dalles are filled

with last year's wheat, which the pro-ducers do not desire to part with at the prevailing price, 48 cents, but the wool erop of 1899 has long since disappeared The governor says people of The Dalles

are giving themselves no uneasiness over the building up of the new town of Shani-ko, as The Dalles will always be the wool market of the Northwest, and it matters not whether the fleeces come to mar-ket by team or by rail. Several firms of The Dalles have arranged to set up branch stores at Shaniko, however, as the new burg is likely to become quite a local The proposed railroad from The Dalles

up the Deschutes river is by no means a dead proposition, but the damp weather has been the means of postponing the survey. The Dailes people are awake to the importance of this new road, and he expects to see it definitely located before another winter sets in. As to wool prospects for 1900, he estimates that fully 8,-000,000 pounds will be shipped East from the usual wool headquarters during the ensuing summer.

EASTERN OREGON DEVELOPING New Settlers to Be Brought Onto Grain Lands.

E. E. Lytle, of the new Columbia Southern railroad, is in Portland on business, and gives a glowing account of the awakening and development of the rich region tributary to his road. It is a plateau country, well adapted to farming and stockraising, with no big trees to fell, no stumps or brush to grub out. The Columbia Southern now has 41

miles in operation, and 29 miles more will bring it to its terminus at Shaniko. Mr. Lytle says that the building of these 29 missing miles will be completed in six weeks if the present favorable weather continues. There are 500 men at work on the construction of the railroad. they have kept at it all winter without

The Eastern Oregon Land Company ontrols 75,000 acres of land in Sherman and Wasco counties, and the company is about to enter on an active campaign of development, which includes the bringing in of many hundreds of new settlers.

The region tributary to the Colum Southern will produce this year, Mr. Lytle says, 3,000,000 bushels of wheat. The fall crop up there is already six inches high. and is well rooted and stooled out, but has not jointed. Everything indicates an immense yield.

Street Repairs.

The repairman is making an effort to improve the bad condition of the inter-section of East Twenty-first and Poweil streets. This will be a hard matter, but by extending the gutter to East Eighteenth and giving the water a chance to run off, it is hoped to improve the intersection re-ferred to, which is now well-nigh impas-The residents in that neighbor hood complain about the condition of the streets, and yet they resist and defeat all efforts to improve them. Under the presneglecting parents consent or not. The can be done along the line of repairs.

COMPARATIVELY SMALL NUMBER OF VOTERS ON RECORD,

A Rush Is Expected Toward the End of the Time Allowed-Some Interesting Incidents.

Registration of voters is not progressing very rapidly. Citizens are in no hurry to perform the simple act now necessary to enable them to exercise the right of suffrage. From the opening of the regis-tration records, a short time ago, until the present, voters have been coming in at about the rate of 140 to 150 a day. If this pace is continued without break, and the vote of the city and county is no larger than at the last election, there will barely be time for finishing registration in the period now fixed. But a heavy flow is expected towards the latter days. The vote of Multnomah county should be larger by a considerable amount than it was two years ago, unless registration soriously prunes the total down. Many persons delay such matters as registration until towards the last, when warned that it is now or never.

Several questions have occurred during the progress of the work, some of which require careful consideration. In some instances County Clerk Holmes reaches a conclusion, and sometimes he sake the that they were legally surrendered. In conclusion, the court said:

"It follows, then, that this order is still an existing one in force, and that another court of this state has jurisdiction over intended to cover a wrongful purpose Some men have actually had naturaliza tion papers which were obtained years ago, and the places where they resided before the present did not have laws requiring their use in exercising the right of suffrage. The papers have been lost so long, and the early periods of their life in the United States have become so dim in memory, that they are really unable to stats where their papers were issued. To the credit of intelligence, it may be said that this number is very few.

A question of what is legal evidence in the case of persons of foreign birth comfore reaching their majority has caused some difficulty. Clerk Holmes deliberated over the matter, and decided that they were on the status of persons having nat-uralization papers, so far as furnishing proof of what they claimed was concerned. It was therefore held that they must exhibit the naturalization papers of their parents, or other satisfactory legal evi-dence of the coming to this country as claimed. But fearing some injustice in the remises, Mr. Holmes referred the matter to District Attorney Sewall. Mr. Sewall has reached the conclusion that such persons must be registered on their bare oath, as all native-born citizens are. statute declaring them citizens if they come to this country while minors and remain until II, he interprets as making them full-fledged citizens, which fact need

ot be proven by any papers. Peculiar cases are constantly arising of a perpiexing nature to any save a lawyer, and even the Philadelphia variety might be necessary to decide some of the probems. One Scandinavian claimed citizenhip because he was born under the American flag. His parents were coming across the Atlantic in a steamer flying the Amer-ican flag when he first saw light. Holding that an American vessel was as much a part of the American nation as one of its men-of-war, and that he was, therefore, born in America, legally, this man would not condescend to furnish papers or proof of what he asserted was true. He insisted on taking the oath as to the verity of his statements. like all native citizens of the nation. The privilege was

granted him. One well-known resident of the city, who has voted in every Portland election for years, appeared and asked to be regis-tered. He admitted he came to this country without his parents, but said for the past 39 years he had voted as a citizen, any out. His name could not be regis-

The case of ex-soldiers of foreign birth, who present enlistment and discharge pa-pers from the United States army, has been passed on before. Many of these be-lieve such entitle them to all rights of citizens, including the franchise. The office of the cierk holds that such papers are only intended by the law to take the place of first papers in the naturalisation process, and if they are not followed up by completion they are useless for registration.

To show how slowly voters are placing their names on the record, it will be interesting to note the proportion that have registered in some of the precincts. In precinct No. 1 there were 256 votes cast last election for governor, and to date only 23 have registered from there. In No. 12 there is 23 registered, out of 235 last election; in No. 11, 26 out of 252; No. 10, 21 out of 337; No. 9, 44 out of 371. By this it will be seen that a very small percentage have come in. The total by precincts up till last night was as follows:

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		164-Rackwood	
	25	55-Fairview	Lance
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	15	67-Gresham	
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		89-Harlbart	231101
		79-Brower .	
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		79-Bertha	*****
********	55	80-West Por	tra.

THE MONOTONY OF TRAVEL-ING BY RAIL

s Done Away With, to a Great Extent, by the Introduction of Improved Equipment.

To a passenger traveling from Portland east by the "Portland-Chiengo special," the tedium of the journey is releved by a visit to the library car. This car confor the accommodation of sleeping-car pas-sengers. Here one may select a book engers. Here one may select a book from the large assortment contained in the library. The current magazines and daily papers are also on file, and a writ-ing-desk, supplied with stationery and silfacilities for correspondence is at the dis-posal of the occupants of this car. While perusing the papers, or the latest

novel, the train is rushing steadily on-ward, without perceptible jar, and you reach your destination before you are aware of it. Full information regaring the two routes to the East offered by the O. R.

efforts to improve them. Under the present condition of the streets there little V. A. Schilling, city ticket agent, 254 Washington street.