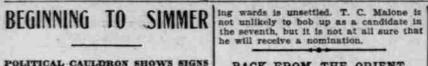
THE MORNING OREGONIAN, TUESDAY, MARCH 27, 1900.

ade at the same

missory note for that amount



litions, he said:

OF ACTIVITY.

Democrats Don't Know Whom to Nominate for Mayor-Many Candidates for Office.

As the Democratic convention approach-es the political pot begins to simmer a little around the edges, and the indica-tions are that it will be boiling merrily before that assemblage has been in session an hour. The Democrats do not know whom to nominate for Mayor. The man they want is R. D. Inman, but Mr. Inman declines to say whether or not he wants them. Dr. G. M. Wells is second choice: inasmuch as they produce scarcely any-thing in the way of food for man or beast, save sugar. Land is more valuable for Dr. G. M. Wells is second choice; but, in the minds of the inside men of the party, he will not do. He is not strong enough, they say, to beat any well-known Republican, and the Democrats have set their hearts on two offices this year-the sugar than for anything else. "In Japan, every port is a scene of marvelous commercial activity. Scores of big ocean freighters occupy each harbor discharging and loading. The same is true of the ports of Shanghai and Hong Kong, Mayoralty and the District Attorneyshin. They also have an eye on the legislative ticket, but the wise men in their ranks do not hold out any alluring hopes in this direction. It is this Mayorality business that is the creasing every month as the merits of our

all-absorbing topic, and the one which is a matter of some concern to both parties. "As to Manila, the trade there during at matter of some concern to both parties. "As to Manila, the trade there during It is given out that C. H. Prescott has the past six months has been very poor. The positively declined to run. This does not heave the Republicans in so bad shape as the refusal of Mr. Inman will leave the Democrats, as there is still plenty of good timber in the party. Tyler Woodward ful increase. An immense quantity of timber in the party. Tyler Woodward has been mentioned as a possibility, and General C. F. Beebe as another. There hemp and tobacco has accumulated at these ports, and it is coming into Manlia as fast as it can be transported. The crop also a prospect that Mayor Storey will sit into the convention with a few cards of sugar is small, but as soon as labor can be obtained, the fields will be culti-vated, and the present outlook is very flathis sleeve, and this prospect seems to brichten as the days go by. Should he receive the nomination he will come pretty near being elected, for he has a large foltering. Luzon produces a large quantily of sugar, but the major portion of the crop is harvested in the Island of Panay, which lowing, and is not a man who will allow the appearance of obstacles in his path is tributory to Ilo Ilo, the second largest city, situated on the Island of Negroe. As to cause him to turn back when he has ted to go any place. This quality he fast as the island ports are garrisoned evidenced copiously during the troublous times, when he was one of the solid six, by troops, they are opened to business, and in a very short time everything should nd there have been other occasions when be under full swing. it stuck out prominently.

In fact, it is Storey the Democrats are gings of gold already discovered were reg-istered under the Spanish Government, but very little work has been done, owing to airaid of. They have arranged not to nominate any one for Mayor Saturday, and wait for the Republicans to take the field first. If they come down the line with Storey, a strong Democrat will be tion offered by the government to those remote from the cities. A large number put up. If they do not, a promise to Dr. Wells may be in condition for immediate delivery.

Another coming event which will cast its shadow on the political situation is the meeting of the bar tonight. This meeting, as is generally known, has been to discuss the affairs of the District Atiorney's office, and it is hinted that upon its outcome will depend in a large measure the choice of the Republi-can convention ofr that important office. The democrats have already settled unalterably upon George E. Chamberlain, and they say they are going to make the fight of their lives to elect. Beside Mr. Sewall, the only Republican candidate now in the race is Colonel S. C. Spencer, Who-ever succeeds in landing the Republican ination is promised a hard fight previously thereto, and a hard fight is what both Mr. Sewall and Colonel Spencer are

said to be looking for. The talk of arranging the District Judgeship contest on a nonpartisan basis seems be on the wape. Both Judge George and Judge Sears stand in high favor with the Republicans, and it is intimated that will be no disposition to sacrifica. Thomas O'Day and Dell Stuart are ever ready to fill this place on the Democratic ballot; but the Democrats say there are others, and will probably allow the aforesaid gentiemen to filp a quarter for the Congressional nomination, for which highest regard for the Americans in their the Congre heir predeliction for 16 to 1 eminently fits

If the Domocrats cannot have Mr. Inman for a candidate for Mayor, they will try to get him to run for Sheriff. He will have a hard row to hoe here, for Sheriff Fr zier runs like one of his fast horses when he gets into an election, and it will erats a line from Portland, recognizing take a phenomenal Democrat to beat him, should he be nominated. Dan J. Moore, who is also a candidate for the nomination "China is equally eager for our products, to the office, is likewise a hard man to de-feat. The Democrats have D. M. Wat-son and a number of others to fall back of vessels to carry the products.

on if they cannot secure the services of Mr. Inman; but he is their forlorn hope, and that is why they will try to get him-

OPINIONS HANDED DOWN BY THAT BACK FROM THE ORIENT. BODY YESTERDAY. H. R. Lewis Describes Conditions of Trade.

Judgment of Lower Court in Case of H. R. Lewis, who left Portland last Commercial National Bank vs. March for Honolulu, Yokohama, Hong City of Sellwood Reversed.

March for Honousin, Yokonama, Hons Kong and Manila, returned home yester-dny. In speaking of his trip, he told many interesting things. He left Portland as a representative of the Philippine Trading Association. In telling his impremions while abroad, in relation to trade con-ditions he said. SALEM, March 26. - The case of the Commercial National Bank, respondent, vs. the City of Sellwood et al., appellants which the City of Portland became a party to as the successor to the City of Sellwood, was reversed by the Supreme Court today, and a decision against the bank rendered. "The Hawaiian Islands present very great evidences of prosperity, and pros-perity that is real, owing to the enormous investment of capital in sugar plantations. The opinion of the court was written by The islands should present a large market for the products of the Pacific Northwest, Judge Bean.

OREGON SUPREME COURT

In December, 1891, the City of Sellwood entered into a contract with one W. F. Dill for the improvement of Umatilla avenue, a street in said city. In carrying out his contract, Dill purchased from the Co-lumbia River Lumber & Fuel Company and used in the work, lumber to the value of \$3680 83, under a verbal agreement that he would give it orders for warrants on

the fund for the improvement of the street as the work should be accepted, and in pursuance of such agreement Dill gave te company the following order: "Portland, Or., Feb. 21, 1892.-To J. D.

Chapman, City Recorder of the City of Sellwood: You will please deliver to D. J. Moore, secretary of the Columbia River Lumber & Fuel Company, city warrants on the fund for the improvement of Umatilla avenue, in said City of Sellwood, in the State of Oregon, from time to time, as work on said avenue shall be accepted and warrants drawn, equal in amount to the value of the lumber furnished by said Columbia River Lumber & Fuel Company and used in making said improvements,

now under way, to be redeemed by bills presented by said company and approv by me. W. F. Dilla." by me. This order was immediately filed with the City Recorder, and has ever since re-mained in the custody of the City of Sell-wood and its successor, the City of Port-land. On May 25, 1892, Dill approved a On May 26, 1892, Dill approved a bill for lumber amounting to \$1577 73, and a warrant for that amount was issued by the City of Sellwood to the fuel company, but refused to audit or approve any other bills for the company, and on the 25th of July, 1892, notified the City Council that 'on account of nonfulfillment of contract I had with the C. R. L. & F. Co., I re-voke all orders I have given them for warrants." Thereafter warrants were isued by the city for the balance due Dill on his account, and delivered to him and his assignees and the fund collected for such improvement was thereby exhausted. The fuel company subsequently com-menced this suit against the City of Sellwood and others to recover the balance due for lumber furnished Dill, on the theory that the order of February 23 operated as an equitable assignment of a portion of the fund for the improvement of the street sufficient to pay for the lumber so furnished. Thereafter the Commercial Naional Bank was regularly substituted as

plaintiff, and the City of Portland, the suc-cessor of the City of Sellwood, as defendant, and a decree being rendered for the bank, the city appealed. The opinion of the court says: "The only uestion for our decision is whether the order of February 23 amounts to an equitable assignment. At law, only a part of an entire demand can not be assigned, so

as to enable the assignce to bring action upon it without the consent of the debtor, but equity recognizes that in such case the assignee obtains by the assignment an interest in the property or fund and permits such interest to be enforced by sult. ... But the proof required of an as-signment or transfer is the same at law

as in equity. In either case, there must be such a transfer or appropriation of the fund, or some definite part thereof, as to divest the assignor of any interest in or control over it, and to confer a complete and present right in the assignce." After citing a number of authorities, the court says:

"Applying these rules to the order under consideration, we are forced to the conclusion that it did not operate as an

made at the same time that the mort-gage was executed, but dated the 2d of August, 1897; another in favor of his sister, the defendant M. C. Redmond, for \$569, to secure a promissory note made at the same time, but dated July 1, 1897; and note made at the fourth to secure the payment of a promissory note for \$2100, made at the same time, but dated August 2, 1897, in favor of his brother-in-law, the defendant J. E. Smith. Immediately after the exe-

cution of these mortgages, he caused them to be filed for record in the order above indicated, and soon thereafter delivered to the defendant Wortman, president of the First National Bank, the keys to his store, and assigned and transferred to him all his book accounts. At that time, his entire property consisted of his stock of goods, store fixtures and book accounts, and did not exceed in value the aggregate amount of the mortgages. Upon the same day the mortgages were filed, the plaintiff began an action against Redmond, to reover the sum of \$1638, being the balance

ue them for goods sold and delivered to im, and attached, or attempted to attach, the property described in the chattel mortgages referred to. On the 17th of August, Redmond executed and delivered to Wortman a certain instrument in the form of a general assignment, for the behefit of his creditors, under the assignent laws of the state.

Thereafter, on August 24, the plaintiffs brought this suit, alleging that the mort-gages were fraudulent and void and that the mortgages and deed of assignment were one and the same transaction, and that Redmond was then and now wholly insolvent. They also alleged the com-mencement of the action at law against Redmond, and the issuance and levy of the writ of attachment. The Kuhn, Nathan & Fisher Company

and Sweet, Orr & Co, were allowed to in-tervene, and allege claims due them. A receiver was appointed, the goods sold, and the proceeds held to await the order of the court. At the trial, the plaintiffs offered in evi-

ence the judgment roll in the action at law, but on account of some objection to the form of the affidavit and undertaking an attachment and the return of the officer thereon, all the papers except the judg-ment itself were withdrawn. With the permission of the court, the plaintiffs filed a supplementary complaint, alleging the ecovery of the judgment.

The court below found the four chattel mortgages and the deed of assignment void as to the plaintiffs and intervenors, and entered a decree setting the same aside and directing that the money in the hands of the receiver be applied, first, to the expenses and costs of the suit and rereceivership; second, to the payment of the amount due plaintiffs; third, to the amount due the intervenors. In affirming this decree, the court says:

"The plaintiffs are met at the outset with the objection that the court is without jurisdiction, because (1) the property in controversy, being in the possession of an assignce, under an assignment regular upon its face, at the time the suit was commenced, was in custodia legis, and the her to the successful parties on this ap-peal. As this cannot be ascertained upon validity of the assignment could only be attacked in the Circuit Court of the co ty in which it was filed; and (2) the plain tiffs are not entitled to relief because they failed to prove that prior to the commencement of this suit, they had attached the property of Redmond in the action at law brought by them against him.

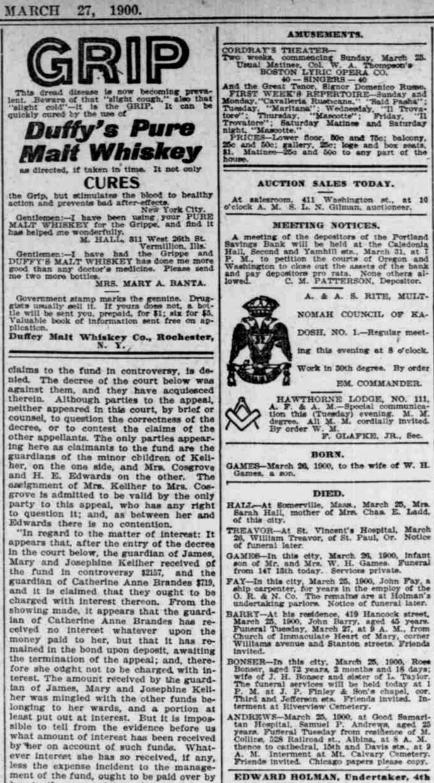
"A sufficient answer to the first objec-tion is that this suit proceeds upon the theory that the assignment is fraudulent and vold, and, therefore, has no force or purchaser at such sale, or the mortgagor, or his successor in interest, to maintain an action for a breach of such a covenant

effect whatever. . . ." On the second question the court holds that the filing of the suplemental complaint, when taken in connection with the admitted allegation that Redmond was insolvent, is sufficient to cure any defect on account of the sult having been prematurely brought.

inion reviews the evidence and The holds that no error appears.

Ellen Henderson, respondent, vs. M. W. Henderson, appellant; from Multnomah County; J. B. Cleland, Judge; affirmed.

Opinion by Wolverton, C. J. On February 4, 1894, the plaintiff was granted a divorce from the defendant, and In the decree therefor, the defendant, among other things, was required to suping. port and educate the minor child of the equitable assignment. It does not contain parties during his minority, and to pay words of transfer or purport to assign to the plaintiff, during the term of her natural life, the sum of \$150 per month. On January 6, 1897, defendant petitioned the court to reduce the amount to \$55 per



BARGAINS IN CITY PROPERTY\$6000-5 room dwelling, 13th, near Yamhill, 5150-Dwelling and lot. Williams ave.
1800-Dewinkie Freom cottage, R. Oak, 2000-6-room dwelling, bath, E. Salmon, 1100-Modern dwelling, bath, E. Salmon, 1100-Modern dwelling, bath, E. Salmon, 1100-Modern dwelling, bath, E. Salmon, 1100-Fretty cottage in Sunnyaide.
6000-Modern dwelling, B. Ash, near Catthers, 1500-2-story dwelling, E. Ash, near 23d, 9000-Pretty 2-story dwelling, E. Sist.
9000-Leigant suburban home, Mt. Tabor, 1600-New B-room cottage, Central Albina, 5000-Quarter on Sith and Overtoni, sightly, Corner lot, 22d and Lovejoy: a bargain.
8200-So lots on Hawthorne ave.
9100-Lot E. Ifth and Main. Good location, 5000-100x100, 15th and Glisan.
9100-Lot in Tremont Park. A sacrifice.
9100-Lot in Tremont Park. A sacrifice.
9100-Lot in Tremont Park. A sacrifice.
9100-Lot The Tremont Park. A sacrif A. & A. S. RITE, MULTfruit. acres near Russellville. acres and of Lents; house, acres, house, orchard and barn, Willsburg. NOMAH COUNCIL OF KA-10 acres, house, orchard and barn, near Willaburg.
20 acres house, barn, near Sellwood.
5 acres adjoining Woodiawn.
6 acres near Fulton Park, \$500.
52 acres, close in, Powell's Valley road.
2 acres on car line, close in.
13% acres on Canyon road, near Ziontown.
20 acres, house, fruit, adjoining Garden Home.
Many small and large farms in Willamette Valley.

DOSH. NO. 1.-Regular meeting this evening at 8 o'clock Work in 30th degree. By order EM. COMMANDER.

\$1850-2 LOTS AND T-ROOM HOUSE, MOD-ern conveniences; evergreens, shrubbery and fruit trees; near store and school; East Mor-rison car line.
\$1750-A good 6-room house, lot 50x100, en E. 14th, near Burnedde.
\$1860-Modern T-room house on E. 18th st., near Ankeny; easy terms of payment.
\$1500-Corner lot, with 6-room modern cot-tage, on E. Th st., Holladay's addition.
\$2000-T-room house and lot, E. Burnside, \$000-House and lot, Sunnyside.
House and lot, Sunnyside.

HARTMAN, THOMPSON & POWERS, 3 Chamber of Commerce

e, barn and

FOR SALE-REAL ESTATE.

BARGAINS IN CITY PROPERTY-

4000-House and lot, Sumnyside.
House and Fractional lot on D. Burnside, near E. Eighth, 8075.
Vacant lots on E. Burnside and E. Ankeny from \$400 up.
\$1200-5-room cottage, 60x100 lot, on E. 19th at., near E. Morrison car.
\$2350-Fine quarter, 100x100, 7-room house, well built, on E. 17th st., between Haw-thorne and Morrison car linea.
F. BRESKE, 44 Sherlock bidg., \$3% 3d st.

WEST SIDE BARGAINS-Modern 3-room house, lot 80x100, on Hoyt st., near 22d; a nice little home; only \$400 cash down, balance monthly payments. A good 8-room house on 10th st., near Halt; rents for \$20 per month; price \$2550; a good investment.

incestment. d0x100, 21st and Marshall, \$1470, House and full lot, 60x100, for \$2200. 8 blocks from City Hall. The lot is worth more

Broad international and the set of the set o

HOUSE, 7 ROOMS, LOT 50x100, ON SIXTH st., south, \$1200. Two houses, 9 and 4 rooms, lot 50x70, cor-ner, Fifth st., close in; a line investment, recomment, status, status, a line investment,

ner, Fifth st., close in; a line investment, \$3000. Very pretty T-room house, fractional lot, close in. West Side, \$2500. 5-room cottage, Upper Albina, \$1500. 5-room cottage, Sunnyeide, \$300. 5-room cottage, Sunnyeide, \$300. 5 acrEES, ON CAR LINE, ADJOINING SUN-nyside, on the west; house, barn and or-chard. This is a fine place, and a bargain. 10 acres, 4 acres cleared, on Powell's Val-ley road, near car line; a smap; \$1650. 5 acres, all cleared, house, barn and or-chard, two blocks from car line, \$000. 50 acres, all cleared, house, barn and or-chard, two blocks from car line, \$000. acres, los acress in cultivation, one mile from strest-car line; very cheap. 40 acres, lon acress in cultivation, one mile from strest-car line; very cheap. 40 acres, B0 acres desred, \$1500. Have a big list of farms and city property. If you want to buy or sell see me. C. E. BENNEDTT, 12714 Fourth st.

INVESTMENTS-160 acres, 60 under cultivation, fair farm house, good barn, all fenced, sightlier than Mount Tabor: a magnifocnt site for a coun-try home; easy terms; \$5000.

\$2100. 5-room cottage on Fifth st., \$1000. 6-room cottage on Fifth st., \$2000. 7-room buses and corner lot, Grant and Sec-ond, \$3000. 7-room cottage, full ist, on East Oak, "close in," \$1800.

n," \$1500. 6-room cottage, full lot, on 24th st., \$1500, Lots in Couch addition from \$500 upwards. Carethers' addition, from \$700 upwards. Furnished house for rest, T rooms, \$20. DAVID S. STEARNS, 240 Washington st. Tel. Main 225.

6-ROOM HOUSE ON TTH ST., \$1300. 5-room house on Front st., \$1200. 6-room house on Front st., \$1200. 6-room house at Mt. Tabor, \$300. 6-room cottage at Woodlawn, \$1000. 40 acres on East Side, one mile from Mt. Tabor, \$2000. Bestdence provent

Tabor, 52000. Rasidence property in all parts of the city at special prices. WM. G. BECK, 321 Morrison.

NEWCASTLE COAL Has been leading coal on coast for 20 years Pacific Coast Co., 249 Washington st. Tel. 229.

NEW TODAY.

EDWARD HOLMAN, Undertaker, 4th and Yamhill sts. Rena Stinson, lady asaistant. Both phones No. 507.

J. P. FINLEY & SON, Undertakers.

the showing made, it is thought best to refer the question to the court below for Lady Assistant. 275 Third st. Tel. 9 F. S. DUNNING, Undertaker, 414 East Alder, Lady Assistant, Both phones.

H. W. Wesco, respondent, vs. Sarah M. Kern and John W. Kern, appellants; on petition for rehearing; petition denied. Floral pieces; cut flowers. Clarke Bros. 289 Morrison. Both phones.

FLOUR, BEST VALLEY, 700 SACK; TWO blg packages mush, 150; 10 pounds No. 1 rolled oats, 250; 10 pound sack graham flour, 150; 3-pound box crackers, 200; 2 pounds crackers in bulk, 150; 2 packages coffee, your choice, 250; best Mocha and Java coffse, 300; 10 bars of good Savon soap, 250; 3-pound package Armour's washing powder, 120; pure lard, in bulk, 5 pounds, 400; ham, Eastern, 13c pound; ranch eggs, 2 dozen, 250; 19 pounds best sugar, \$1.00. Oregon Cash Gro-cery Company, 252 North 14th.

NOR RENT-22 ACRES, 4 MILES FROM Courthouse: Ine orchard, good house, barn, chicken-houses, aviary, water to house and bern. L. E. Thousen & Co., 222 Oak st.

DOZEN OREGON EGGS, 25c; 2 COMBS OF honey, 25c; 2 3-lb. packages washing powder, 25c; 1 gal. table ayrup, 40c. At McKinnon Groevry Co., 173 Third st. Mary E. Quinn, appellant, vs. Caroline A. Ladd et al., respondents; ordered on motion that appellant have 20 days' addi-tional time to file a petition for rehear-

\$1800 CHOICE LOT 50x100 FEET on Kearney, near 24th st. \$1000 cash, balance on F. L. Richmond et al., respondents, va Adelaide Bloch et al., appellants; ordered on motion that respondents have 20 days additional time to file petition for rehear-C. H. KORELL, 235 Stark st.

Mortgage Loans

BONDS MORTGAGES

Highest market price paid for municipal and chool bonds. Lowest rates on mortgage loans. Vill take charge of estates as agent or trustee

W. H. FEAR, 416 Chamber of Commerce.

THOS. SCOTT BROOKE

Real Estate, Concord Building

Quarter block, Sixteenth and John-son Streets, \$3500. 2 Lots, Marshall Street, just above 24th, \$3300.

PARRISH & WATKINS

REAL ESTATE, LOAN AND

INSURANCE AGENTS

Have Moved to

**250 ALDER STREET** 

HOMES ON THE INSTALLMENT PLAN

GILMAN

S. L.N. GILMAN, Auctioneer

Advances. Phones.

FOR SALE-REAL ESTATE.

EAST SIDE HOME - CORNER LOT AND house of 9 large, well-arranged rooms, strictly modern, close in; desirable neighborhood, and an opportunity to get an inside home for very little money. Easy terms. W. H. Grind-staff, 246 Stark.

S. L. N. GILMAN, Auctionser.

frigerators, etc.

that is, of course, if they cannot arrangs to have him run for Mayor. And, speak-ing of Mayor, the friends and admirers of Sylvester Pennoyer say that it will pay to keep an eye on him. He has not yet for-ogtten the plensures of playing the role of autocrat of the municipality, and would like nothing better than the sight of an opening which will admit him edgewise the Portland into the contest. He has no Mitchell po-lice fores to boost him now, and he has an unpleasant aroma of Napoleon Davis at the Imperial. and an army of tattered prodigals cling-ing around him still, but he thinks he is all right, and would be willing, it is un-denstood, to squirm back into the ma-hogany room in the City Hall, if offered the slightest encouragement by discord on the encouragement by discord on at the Imperial. tered at the Portland. istered at the St. Charles. the opposition ticket.

Since J. P. Betts has announced that he is strictly a one-term Constable, an array of talent has presented liself for that of-fice which would indicate that it is considered a good thing. John D. Mann comes first on the list, with Tom Mo-Namee a close second, and Deputy George Mitchell and a young man named Court-ney bunched well up on the stretch. The democrats aver that they will run Captain A. C. Barclay, whom they think they can

The matter of the School Superintendency is one which is beginning to receive a rather belated attention. A. P. Arm-strong, the present incumbent, is listed by his friends for a renomination, but it is asserted the Professor Curils, of the Sell-wood School, embarked on the ground floor some time ago. The Democrats have brought forward no one as yet, but will not likely meet with any trouble in making a selection. Dr. Rand is urged for a sec-ond term for Coroner. The Democrats do not know as yet just whom they will run against him.

The auditorship seems to be in brisk ter, were among the mining men-who lemand. The Democrats are finding some called at the Mineowners' Club yesterdemand. The Democrats are finding some difficulty in finding a lamb who will stand day. for being led to the slaughter which I awaits any one of that political faith who aspires to the honor, but the supply of Republicans is in considerable excess of the demand. Auditor Gambell is reported as still being in the fight, and his office is further represented by his deputy, T. C. Devilin, who is the author of a book on "Municipal Government" and a favorite as a club speaker. General William Kapus, deputy under City Engineer Chase, is also mentioned by his friends for the office. He is an old citizen of Portland, and a veteran Republican, whose follow-ing is sure to develop to considerable size in the convention. Councilman Jameson, who aspires not to his present office any more, is also a candidate, and has friends in nuthorily who will try to see that his interests are not overlooked interests are not overlooked.

The abolition of Councilmen's salaries will not tend to increase the applicants that one man at least can be found in overy ward who will be willing to serve the city for glory. The East Side will have to rustle up some new men, for all of its present representatives are in the market looking for bargains. Mr. Cam-eron will the in the converties will convenies to argains. Mr. Cam-eron will fight in the convention with Judge Hennessy for the \$40 Municipal Court throne. Mr. Jameson is among the applicants for the nomination for Audi-tor, and Mr. Hanson and Mr. Beutgen are numbered among a long list of candidates for County Commissie or County Commissioners. Some of the West Side Councilmen may

reappear in their wonted places after July: others will not. Mr. Harris, of the first ward, will probably run if furnished the opportunity; Mr. Martin, of the second ward, is reported to be willing to resign his job in favor of a new man; J. D. Meyer, in the third ward, will run as a Many persons keep Carter's Little Liver Pills on hand to prevent billious attacks, sick headache, dizziness, and find tnem just what they need. rat. The situation in the, remain-

or custodian of the fund. It is addressed

"Very extensive quartz and placer dig-

the lack of knowledge and poor protec-

of prospectors are waiting in Manila to register claims they have discovered, but

the military authorities have closed the

registers and forbidden them to go beyond military lines. However, many are leav-

ing Manila nearly every day to work placer deposits they have discovered. "There are extensive coal deposits, and

reports of rich coper deposits. Petroleum is also said to exist in some of the islands.

English and European capitalists are in-

vesting heavily in various business pur-suits, satisfied that the Americans will

"The educated and responsible class among the Filipinos, as well as the peas-

antry, are in favor of the administra-tion of affairs by the Americans, and ex-press little faith in Aguinaido and his sup-

porters. However, more or less support

is given by all classes to the insurrec-tion, owing to their fear of immediate

personal injury in case of refusal, and the certainty of extinction if our Govern-ment should grant the independence de-

manded by the revolutionists. Most of the leaders are regarded as thoroughly

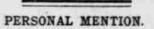
corrupt and treacherous. "I called upon one of the directors of the Tayo Kaisen Kaisha Steamship Com-

pany as to the possibility of Portland

gratitude for the enforced opening of their ports by Commodore Perry. Ameri-

can goods are preferred to those of Eu-rope, because of their better quality. The director said that it was not at all im-

eventually put things in shape.



registered at the Imperial.

registered at the Imperial.

is registered at the Perkins.

Dr. P. H. Lynch, of Ashwood, registered at the St. Charles.

Conn., are guests of the Portland.

SAN FRANCISCO, March 26.-

a portion of 1700, 1800 and 1900.

begin January 1, 1901

20th century. It seems almost useless to

say once more that the 20th century will

Aher, Jr., and wife, at the St. Denis; J.

from Astoria.

Occidental.

L. Montgomery, lumberman of Kel is registered at the St. Charles.

W. H. Wehrung, merchant of Hill boro, is registered at the Perkins.

J. B. Huggins and wife, of New Britain,

Charles Butler, a sheep man of Port

F. M. Flye, W. G. Perkins, L. M. No.

Townsend, is registered at the Perkins.

Or.

the fuel company from time to time, as work on the avenue shall be accepted, warrants thereafter to be drawn by the City of Sellwood, presumably in favor of Dill, on a certain fund, equal in amount D. B. Simon, of Denver, is registered at to the value of the lumber furnished by the fuel company, and used in making such improvement. But waiving this point John W. Gunn, of Salem, is registered and assuming that in this respect the or-J. S. Mountain, of Seattle, is registered der is sufficient to constitute an equitable assignment, the fatal objection remains that it did not vest in the fuel company a Dr. Alfred Kinney, of Astoria, is regisnt right to the warrants or authoriz Thomas H. Allman, of Cathlamet, is reg-City Recorder to deliver them, with out the further approval of Dill. It is only on the presentation of bills of lumber, ap-C. R. Smead, fruitgrower of Blalock, is proved by Dill, that the City Recorder is R. H. Miller, a Sumpter mining man, is authorized, under this order, to deliver warrants to the fuel company. The con-W. Lord, warehouseman of The Dalles

tract was not complete. Something re-mained to be done in the future by Dill before the right of the company to the warrants should become absolute. The city could not safely deliver to the fuel impany, nor be compelied to deliver to it, any warrants, until its bills had been ed by Dill. The words 'evidenced by bills approved by me' limited the au-thority of the City Recorder to deliver warrants to the fuel company. It was only upon a certain condition that he was

authorized to do so. Indeed, this inter-pretation seems to be in accordance with J. L. and J. W. Dernback, of Dancy, Wis., are registered at the St. Charles. the actual intentions of the parties. The evidence shows that at the time it was Captain Thomas Downs, of the United States Army, is registered at the Perkins, given the secretary of the fuel company desired an order on the Recorder to de-liver warrants to his company without ble and A. Wilson, prominent citizens of Coos Bay, are registered at the Imperial. any further act on the part of Dill, but Dill refused to give such an order, and the W. N. Kyer, of Denver; W. H. Becker, of Spokane, and C. H. McLeod, of Sumpcompany accepted the present one upon the advice of the City Attorney 'that it did not make any difference what trouble Mr. Dill and the company got into over the bliks; that after filing this order with

I. B. Hammond returned yesterday from Republic, Wash., where he had been su-perintending the setting up of a 20-stamp quartz mill on the Mountain Lion. the Recorder of Sellwood, he would hold warrants in his possession until these they had come to an agreement." "It follows that the decree of the court

He thinks that mine is a great property. below must be reversed, and it is so ordered. Mead, of Portland, is registered at the

Solomon Hirsch et al., respondents, vs. the First National Bank of McMinnville et al., appellants, from Multhomah County, NEW YORK, March 25 .- Northwest peo-ple at hotels here are: From Seattle-S. Alfred F. Sears, Jr., Judge; affirmed. Opinion by Bean, J. This was a suit brought by Fleischner, Mayer & Co., to set aside as fraudulent

A. Shea, at the Albert; F. A. Browning, at the Sinciair. From Spokane-J. W. Graham, at the Imperial; Mrs. H. M. Hoyt, at the Park Avenue. and void four chattel mortgages given by the defendant F. W. Redmond to his codefendants, and a deed of assignment from This Is the Mineteenth Century. him to defendant Jacob Wortman, on the PORTLAND, March 26 .- (To the Editor.) ground that they were made for the pur-pose of hindering, delaying and defrauding We have noticed in your paper several creditors, and especially the plaintiffs. On August 12, 1857, and long prior thereto, Redmond was engaged in business at Mc-Minnville, Or, and during such time had times that there is quite a discussion ab the 19th and 29th century. Now, here is a question we would like to ask. In a part of what three centuries has our grand-mother lived? Having been born in 1798, she saw a part of 1700, all of 1800, and become indebted for goods purchased and money borrowed to such an extent as to started on 1900. Now, has she seen a part of the 17th, 18th and 19th century, or the 18th, 19th and 20th? She has certainly seen others holding claims against him amounting in the aggregate to \$2000, or F. L. more, were and had been for some days pressing him for payment. After an un-Guess again. She has seen part of the successful attempt to borrow money to 18th century, and part of the 19th. If she should live beyond midnight of December 31, 1900, she will have seen a part of the

successful attempt to borrow money to pay and discharge their claims, without consultation with any of his creditors, and without advising them of his proposed action, on the day named, he executed four chattel mortgages, covering his entire stock of goods and store fixtures: One in favor of the First National Bank of Mc-Minnville, to secure the payment of a

month, alleging that such an allewa to the City Recorder, and is simply an order to him to deliver to the secretary of was all he was able to pay, and was sufficient for the needs of the plaintiff. Mrs. Henderson set up by way of estoppel that 20 days. the allowance of \$150 was made in accord-ance with an agreement of the parties. The plaintiff prevailed, and in affirming the lower court's order denying the m ification, the Supreme Court says in conbrief elusion

"Notwithstanding the court has power and authority to modify its decree of di-vorce touching the awarding of a sum of money for the maintenance of either the husband or wife by the other, subsequent to the entering of the decree, yet, nevertheless, they may agree in a proper case touching the amount of such sum and the manner of its payment, subject to the approval of the court as to its validity in good morals, and as conformable to public policy, and in further consideration of the status and condition of the parties relat. ing to the question of its fairness and equability of adjustment; but that, when such an agreement has been approved by the solemn decree of the court, it becomes forever binding, to the same degree and with like effect as ordinary contracts be-tween parties admittedly "sui juris," and is not subject to revocation or modification, except by the consent of the parties thereto.

Joseph Balte, respondent, vs. Thomas Bedemiller, appellant; from Multnomah County; E. D. Shattuck, Judge; affirmed, Opinion by Moore, J.

This action was originally brought in the Justice's Court of Port'and District, to recover damages resulting from the fail-ure of title on the sale of a horse. The plaintiff prevailed in the Justice's Court, and, on appeal to the Circuit Court, wor again, and the defendant appealed. In In affirming the decision of the Circuit Court, the Supreme Court lays down the follow ing rules of law:

"On the sale of personal property at a fair price in the possession of the vendor, the law, in the absence of any statement or existence of facts or circumstances to the contrary, implies a warranty of title but where the goods are in the possession of a third party at the time of the sale,

no such warranty results, the rule of cave-at emptor being applied. "The vendor's possession of personal property creates a presumption of his ownership, and a sale by him while so of his

possessed, when nothing is said respecting the title and no facts or circumstances exist tending to show that he did not intend to assert ownership, creates an im-plied warranty that he had a valid title; and if at the time of the sale, a third party had a better title, and subsequently takes such property or disturbs the purchaser's possession thereof, the vendor is responsible for the damages which result

from a breach of such warranty. . . . "If the purchaser defends the title against an action brought by a third party, of which the vendor had notice, the iatter will be compelled to pay. In case the render him insolvent. The plaintiffs and title fails, not only the price received and interest thereon, but also the costs and expenses of the defense. . . . The attorney's fees constitute a part of the dam-age which the plaintiff sustained in conse-

> ranty. Independent . Order of Foresters, re-

apondent, vs. Keliher et al., appelianta; on motion to modify decree; motion denied. Opinion per curiam. The application of the respondents, Dun

Minnville, to secure the payment of a ning & Campion, and of appeliants, Seely, promissory note of himself and wife for Mason & Co., made since the decision for 2000, of date July 6, 1857; another in favor of his wife, M. A. Redmond, for \$1300, to below, to enable them to relitigate their

Pacific Export Lumbering Company, respondent, vs. A. Prescott et al., appellant; ordered on motion that appellants' time to serve and file brief herein be extended SALE POSTPONED.

The sale of household furniture, etc., at 314 Columbia st., today, has been postponed until further notice. J. T. WILSON, Auctioneer. R. B. Boyd, respondent, vs. Portland General Electric Company, appellant; or-dered on stipulation that respondent have 30 days' additional time to serve and flie

Mortgage Loans Adolph A. Dekum et al., appellants, vs On improved city and farm property, at lowes current rates. Building loans. Installmen loans. Macmaster & Birrell, 211 Worcester biz. Multhomah County, respondent; ordered on stipulation that respondent's time to serve and file brief be extended 20 days.

The Alliance Trust Company, appellant vs. Multnomah County et al., respondents; upon stipulation of parties it is ordered On improved city property, at lowest rates. Title Guarantee & Trust Co., 7 Chamber of that appellant have until May 1, 1990, to serve and file brief.

determination, and it is so ordered."

The effect of a sale under a decree fore-

closing a mortgage, containing a covenant of warranty, upon the right either of the

in the chain of title of the mortgagor, oc-

and before the sale, is not involved in this

case, because there was no sale under

the mortgage of that portion of the prop-

erty from which the mortgagor had been evicted, and, therefore, the opinion must

not be construed as deciding that ques

Minor orders were made as follows:

tion upon which the authorities seem to be

curring after the date of the mortgage

Opinion by Bean, J.

in conflict.

Emmett Callahan, admitted to practice as an attorney for nine months; recommended by Judge Brantly, of Helena Mont.; O. F. Paxton and J. V. Beach, at torneys, of Portland.

W. J. Florence et al., respondente ve John Knight, appellant; petition for rehearing overruled.

Petitions for rehearing denied in the fol-towing cases: T. T. Burkhart, appellant, vs. R. C. Hart, respondent; H. W. Wesco, respondent, vs. John Kern, appellant; the Cooper Manufacturing Company, appellant, vs. M. J. Delahunt et al., respond

ents; and Jacob Denn, respondent, vs John P. Peters, appellant. Étate ex rel. Plaintiff vs. J. E. Miller, appellant; claim of stenographer for fees

taken under advisement. S. A. Gilchrist, respondent, vs. Larch Mountain Investment Company et al., apcellants; argued and submitted on motion to affirm, on the ground that the appea was abandoned.

Physicians Recommend This To cure headaches of all kinds. Wright's Paragon Headache and Neuralgia Cure.

DAILY METEOROLOGICAL REPORT.

The undersigned is prepared to build resi-tences in Irvington, the most popular suburb of Portland, and cell them at actual cost, with the per cent interest, on the installment plan, whereby the purchaser has to pay but a slight divance above the usual amount of restal charged for similar residences. C. H. PRESCOTT, 212-218 Chamber of Commerce. PORTLAND, March 28 .- 8 P. M .- Maximum PORTLAND, March 20.-0 P. M.-matumin temperature, 45; minimum temperature, 40; river reading at 11 A. M., 7.8 feet; change in the last 24 hours, 0.2 foot; total precipita-tion from Sept. 1, 1899, 30.34 inches; normal precipitation from Sept. 1, 1809, 37.43 inches; deficiency, 7.09 inches; total sunshine March 25, 2020, combine sunshine March 25, 12230. Auction & Commission Company 2:55; possible sunshine March 25, 12:28. Auction male of household furniture. We are instructed to sell by public auction TODAY. March 27, at 10 A. M., bedroom suits, in cak; pretty pieces of parlor furniture and dining chairs; garden seat; handsome oak sideboard and mantel beds; maitresses; square plano; music case; fancy rockers; child's hugsy; couches; handsome onyx and brass lamps; fins hall lamp; Favorite steel; range; Charter Oak, No. 8, range; kitchen treasure and chiffonier. Also two Champion saw machines, Ardtic re-frigerators, etc.

WEATHER SYNOPSIS.

Occasional rain has occurred during the past 12 hours over Washington, Oregon, Northwest California, Idaho and Northern Montana, as a result of a low pressure moving eastward, which is now central moth of Montana, and extends south into Eastern Idaho. The baro-metric pressure is slowly rising throughout metric presents an and there is evidence of a high-presents area off the coast of California. The high appears to be moving slowly north-ward, and this will eventually cause fair weather west of the Cascades, although not

much before Tuesday noon. Occasional rain is expected east of the Cascades. The tempera-ture has fallen 20 deg. in 24 hours in Southern Idaho, and from 4 to 5 deg. west of the Cascades. A return to warmer conditions may be expected as soon as the rain and cloudin

WEATHER FORECASTS.

Porecasts made at Portland for the 28 hours ending at midnight Tuesday, March 27: Western Oregon and Western Washington-Fair, except rain in morning; warmer; winds

\$2250 FOR 3 ACRES ON MOUNT TABOR; sightly, near cars, heautful situation for a fine home; will sell part. \$3000 for 752100 feet on Gilman st., cholce property. Hart Land Co., room 7 Sherlock bldg. southwest to west. Eastern Oregon, Eastern Washington and Northern Idabo-Occasional rain; warmer, ex-cept stationary at Walla Walla; southerly

CLACKAMAS COUNTY TAX ROLL AT OF-fice of E. F. Biley, 608 Chamber of Commerce L. B. Chipman; farms, stock ranches, timber elaims, City property, bus. chances, 114 lst. Southern Idaho - Occasional rain; westeri; 169 MEADE ST., MODERN, PERFECT CON dition inside and out; call 319 Allaky bldg.

Portland and vicinity-Fair, except rain in

morning; warmer; winds southwest to west. G. N. SALISBURY, Section Director. House and lot, built to suit, instaliments; small

FOR SALE - 50x100, WITH A STRUCTLY first-class 6-room house. This property is lo-cated 746 Johnson, Nob Hill. House is mod-ern in every detail, and was built at a cost of \$5400. Will be sold low and on favorable terms. W. H. Grindstaff, 246 Stark.

\$260—Ohicken ranch 5-room nouse, good harn, chickens, ducks, incubanir, broodern, hores, wagon, running and weil water; paid hand lease to Oct. 1; may be extended. A. Matte-son, 1835; Madison st.

FOR SALE-TWO MODERN HOUSES, WEST Elde, near in, very cheap. Fittenger, 2454 Morrison st.

PLEASANT HOME, NEAR WOODSTOCK. Or.; \$1400 buy of owner direct; a well-built f-room house, with lots fruit, etc. Address C. D. R., box 16, Tremont, Or.

BEST QUARTER OF BLOCK ON MARKET, free blocks from City Hall; five houses; pays 10 per cent on \$15,000; will sell for \$12,500. Y 5, Oregonian.

1960 FOR % BLOCK IN HOLLADAY'S ADD; both streets improved; sewer and gas pipes laid by property. Miller, 305 Chamber Com.

FOR SALE-4 BLOCK WITH BUILDINGS for \$25,000; sellers will lease for a term of years. Address N 29, care Oregonian.

## FOR SALE-FARMS.

52 ACRES IMPROVED LAND, WITH BUILD-ings, etc., 7 inless from Portland, \$4500. 140 acres partly improved land, with house, etc., 9 miles from Portland, \$4500. 235 acres, 4 miles from Forest Grove, 25 miles from Portland; \$0 acres improved, \$3500.

miles from Portland; 50 acres improved, \$3500. 1604, acres, 2 miles from Hillsboro, 14 miles from Portland; well-improved farm; \$5506. 50 acres, 2 miles from Newberg, 25 miles from Portland, \$1600. 106 acres, 2 miles from North Tamhill; a good farm; \$4600. 801 acres, 5 miles from North Tamhill; in Moore's Valley, 50 acres cultivated, \$3500. 803 acres, 5 miles from Dallas, 4 miles from railroad; an excellent farm, about one-half in cultivation; \$5000. Good etock ranches in Douglas County, 4 miles from Oakland, from 500 to 2400 acres, at from 55 to \$12 per acre. For further particulars apply to MACMASTER & BIRRELL, 811 Worcester block, Portland, Or.

FOR SALE-STOCK RANCH OF 2400 ACRES in Douglas County, Or. All first-class pas-ture land, 600 acres tillable, well watered, all fenced, good orchard and fair outbuildings. Four miles from a town and within half a mile of a siding on the S. P. R. Inte. Price \$7 50 per acra; easy terms of payment, For further particulars apply to Macmaster & Birrell, Portland, Or.

RARE CHANCE -1 AM INSTRUCTED TO sell at a succifice, on account of owner being a nonresident, a well-improved 12-acre ranch near Vancouver. Wash.; fine modern 0-room cottage, barn, chicken sheds, creamer, well and pump; all fénced; fine soil. Apply at once to J. H. Elwell, Vancouver, Wash.

IMPROVED FARMS FOR SALE IN ALL parts of Oregon and Washington; payments made to suit purchasers. For full particulars as to various properties, apply to Macmaster & Birrell, 311 Worcester block.

55 ACRES, ALL IN CULTIVATION, 8 MILES east, 10 acres in fruit; good improvements, bargain. Manager Pacific Pottery Works.

MPROVED FARM, 146 ACRES, must be sold, great bargain. Compson & Co., 618 Marquam.

## FOR SALE-MISCELLANEOUS.

SEWING MACHINES-GOOD SECOND-HAND machine, Singer, N. F., 25; White, 55; New Home, 55; Standard, \$15; Improved V. S. Singer, 325; new machines, \$25 and up. At Wheeler & Wilson office, 335 Washington st., under Imperial Hotel.

STEAMER DODE FOR SALE; 215 TONS BUR-den, 115 feet long, 22 feet beam, draft 11 feet; triple-expansion engines, 11, 17, 23214-inch stroks. For particulars write W. T. Gaffner, 1808 Boren ave., Seattle, Wash.

BIG MONEY MADE BY BUTING SHARES OF the Century Oil Company, incorporated under laws of Oregon; quoted at California official oil exchange. Room 40 Washington building.

NEARLY NEW \$700 STEINWAY UPRIGHT plano, solid ebony case, for sale, \$350, at least half cash, balance short time, to responsible party. Address Steinway, care Oregonian.

over.

nce of the defendant's breach of war-