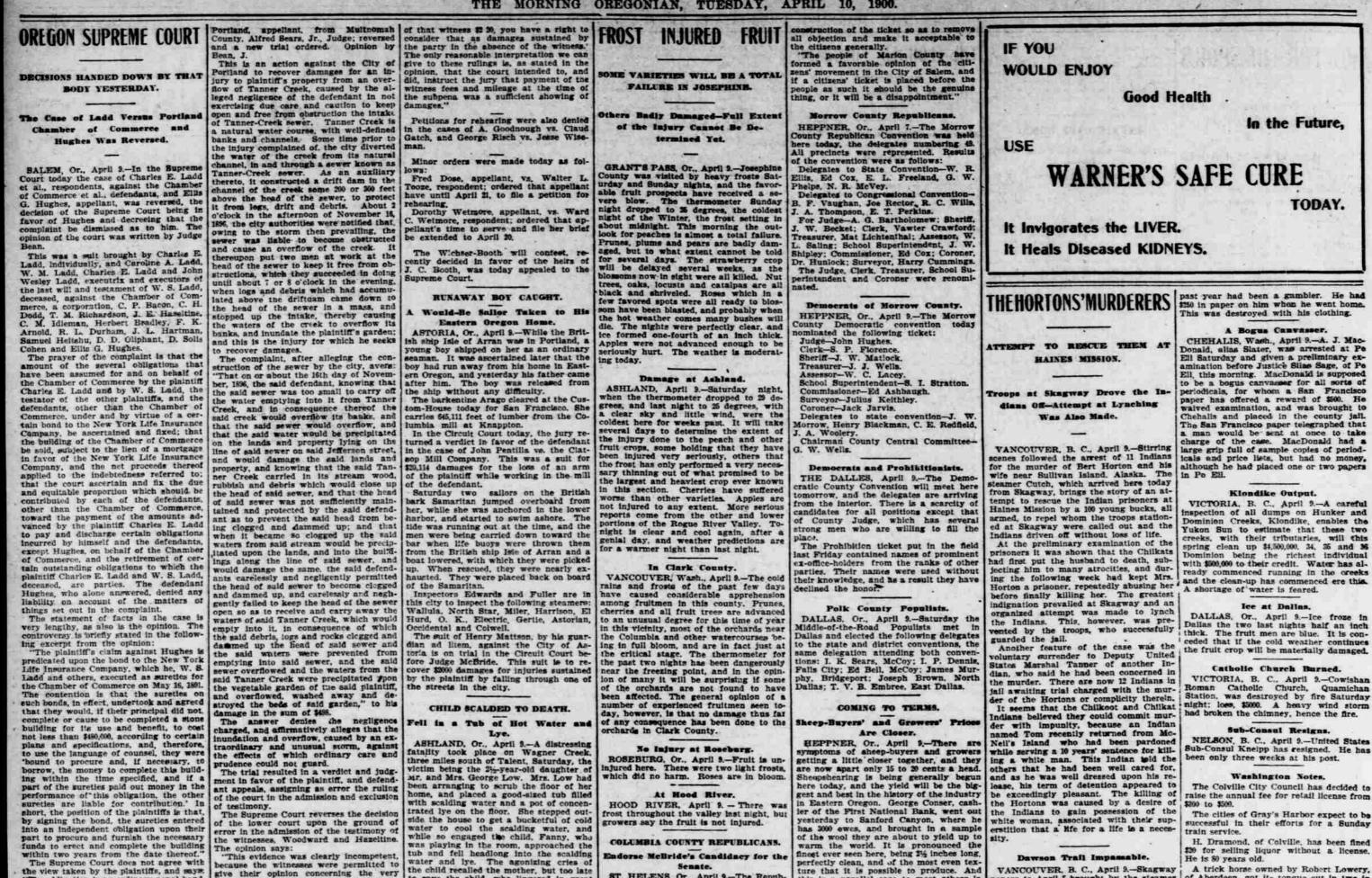
THE MORNING OREGONIAN, TUESDAY, APRIL 10, 1900.



within two years from the date thereof." The Supreme Court does not agree the view taken by the plaintiffs, and says, "The obligation is an ordinary penal bond, with the Chamber of Commerce as principal, and certain persons as sureties, to be void in case the obligor and principal thereof shall erect and construct a cer-tain building on property belonging to it, at a cost of not less than \$450,000, within a certain time, and pay all liens or claims which might become liens thereon. "As to the other conditions of the bond the agreement of the sureties is to pay to the insurance company such damages at it might sustain in case of a breach there-of by their principal. . . . Their liabil-

the witnesses, Woodward and Hazeitine. The opinion says: "This evidence was clearly incompetent,

This evidence witnesses were permitted to give their opinion concerning the very matter in issue. The complaint charges that the defendant carelessly and negli-gently permitted the head of Tanner Creek sewer to become obstructed. The witness, Woodward serve that in his contained the to save the child, who lingered in great agony for 24 hours before death came to her relief. The funeral took place today. Woodward, says that, in his opinion, the overflow was on account of the head of the sewer being properly guarded. Hazel-tine says that it was because the city did The northbound Southern Pacific freight train, No. 222, was derailed this morning at 10:30 o'clock, at Steinman, a few miles south of Ashland. Five cars were derailed, two containing general merchandise being ditched. Fortunately the crew escaped injury. A wrecking crew was sent to the scene, a temporary track built account the scene, a temporary not keep men enough there to keep it clear. In other words, both testify, in effect, that the city was negligent in not providing men enough to take care of the drift and debris coming down Tanner track built around the wreck, and th Creek, so as to prevent it from obstruct- southbound passenger train was only de-

COLUMBIA COUNTY REPUBLICANS.

Endorse McBride's Candidacy for the Senate.

ST. HELENS, Or., April 9.-The Repub lican County Convention met in the Ma-sonic Hall in Rainler today. T. C. Wata, of Goble, was chosen temporary chairman and J. E. Hall, of Clatskanle, temporary secretary. After appointing committee on credentials, order of business and reso mitte utions, the convention took a reecss until

iutions, the convention took a reecss until 1 o'clock, at which time the temporary or-ganization was made permanent. Resolutions were adopted commending the McKinley Administration; also the ad-ministration of county affairs in reducing the indebtedness of the county about \$30,-000 in two years. Also the following Mc-Bride resolution was adopted: Whereas The members of the part Lerich.

SALEM CITIZENS' TICKET.

Dissatisfaction With the Manner in

Which It Was Put Up.

"Considerable dissatisfaction is mani-

yesterday to Sanford Canyon, where he has 3000 ewes, and brought in a sample of the wool they are about to yield up to warm the world. It is pronounced the finest ever seen here, being Fig inches long, perfectly clean, and of the most even tex-ture that it is possible to produce. And this is a parallel case to most others in Morrow County. Mr. Conser's band is lambing, and of 70 cases in it yesterday 21 were twins. The weather during the past were twins. The weather during the past few days has been rather too cold for lambing, but the new arrivals are all hardy and vigorous, and losses are next to nothing. The range is in the best pos-sible condition, and all stock is rolling

A big freight outfit from the John Day country came in today. R. L. Hynd's and Henry Heppner's warehouses here are full of general merchandise billed to Canyon City.

CHEHALIS, Wash., April 9.-A. J. Mac-Donaid, alias Slater, was arrested at Pa Ell Saturday and given a preliminary ex-amination before Justice Slias Sage, of Pa Ell, this morning. MacDonaid is supposed to be a bogus canvasser for all sorts of periodicals, for whom a San Francisco paper has offered a reward of \$500. He waived examination, and was brought to Chehalls and placed in the county jall.

VICTORIA. B. C., April 2-A careful inspection of all dumps on Hunker and Dominion Creeks, Klondike, enables the Yukon Sun to estimate that these two creeks, with their tributaries, will this spring clean up \$4,500,000, 34, 35 and 36 Dominion being the richest individual with \$500,000 to their credit. Water has already commenced running in the oreeks and the clean-up has commenced ere this.

ceded that if the cold weather continues the fruit crop will be materially damaged.

Station, was destroyed by fire Saturday light: loss, \$5000. A heavy wind storm

raise the annual fee for retail license from

successful in their efforts for a Sunday

H. Dramond, of Colville, has been fined \$29 for selling liquor without a license He is \$9 years old.

A trick horse owned by Robert Lowery, of Aberdeen, got its tongue cut in two in a mysterious manner.

H. B. Trout, of Whitman County, has sold a band of 620 high-grade Merino sheep to Sprinkle Bros., of Montana.

Dan Downing, a convicted murderer, escaped from the Chehalis County Jail at Montesano, Thursday night, The has offered a reward of \$190 for his capture.

The Washington State Press Association will hold its next annual meeting on Bellingham Bay, and, Wednesday, Thursday and Friday, July 25, 26, and 27, have been

able trial from Bennett to Dawson. The breaking of the Yukon River now is exceptionally early and it is said that innumerable teams en route with goods for Dawson will not be able to get through, owing to the breaking up of the ice. Teams and goods will be obliged to remain on the trail until they can be

TO A Outcome of a Debauch at Rossland Saturday Night.

ROSSLAND, B. C., April 9.-Joshua

Dawson Trail Impassable.

VANCOUVER, B. C., April 9.-Skagway

papers to April 5 brought by the steamer Cutch today state that all reports from

Cutch today state that all reports from the interior point to an almost impass-

able trial from Bennett to Dawson. The

funds to erect and complete the building

the case is. Have the plaintiffs a right to claim contribution from the defendant as one of the signers of the bond to the New York Life Insurance Company, for moneys borrowed and used in the con-struction of the Chamber of Commerce uilding?' And this question must, in our pinion, he answered in the negative,

'It is admitted that Mr. Hughes signed the Green and Breck notes. He claims, however, that he is a mere surety for the plaintiff Charles E. Ladd, and the other plaintiff Charles E. Lado, and the other makers. But, however this may be, this suit cannot be maintained, because the notes have not been paid by plaintiff, and are now owned by one F. B. Pratt, who is not a party.

opinion. The defendant Pratt commenced an ac-tion against Hughes to recover on a joint and several promissory note for \$30,000 in favor of $\frac{37850}{10}$ Green, executed by said Hughes, Charles E. Ladd and others, and assigned to him by Green. About the same time he began a like action upon a prom-issory note for \$5500 in favor of Annie Breck, executed by the Chamber of Com-by said Williams, England & Co., for her use and benefit. By due assignments and transfers, subsequently made, the Will-iams & England & Co. in and to said morigage and premises. The property of the bank-ing company having gone into the hands of a receiver a suit was instituted and time he began a like action upon a prom-issory note for \$5500 in favor of Annie Breck, executed by the Chamber of Comnerce, the payment of which was guar-inteed jointly and severally by Hughes, Ladd and other persons. The two actions being consolidated, Hughes filed an an-swer, in which he admitted the execution by him of the two notes set out in the complaints and their transfer to Pratt, but denied that he was the bona fide holder. At the same time he filed the complaint in this case, in the nature of a cross-bill, against Pratt and Charles E. Ladd, in

which he sets up in substance, for a first cause of suit, that the money received from Green was borrowed by the parties to the note other than himself and used by them for their own private use and benefit; that he signed it as surely for Ladd, and his associates, at their request and to the end that they might obtain the money borrowed thereon for their own individual use: that all the signers of such note, except himself and Ladd, are now insolvent and unable to contribute anything for the payment thereof; that the defendant Pratt is liable, under some agreement, the exact form or terms of which plaintiff is unable to state, to con-tribute to any payment which Ladd may be compelled to make on account of the Green note, and is to all intents and purposes, as to this plaintiff, a principal on the note with Ladd; that Pratt bought the note in the interest of himself and Ladd, for the sole and only purpose of suing this plaintiff thereon and attaching his property, knowing that he could not pay the same in the first instance without great sacrifice and loss, and with a view of compelling him to pay a considerable sum by way of compromise.

The second cause of suit has reference o the Breck note, and is in effect the name as the first, except that it contains an allegation that this note was not the obligation of the Chamber of Commerce, but was, in truth and in fact, the note of the ostensible grantors thereof, and that the plaintiff signed the same at the request of and as surety for Ladd and his asso-ciates. The third and fourth causes of

but was, in truth and in fact, the note of the outensible grantors thereof, and that he plaintiff signed the same at the request of and as surety for Ladd and his asso-clates. The third and fourth causes of mit are substantially the same. The Supreme Court holds that the facts alleged do not constitute a defense requir-ing the interposition of a court of equiry, and that all the questions therein ten-dered can be tried out at law and as a de-fense to the law actions. This holding leaves Hughes to make his defense in the law action. Than Ling, respondent, vs. the City of alleged do not constitute a defense requir-ing the interposition of a court of equity, and that all the questions therein ten-dered can be tried out at law and as a de-fense to the law actions. This holding leaves Hughes to make his defense in the

ity was to the insurance company alone, and there is neither allegation nor proof that it ever made or had any claim for damages under the bond." ..., The real and only question in ..., the real question in ..., the real question in the case, and the real question in ..., the real quest proper to permit a witness to testify as to his opinion upon the question."

U. T. Slater, as receiver of the property of the Williams & England Banking Com-pany, a corporation, respondent, vs. J. J. Reed, appellant, from Polk County, H. H. Hewitt, Judge; affirmed. Opinion by Wol-verton, C. J.

The opinion says: "This is a suit to remove a cloud from the title to lots 1, 2 and 4, in block 7, town of Eola, Polk and 4, in block i, town of Eola, Fork County, Or. The plainiff deraigns title from one William Duran and Jane C. Duran, his wife, who conveyed them by warrantly deed to Thomas J. Riggs. Sep-tember 22, 185. Riggs having died. his heirs conveyed them to Williams, England

The case of Ellis G. Hughes, appellant, ws. F. B. Pratt and Charles E. Ladd, re-spondents, from Multhomah County, is closely related to the preceding case, and was affirmed. Judge Bean wrote the opinion.

of a receiver, a suit was instituted, and of a receiver, a suit was instituted, and on the - day of June, 1896, a decree ran-dered, foreclosing said mortgage and di-recting the premises in controversy to be sold, with other lands, to satisfy said in-debtedness of O. J. Beardship to the re-

debtedness of O. J. Beardsizy to the re-ceiver. There was no sale under the decree, but O. J. Beardsiey and her hus-band, O. P. Beardsley, executed to said receiver a confirmatory deed, for the coa-sideration of \$12,000, to the premises in dis-pute, and other lands therein described. "It is alleged that plaintiff and his grantors have been in adverse possession of the lots since the 22d day of Septem-ber. 1855, and that the defendant chaims day.

ber, 1855, and that the defendant claims under a quit-claim deed from William and Jane C. Duran, his wife, to one Alvin C. Jane C. Duran, his whie, to one Alvin C. R. Shaw, executed September 3, 155, Shaw and wife deeded to Joseph Downer, Ed-ward Steelman and Robert Combs, by warranty, November 7, 1558, Steelman and Combs to Downer, April 22, 1866, and Downer to the defendants, May 22, 1836. Duran's deed to Shaw does not appear to have been recorded. "Three questions are presented: (1), was plaintiff in possession at the time of the institution of this suit? (2) have he and his grantors been in the adverse possession

his grantors been in the adverse possession for more than 10 years, it being conceded that defendant has the better paper title? (3) did the said grantors intend that the to due the state granters mean that the premises in dispute should be included in the confirming the decision of the lower court, the Supreme Court answers all these questions in the affirmative.

B. M. Lombard, respondent, vs. Edith J. Smith, appellant, on petition for rehear-ing; petition denied. Opinion by Bean, J. "It is said the court did not instruct the jury, as a rule of law, that payment of witness fees and mileage was a sufficient proof of damages to entitle plaintiff to

ined three hours. Salem Notes

SALEM, Or., April 9.-The Salem Flori-cultural Society, at its last meeting, elected the following officers: President, Mrs. R. S. Bean: vice-president, Mrs. Perry Raymond; secretary, Mrs. William Brown; treasurer, Mrs. J. W. McKinney. It is the present purpose of the society to hold an-other rose show, and with the proceeds and the money now in the treasure eract and the money now in the treasury erect a public drinking fountain in this city

Freight Train Derailed.

The society will meet April 13 at the home of Mrs. William Brown to perfect arrange ments for the rose show. Governor Geer is in receipt of a petition

the end of 12 years' service, and one which gives him great opportunities to render im-portant service to the people of this state and Nation; therefore, be it Resolved. That we point with pride to the honorable record be has made and the unitring energies with which he has devoted thimself to the public service. We believe him to be a true and sincere friend of the people, and be-lieve that the people of the States of Oregon desire his re-election to the United States Sen-ate, and we heartily indorse and approve his course, and instruct and piedge our candidate for the Legislature to give him his loyal and unfaltering support, and to vote for him and use all honorable efforts to secure his re-election, and to continue his support if oppo-sition should arise, until the Senator himself is convinced that he cannot be elected. The main fight centered on Representafor the pardon of John Lavery, who is serving a two years' sentence for an asserving a two years' sentence for an as-sault with a dangerous weapon, commit-ted in Harney County, upon the person of Louis C. de Condris. The man injured and six of the trial jurors join in the petition. The State Land Board today approved applications for loans aggregating \$15,700. County Treasurer Downing this evening made the first payment on Marion Coun-ty's 1850 state taxes. The amount paid ty's 1899 state taxes. The amount paid

NAS \$700.

Oregon Notes.

The Coquille City Bulletin has been sold by B. F. Lawrence to E. E. Johnson, a

The "bobwhite" quails recently turned loose on Ochoco are thriving, and if un-molested for a few years will afford fine

The editor of the Tillamook Herald announces that he will vote for the equal suffrage amendment "whether anybody else does or not."

Mrs. Anna Chenoweth, aged about 60 years, who was hurt in a run-away acci-dent several weeks ago, died at her home mear Alder, Wallowa County, last Tueskanle, Coroner. Delegates to the state convention are: H. West. of Scappoose; G. F. Lindgren, of Mist; James Muckle, of St. Helens; A. L. Clark, of Rainier; T. J. Cleeton, of St. Helens, and A. B. Little, of Houlton. Delegates to the Congressional conven-tion favor re-election of Moody, and are: O. E. Wonderly, of Delena; G. W. Barnes, of Quersey; J. E. Hall, of Clatskanle; John Dolan, M Warren; George A. Hall, of St. Helens; E. E. Quick, of St. Helena

A freighting service between Sumpter and the adjacent mines is to be estab-lished. For packing 100 horses and 25 mules will be put in service at once, and 400 animals later.

An enterprising citizen of Wallowa County brought out a number of young juniper trees last week and disposed of some of them to Eigin people, to set out for ornamental purposes.

It is probable that the dog tax will be collected in Eigin a little more closely hereafter, as some conscienceless cur or curs maliciously and without cause took the life of "Dick." the favorite cat of the

SALEM, April 9.-The Capital Journal this evening has the following to say re-garding the "citizens" ticket" put up by the Democratic Convention last Saturday: town, Tuesday night, says the Eigin Re-"Considerable disastisfaction is mani-fest with the manner in which the ticket was put up Saturday. "Many leading Democrats and taxpay-ers are not satisfied with the way it was runhed through. They say it is possible the same men might have been nominated who were reported by the conference com-mittee. Chairman George W. Weeks, of the People's party, left the conference. and it is known that leading Populists will not indorse it. "A citizens' licket to be successful must J. H. Timon, who is opening a mine on the isthmus close to Marshfield, has tun-neled through the slide or "horse" and struck the coal in solid form. He is more

than pleased with the present prospects the vein being five feet of good hard cost with moderate pitch, and he anticipates blg returns

Warren Chandler took the H. P. Stew-art cattle to Pine Creek, where they were

art cattle to Pine Creek, where they were the first of the week, says the Enterprise Bulletin. There were about 900 head alto-gether. Mr. Chandler states they fed about 709 tons of hay during the past Winter, but by reason of turning out so early, have 300 tons left over. Sheepmen can now leave their flocks for a day at a time and no harm will come to them, says the Lakeview Exam-iner. W. K. Barry's band was without a herder for siz days, and wandered away from their grazing ground, and there was no perceptible loss. This is a good argu-ment in favor of the nonrepsal of the sounty money to be paid hereafter will not amount to much, and at the same time the work of extermination will go merrily on,

Eleven thousand bushels of wheat we Whereas, The members of the next Legisla-ture are to elect a United States Senator for sold in one lot on the Heppner branch yesterday.

ture are to elect a United States Senator for Oregon to success our senior Senator, the Hon. George W. McBride; and, Whereas, Senator McBride has attained a high position in the United States Senate, serv-ing as chairman and member of some of the most important committees of the Senate, giv-ing him rank among the first of that honor-able body, a position that few attain, even at the end of 12 years' service, and one which in gives him great opportunities to render im-CHRISTIAN ENDEAVORERS.

Wayne's charted body lies at the morgue as the outcome of a debauch Saturday night. Wayne became intoxicated and went home at 5 A. M. Sunday to a shack which he occupted on Kootenai Avenue. Programme for the State Convention, to Be Held at Albany.

OREGON CITY, Or., April 9.—Rev. A. J. Montgomery, president of the State Christian Endeavor Union, stated today that the principal details for the state convention, to be held at Albany May 25 26 and 27, were already arranged, and the indications were favorable for an unusuallight and a standard and a standard and a standard a st will be in attendance, and is on the pro-gramme for several addresses. Arrange-ments have been made for special cars from Eugene and Portland, in addition to the usual reduced rates. The Coroner held an inquest today over the bad of the unknown yours and fourth

the body of the unknown young man found in the river Saturday evening, and the jury brought in a verdict of suicide by drown-The main fight centered on Representa-tive, which resulted in Norman Merrill, of In a vertice of succede by drown-ing. His identity still remains a mystery. A bicycle parade has been arranged to take place next Saturday evening on Main street, when prizes will be awarded for bicycle costumes and decorated wheels. Claiskanie, the pledged McBride man, re-ceiving 24 votes and H. R. Cliff, of St. Helens, 18. Helens, 15. J. B. Doan, of Rainler, was renominated for County Judge. Other nominations were: J. G. Watts, of Scappoose, County Clerk; H. M. Fowier, of Goble, Sheriff; Edwin Ross, of St. Helens, Treasurer; W. D. Case, of Plitsburg, County Commis-sioner; I. H. Copeland, of Warren, Coun-ty School Superintendent; Martin White, of St. Helens, Assessor; A. B. Little, of Houlton, Surveyor; J. E. Hall, of Clats-kanle, Coroner. Dicycle costumes and decorated wheels. The judges of the parade contest are: Mayor C. D. Latourette, Dr. W. E. Carll, Mrs. Theodore Clark, Mrs. W. E. Pratt-and Rev. A. J. Montgomery. Immediately after the parade a meeting will be held to organize a bicycle club.

NORTHWEST DEAD.

Mrs. Ida Chambers.

EUGENE, Or., April 9.-Mrs. Ida Hen dricks Chambers, wife of F. L. Chambers died at her home in this city at 1:30 this morning, of consumption, aged 25 years. This has been one of the most remarkable cases of zickness, suffering, patience and cases of sickness, suffering, patience and fortitude, and death's coming may ever be said to be merciful in this case. Mrs. Chambers' sufferings commenced a little more than six years ago, and for the past five years she has been almost constantly confined to her bed. Four years ago her condition was so critical and her physical powers so wasted that her medical attend-ant could not understand how she could survive for more than a few days. But she has continued to live, with slight vari-ations for the better at times, suffering everything that mortality can suffer, for everything that mortality can suffer, for years. She has received every attention that loving hands could bestow, and has had her every wish gratified, but death alone has relieved her distress. She leaves a husband and a daughter 7 years of age to mourn her loss as well as a bost of to mourn her loss, as well as a host of relatives near of kin. The funeral serv-ices will be held tomorrow.

Mrs. Fannie Potter.

Mrs. Faunic Potter. SEATTLE, April 9.-Mrs. Fannic Potter, aged 50 years, died here tonight of senile decay. Mrs. Potter's husband, aged 83 years, survives her. Thé deceased was a native of Northern Canada. Her father. Captain Sutheriand, fought on the British side in the War of 1812. He was killed at Lundy's Lane. Mr. and Mrs. Potter had been married for 70 years. They lived many years in Minnesota, and came to this city two years ago. They have a daughter residing here.

A. A. Matthews.

ROSEBURG, Or., April 5.-A. A. Mat-thews, an aged pidneer of this county, died at his home at Reston yesterday. He was at one time Assessor of this county, and quite prominent in politics. He leaves a widow and a grown family.

os-Organs. Wiley B. Allen Co.

decided upon by the committee time.

The Goldendale Sentinel says the long distance telephone is being extended from Goldendale to Blockhouse and Camas Prairie. A line will also be built across the Simcoe Mountains through the reser vation to North Yakima, following the old military road.

M. C. Dickson, rural mail carrier for In some way it caught fire. J. Stuosi hurried to the window and saw Wayne the new Selah and Natches route, has been notified that his work will begin on sitting at a table his hands outstretched. April 15. He will travel 25 miles and de-Stuosi caught Wayne by the arm and en-liver mail to 412 persons. This makes three desvored to pull him through the window, good rural mail routes connected with but the heat became so great that Stuosi the North Yakima office. The business was obliged to beat a retreat. The un- of that office has increased \$1650 fortunate man was burned almost to a year, the year closing with April 1 show-crisp. He was 50 years of age and for the ing \$3525.

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The Best Natural Aperient Water,

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