FISHING SEASON OPENED

FIRST DELIVERIES INDICATE A GOOD RUN OF SALMON.

Prices Ranged From Six to Seven Cents-Fish Commissioners Vigilant-Other Oregon News.

ASTORIA, Or., April 16.—The fishing season has opened here most grafifyingly. The first day's deliveries to cannories indicate a good run of salmon, and the fish were bought at prices ranging all the way from 6 to 7 cents per pound. Most of the fish were small, averaging about 20 pounds. Old fishermen now declare the indications tayors ble for a good season.

igh the run of fish was believed to be good. The combine and several of the other canneries had informed their fishermen that the season opened at midnight Saturday, while the law plainly states that it opens at noon April 15. As Fish Commissioner Reed learned that this report nt opens at noon April 15. As Fish Com-missioner Reed learned that this report had been generally circulated and was be-lieved by the fishermen, he made no at-tempt to arrest any of the men who went out Saturlay night The "high boat," so far as could be recorded brought in supplies over two tons

sarned, brought in slightly over two tons. I any fishermen had been out for several ays. The only ecining ground that has een heard from is Sam Oliver's. He made ne haul yesterday and secured 450 pounds f fish. All the canneries that were an-ounced in Saturday's dispatches as ready to start up today are in operation, and had enough fish on hand to keep them

The cilinet that was captured a few days The gillnet that was captured a few days ago by Deputy Fish Commissioners Loughery and Butts was claimed today by a fisherman named McDonough, and after he had paid the expenses attending its capture it was turned over to him. He states that the net was in his boat anchored off the Barbary coast, above Brookfield, and during the night some one took the boat and net and went out fishing. The next day the boat was found in its accustomed place, but the net was in its accustomed place, but the net was missing. McDonough eays that he has no knowledge who the man was who used his boat and caused his net to be

Fish Commissioner Reed will have a patrol boat on the river during the fish-ing season, and the work that he will do will be in connection with Commissioner Little, of Washington. Their purpose is Little, of Washington. Their purpose is to exact a strict enforcement of the law, and arrest every fisherman who has not a license and whose boat is not properly numbered. There seems to be a concerted action among some of the fishermen to ignore the law, and if they continue to do so, the Commissioners will endeavor to have them punished to the full extent of the law.

The financial reports of the City Audttor and City Treasurer for the quarter ending March 31 were submitted to the ending March 31 were submitted to the Council at its meeting this evening. The Treasurer's report shows the amount of cash on hand at the commencement of the quarter to have been \$11,881 38; receipts during the quarter, \$11,816 31; disbursements, \$7281 21; balance on hand at end of quarter, \$15,816 48. Of the receipts, \$5690 was from liquor licenses, \$1000 from Police Court fines and forfeitures, \$308 50 from miscellaneous licenses and \$2028 57 from taxes. The balance consisted of payments on various street assessments. The Audon various street assessments. The Auditor's report shows the financial condition of the city to be as follows:

Therefore ordered.

NEWS OF HEPPNER. Funeral of Mrs. J. P. Rhen-Agricul.

tural Reports Good. HEPPNER, April 15.-One of the most largely attended funerals ever seen in Heppner was that of Mrs. J. P. Rhea. ch occurred yesterday. She died at Vincent's Hospital, Portland, Friday, and was one of the pioneer residents of Rhea Creek. Mrs. Rhea was universally esteemed; and her death is much regret-

John Spencer, whoy has just returned from taking the cattle of the Ayers Cattle Company across to the North Fork of the John Day, says that a foot of new snow fell in the Blue Mountains last week, and that there was already 1½ feet of packed snow in there, which assures the usual amount of water for the streams during

Edgar Matteson and Elisha Watkins who have just returned from a trip through the north end of Morrow County. say that there are vast areas of wheat growing there on newly settled lands, and that it could not possibly look better than it does, and gives every promise of a

epmen throughout that section are having phenomenal increases. Mr. Matteson says that on the Doherty and Mc-Daid ranch, the increase is 14) per cent. A big covered wagon follows after the ewe bands, and when lambs are dropped, nother and pappooses are put in the wagon and taken io a big shed, whose walls temper the breeze to their tender condi-tion, and they are made to realize that it is good to be alive, and this is the best rld they were ever in.

The wool now being sheared in Morrow County is exceeding the most sanguine expectations, in both quality and quantity. The nominations of Asa B. Thompson, f Echo, for joint Representative, and of W. R. Ell's, of Happner, for Circuit Judge,

The new train service beginning on the 22d, will give Heppner all-daylight runs, and is halled with delight here. An encampm at of Indians just made An encampm nt of Indians just made near town is headed by Blind Jim, who was an old Indian when Henry Heppner first met him here 30 years ago, but still remains the same age. His band winters on the Co umbia, and annually camps at Heppner about this time of year on the way to the edge of the mountains to dig

Some very tasteful monuments have recently been excited in the Heppner cer tery over the remains of three pioneers of Eastern Oregon-Nelson Jones, John

Elder and Press Thompson.

J. R. Simons, of Heppner, has just received news of the death of his me Kansas, who was 104 years and 2 months

The Prohibitionists are going to put a county ticket in the field, and will hold ting convention in Heppner

WORK OF AN OREGON CONVICT. Curiously Carved Cane Sent to the Mayor of Omaha.

Omaha Bee. curious box, resembling an elongated coffin, was delivered to Mayor Moores this morning and caused comment among at-taches of the executive office, who sur-

bare an object swathed in the wrappings of an Egyptian mummy. After many folds had been unwound there was brought to light a rare and curious cane, its body, from handle to ferule, daintify and artistically carved. The theme of the carver was the Navy, and the likeness of every great sea fighter of the Spanish-American War, together with his battle-ship, was reproduced. First of all was a perfect portrait of Dewey, embossed on the white maple beside an etching of his flagship. Down the body of the cane followed Sampson, Dvans, Schley, Sigsbee, Hobson, Wainwright and other historic names.

ASTORIA, Or. April 16.—The fishing season has opened here most gratifyingly. The first day's deliveries to canneries indicate a good run of salmon, and the fish were bought at prices ranging all the way from 6 to 7 cents per pound. Most of the her were small, averaging about 20 pounds. Old fishermen now declare the indications havorable for a good season.

That fishing out of season had been in progress in a small way during the past lew days was generally known, but the activity of the Fish Commissioner made it mpossible to secure exact information, although the run of fish was believed to be would entrust to the convict. The task would entrust to the convict. The task ficiary. The convict said that the carving was done with a large needle, the point being filed into a chisel shape. This was the only instrument which the guards would entrust to the convict. The task occupied all of Combs' spare time for three months. Although the workmanship is of a professional character and the likenesses perfect, the convict apologizes on the ground that he was obliged to work in a poor light and could only secure poorly executed newspaper portraits for his models. Combs gives no particulars as to his confinement and asks no favors.

Forest Grove Liquor Case.

FOREST GROVE, Or., April 15.—The City Council Saturday night made the final disposition of the case of Charles F. Miller, who was arrested some time ago for selling intoxicating liquor in his drug store as a pharmaciet, in violation of a city ordinance. He was tried before Recorder L. L. Langley and fined \$55 and costs. Miller appealed the case to the Circuit Court, and the jury disagreed. The City Council decided that with such testimony there could be no conviction, and, desirous that the city be put to no further costs, instructed Mayor F. T. Kane to have the case dismissed at the city's expense. Saturday night, bills aggregating \$208 were ordered paid. The higher court costs were \$133, and \$15 were the costs in the lower court.

The Council voted Saturday evening that the ordinance committee draft an ordinance taxing all business houses and professions and everything allowed by the charter, in order that more revenue may be raised to pay the city's expenses. Forest Grove Liquor Case.

McMinnville Sotes M'MINNVILLE, Or., April 16.—Judge R. P. Boise opened Circuit Court in depart-ment No. 2 today, disposing of a few

The city is in a flurry again over the report that gold has been discovered in the mountains of this county. The major ty of citizens take no stock in the matter, as ioes the correspondent who is investigat-

ing.

The Sheriff of this county last week gave notice through the county newspapers that bicyclists should pay their tax, and the money is coming in somewhat faster as a result.

The Democratic nominating county convention will be held in this city April 28, with primaries the 2ist.

Washington County Taxes.

HILLSBORO, Or., April 16.—Sheriff Bradford last Saturday filed his bond in the sum of \$20,000 as ex-officio tax collectthe sum of \$29,000 as ex-officio tax collect-or for Washington County, and the Com-missioners have directed the warrant is-sued for opening the tax roll for the 1809 assessment. The collection of taxes commenced this morning. Exclusive of special school and city tax, the roll amounts to \$78,917.04, viz.: County general fund.....

State coyote fund...... 822 % Indigent soldiers'..... 228 &

In Yambill County.

Taxes 15,25 64
Unpaid street assessments 17,574 55
Total resources 52,782 11
The City Council tonight declined to accept the bid of the West Shore Mills Company for furnishing electric lights for the city for the fiscal year soon to begin. This was the only bid submitted, and the action was taken because it was believed others will try for the contract. An extension of 10 days for opening bids was Therefore codes for opening bids was Therefore codes of the county. all sections of the county.

In Clackamas County.

MILWAUKIE, Or., April 16.—The pros-pect is better than it has been for some time for a large crop of Petite prunes. They have stood the last few frosts and cold rain well. The Italian prunes have suffered severely. The cold rains came when they were in bloom during the early part of the month, so that fructification was almost impossible. The frost Sunday morning was very injurious. Fall-sown grain is looking excellent. Some wheat is now two feet high.

Forty-three Days From Nome. SEATTLE, April 16.-Rev. Loyal L. Wirt, Superintendent of the Congregationa Church in Alaska and of St. Bernard Mission at Nome City, arrived here yester-day, 43 days from Nome. He came over-land, via Katmai. His purpose in coming out is to raise funds for his hospital. He reports the camp fairly healthy.

NORTHWEST DEAD.

J. M. Dillard

ROSEBURG, Or., April 16.-J. M. DII lard, aged 58, a ploneer of the Umpqua Valley, died at his home in Dillard this morning. He had been in poor health for some time. Wednesday he was stricken with paralysis, which finally caused his death. He left a widow, two daughters and two sons. Interment will be tomorrow under the auspices of Roseburg lodge

Wiss Mary Campbell.

VANCOUVER, Wash., April 16.—Miss Mary Campbell, daughter of David Campbell and wife, of Washougal, Wash., who had been attending school here for the past two years, died at St. Joseph's hospital yesterday morning at the age of 19 years. The remains were taken to Washougal Obday, Brief funeral services were held at the Washougal Church, the Rev. Mr. Baker officiating.

Oregon Notes.

Heppner le building a two-mile bicycle At Lostine a mill man advertises, mon rough lumber at \$8 50 per M." A public park is the next improvement that is spoken of for Baker City.

A Coos Bay mill has a million feet of lumber on its wharf, awaiting shipment. D. B. Hinton ("Uncle Ben"), an Oregon pioneer, died in Crook County the 4th inst., at the age of 60.

An Albany man, whose son is a cornetist, but lost his hand, has had a left-handed cornet made for the boy.

Joseph F. Smith, a well-known citizen of Wallowa County, died at Enterprise recently. He was a Mason and a veteran

of the Civil War. The nominee of the Wasco Democrats for County Treasurer was emitted from the ticket sent to The Oregonian. John F.

Hampshire is the nominee The Eugene Guard says the Danish col-ony for Lane County will comprise be-tween 200 and 300 families, and that they will occupy from 5000 to 10,000 acres of land. The colonists will begin to arrive

colonists will begin to arriv A curious box, resembling an elongated offin, was delivered to Mayor Moores this corning and caused comment among atches of the executive office, who surmassed that it might contain a bomb or a corpso. Inspector Tom Mahamitt pried pen the lid somewhat cautiously and laid

OREGON SUPREME COURT

JENNIE SMITSON WINS HER \$10,000 DAMAGE SUIT.

Linn County, H. H. Hewitt, judge, reversed. Opinion by Bean, J.

This is a suit to enjoin the sale of certain real property belonging to the plaintiff, for taxes assessed against a former owner. In 1855 the property in question was owned by and assessed to D. DAMAGE SUIT.

Sued the Southern Padific for Loss of Limbs by Falling From a Train at Springfield.

SALEM. Or., April 16.—Opinions were handed down in the State Supreme Court today as follows:

Jennie Smitson. respondent, vs. the Southern Pacific Company, spellant, from Lane County, J. C. Fullerton, iudge, affirmed. Opinion by Moore, J

This was an action to recover damages for personal injuries. It was alleged in the complaint, in substance, that on July 2, 187, plaintiff was a passenger on defendant's train from Coburg to Springfield, Or., and as the train approached

MRS. JANE MUNKERS McDONALD.



OREGON PIONEER OF 1845 DEAD.

SALEM, April 16.—Mrs. Jane Munkers McDonaid, who died at Scio Saturday, at the age of 70 years, was a pioneer of 1845. She was born in Andrew County, Missouri, in 1821, and was a daughter of Benjamin Munkers, an Oregon pioneer, who was well known in the early history of this state, and whose descendants are now scattered to almost all sections of the Pacific Coast. In 1838 Jane Munkers was married to Nathaniel Green McDonald, who proceded his wife to the grave about a year ago. In 1845 the Munkers and McDonald families crossed the plains to Oregon, settling in Clackamas County about 20 miles east of Oregon City. At the outbreak of the Cayuse war McDonald enlisted, leaving his wife and two children alone in their cabin in the wilderness. Baving been wounded by being shot through the body, he returned home, and soon afterward started to California. Owing to poor health, the party stopped on the North Santiam, and, being pleased with the country, took up a donation land claim, which has since been the family home. At that time there were not more than half a dozen settlers in Linn County. McDonald built and operated the first saw mill on the Santiam River. first saw mill on the Santiam River.

jamin and William McDonald, Mrs. Virginia McKnight, Mrs. Minnie Jones and Mrs. Jane Miller. She left 35 grandchildren, of whom Hon. Jefferson Myers, of Salem, is the eldest. She also left five great-grandchildren. She was an earnest member of the Baptist Church, and held a high place in the esteem of those by whom she was best known.

The remains were given interment in the Masonic Cemetery at Scio, where the remains of her husband were buried a year ago.

the latter station, about 9 o'clock P. M., the signal whistle was given, the speed gradually slackened and the train stopped about 125 feet from the platform of the station; that the night being dark, the brakeman invited plaintiff to alight, whereupon she arose and with his knowledge followed him to the front platform the injury of which she complains in con-sequence of her own carelessness. The

In all cases it is held that there was no prejudicial error in the court below. Among the rules of law laid down in this

if a difference of opinion may exist as to the conclusions of fact deducible there-from, the issue should be submitted to the jury for their determination, it be-ing sufficient if the evidence offered tends to support the action, even though re-

to support the action, even though remotely.

"A passenger, having reached his destination, is entitled to reasonable time and opportunity to leave the conveyance that has transported him, and if such vehicle is suddenly started while he is in the act of alighting, and he sustainal injury thereby, the carrier is responsible for the negligence which produced the hurt.

"When a station is called, the passengers have the right to infer that the first stop will be at such station.

"Alleged declarations of a witness made out of court, which are inconsistent with the testimony given by him at the trial, are inadmissable as substantive evidence.

"The weight of judicial authority supports the rule that where a person has sustained a bodily injury in consequence of the negligence of a party, the future mental suffering necessarily to be en-

"If the signal whistle was given, the station announced in the car in which she was riding, and the train stopped before reaching the depot, or was moving so slowly that it appeared, in the car, to plaintiff as a reasonably prudent person, to be stationary, and if the brakeman then offered to assist her to alight, in pursuance of which she arose and followed him, and he opened and held the car door back while she passed to the platform, and if he stood thereon with his side toand if he stood thereon with his side to-ward her while she descended the car-steps, after receiving no response to her request to take her valise, and, the night being dark, if the station lamp was unit so that plaintiff could not observe that the train was moving, and if the brake-man did not warn her of the decree. man did not warn her of the danger, she was warranted in believing that the train

S. A. Hughes et al., appellants, vs. Linn N. L. Herschberger, appellant vs. A. J. County, Oregon, et al., respondents, from Johnson, as Sheriff of Lane County, et

edge followed him to the front platform of the car, while the train remained stationary, and believing that the train had reached the station, plaintiff, with the brakeman's knowledge, commenced to descend the car steps without being notified that the train had not reached the tilted that the train had not reached the line the delinquent taxpayers, or, if none be found, upon the feal property set forth in the delinquent list, or so much thereof tified that the train had not reached the station or warned that it was dangerous to alight, and while so descending the steps, the train was suddenly started with a jerk, causing the plaintiff to fall beneath the car, which ran over her legs, crushing them and necessitating their amputation. The answer denied the charge of negligence, and alleged that plaintiff recklessly started out of the front platform and down the steps of the car while the train was moving, and before it reached the station, and sustained for its reached the station, and sustained for its reached the station, and sustained for its plant of the delinquent list, or so much thereof as would satisfy the amount of taxes, with costs, etc. On the lith of June, 1897, the Sheriff returned such delinquent list and warrant, with the following affidavit attached: "State of Oregon, County of Clant, ss. I, M. C. Gains, Sheriff of Linn says that the foregoing statement is correct; that the sum of taxes in the anneating their station and surface and surface and the delinquent list, or so much thereof as would satisfy the amount of taxes, with costs, etc. On the lith of June, 1897, the Sheriff returned such delinquent list and warrant, with the following affidavit attached: "State of Oregon, County of Clant, ss. I, M. C. Gains, Sheriff of Linn county, Oregon, being first duly sworn, says that the foregoing statement is correct; that the sum of taxes for the year 1895 returned are unpaid. (Signed) M. C. Gains, Sheriff of Linn County, Oregon, being first duly sworn, says that the foregoing statement is correct. sequence of her own carelessness. The allegations of new matter in the answer having been denied in the reply, a trial was had, resulting in a judgment for the plaintiff in the sum of \$10,600. The defendant appealed.

In the Supreme Court a large number of questions were presented, and these are all minutely analyzed in the opinion. In all cases it is held that there was the county of the real property in question, and, on September 9, 1897, the County Clerk made and entered the following order: "In the matter of the delinquent taxvoil for the year 1896, Linn County. Oregon: Now on this day it is ordered Oregon: Now on this day it is ordered by the County Court that the Sheriff of Linn County, Oregon, proceed to levy and sell all property delinquent for taxes for the year 1895, on and after the 39th day Among the rules of law laid down in this decision are the following:

"A motion for a judgment of nonsuit is in the nature of a demurrer to the evidence, in the disposal of which all testimony produced by plaintff is to be regarded as true, together with every intendment and reasonable inference which can arise thereon, and when so considered, if a difference of opinion may exist as to the conclusions of fact deducible therether the issue should be submitted to the second warrant, authorizing and commanding him to proceed to sell the property described in the roll, or so much thereof as was necessary to satisfy the amount of taxer so charged, with costs and expenses thereof, and he was proceeding to execute such warrant when this suit was commenced. Upon the facts, the Court held that the plaintiff was not entitled to the relief demanded, and they

The opinion says: "It is well to ob serve at the outset that this is not a suit to enjoin the collection of taxes, nor is it a controversy between the taxpayer and the county authorities. It is a suit brought by the owner of real estate to prevent a cloud upon his title by a sale on a void process for taxes assessed against a former owner; and, therefore, Welch vs. Clatrop County (24 Or., 452) and similar decisions holding that a court of equity will not interfere by injunction at the suit of a tax merely because of an alleged illegality or irregularity appearing upon the face of the assessment, has no a controversy between the taxpayer and upon the face of the ass ssment, has no application to the case in hand. This suit comes within the well-recognized jurisd'ction of courts of equity to prevent clouds

upon title. "The contention for pla'ntiffs is that the warrant under which the Sheriff is threatening to sell their property is void, because the affidavit of June 30, 1886, attached to the return of del'nquent taxes, falls to show that the Sheriff had not, upon diligent inquiry, been able to discover any goods or chattels belonging to Montelth, upon which to levy."

After quoting and discussing sections 274 and 2803 to 2818 of the code, the opinton concludes: "The failure of the Sheriff to make and attach to his return of delinquent taxes the affidavit required by section 2811 renders the warrant subsequently issued void, so far as it commands him to levy upon and sell the real estate." The degree of the lower court is reversed, and a decree entered in favor of the plaintiffs.

UMATISM Distorts Muscles, shatters Nerves.

Is due to an acid poison which gains access to the blood through failure of the proper organs to carry off and keep the system clear of all morbid, effete matter. This poison through the general circulation is deposited in the joints, muscles and nerves, causing the most intense pain.

Rheumatism may attack with such suddenness and severity as to make within a few days a healthy, active person helpless and bed-ridden, with distorted limbs and shattered nerves; or it may be slow in developing, with slight wandering pains, just severe enough to make one feel uncomfortable; the tendency in such cases is to grow worse, and finally become chronic.

Like other blood diseases, Rheumatism is often inherited, and exposure to damp or cold, want of proper food, insufficient clothing, or anything calculated to impair the health, will frequently cause it to develop in early life, but more often not until middle age or later. In whatever form, whether acute or chronic, acquired or

in early life, but more often not until middle age or later. In whatever form, whether acute of chromatic ecquired or in herited, Rhoumatism is Strictly a Blood Disease, and no liniment or other external treatment can reach the trouble. Neither do the preparations of potash and mercury, and the various mineral salts, which the doctors always prescribe, cure Rheumatism, but ruin the digestion and break down the constitution.

A remedy which builds up the general health and at the same time rids the system of the poison is the only safe and certain cure for Rheumatism. S. S. S., made of roots, herbs and barks of wonderful solvent, purifying properties, attacks the disease in the right way, and in the right place—the blood—and quickly neutralizes the acid and dissolves all poisonous deposits, stimulates and reinforces the overworked, worn-out organs, and clears the system of all unhealthy accumulations. S. S. S. cures permanently and thoroughly, and keeps

the blood in a pure, healthy state.

Mr. J. O. Malley, 123 W. 15th Street, Indianapolis, Ind., for eighteen months was so terribly afflicted with Rheumatism he was unable to feed or dress himself. Doctors said his case was hopeless. He had tried fifty-two prescriptions that friends had given him, without the slightest relief. A few bottles of 5. S. S. cured him permanently, and he has never had a rheumatic pain since. This was five years aga.

We will send free our special book on Rheumatism, which should be in the hands of every sufferer from this torturing disease. Our physicians have made blood and skin diseases a life study, and will give you any information or advice wanted, so write them fully and freely about your case. We make no charge whatever for this service. Address, SWIFT SPECIFIC CO., Atlanta, Ca.

al., respondents, from Lane County; J. C. was in fact delivered and received under Fullerton, Judge; reversed. Opinion by the same contract as the other wheat, Fullerton, Judge; reversed. Opinion by Wolverton, C. J. The opinion says:

This is a suit to enjoin the Sheriff of This is a suit to enjoin the Sheriff of Lane County from taking certain personal property, consisting of a boiler, engine and sawmill complete, with belts, saws, pulleys, shafting, and all other appliances, machinery, to is, etc., attached thereto, or in any wise appertaining or belonging to said boiler, engine or sawmill, from the possession of plainiff. The injunction being dissolved and complaint dismissed, the plaintiff appeals. the plaintiff appeals.
"The defendants claim ownership under

a Sheriff's sale, in pursuance of an exe-cut o , issued out of the Circuit Court in a case wherein J. W. Cr'der was plaintiff and Levi P. Herschberger was defendant. The property had previously been attached in said action as real estate, on April 5, 1897, judgment and an order of sale having been given and entered meanwhile. The plaintiff claims ownership under a The plaintiff claims ownership under a Constable's sa'e by virtue of an execution issued out of a Jusine's Court in a case wherein one S. A. Staver was plaintiff and Levi P. Herschberger, J. A. Yoder and J. D. Mishler were defendants. The execution was levied March 15, 1897, and sale made April 27 following. On the and sale made April 27 following. On the day of the levy of the execution in that case, a writ of attachment was issued out of the Justice's Court in another case, wherein Mitchell, Lewis & Staver Company was plaintiff, and Levi P. Herschberger and J. D. Mishier were defendants, and the same property attached. Judgment was entered in the latter case March 25, 1877, where'n the attached property was ordered sold. Execution was issued in this case April 15th, and a sale had of the attached property at the same time as under the previous execution. The plaintiff's predec soor became the purchaser under both these executions. In the levy the property was treated as perthe levy the property was treated as per-sonalty, and was sold and purchased as such at the execution sales. The liens acquired under the Justice's writs antedate the attachment in the case of Crider vs. Levi P. Herschberger, and the pivotal question presented is whether the proper-ty is personalty or real estate. If the

former, the plaintiff has acquired the prior former, the plaintiff has acquired the prior title; otherwise, not.

"The boiler, engine, and sawmill, with the belts, etc., attached, are situated upon leased land, and were placed thereon by Levi P. Herschberger, under an express agreement with the owners of the land couched in the lease to the effect that agreement with the owners of the land couched in the lease, to the effect that they should not become a part of the realty. Of this condition, the defendants, or at least one of them, had notice, as they set for h the alleged fact in their answer, which would indicate as much. The rule is now well established that when things personal in their character are about to be annexed to realty, parties may in anticipation of such annexation by express agreement, provide that such chattels shall retain their character and status as personalty, and, if they do not by their annexation lose their distinctive by their annexation lose their distinctive identity, and thereby become so essentially a part of the really that their removal will materially injure or destroy the realty, or destroy or unnecessarily impair the value of the chattels, their original character will be preserved by the agreement

"We only know from a general descrip tion of the property what its character is but from this it is apparent that it is of such a nature as to admit of an agree ment to preserve its original identity, al though it may have been attached to the soil for the purpose of its operation and

"This being the only question involved in the view we have taken of the contro versy, the decree of the court below will be reversed, and one here entered making the injunction perpetual.

J. F. Anderson, respondent, vs. the Portland Flouring Mills Company, appellant, from Cłackamas County, T. A. McBride, Judge; affirmed. Opinion by Bean, J. The defendant is a corporation, engaged in the business of buying, selling and storing wheat and manufacturing flour at Oregon City. During the years 1891, 1892 and 1893, John Gash. George Anderson, William McAllister, R. T. McNichols, J. P. Frizzell, and the plaintiff, severally delivered wheat to W. E. Loughmiller & Co. at Switzerland, and other stations on J. F. Anderson, respondent, vs. the Port Co., at Switzerland, and other stations or the Woodburn branch of the Southern Pacific Railway, amounting in the aggregate to 4250 bushels, which, by permission of the owners, was shipped to the defendant at Oregon City, for storage in its warehouse. Loughmiller & Co. subse-quently failed, and being unable to replace the wheat, or pay therefor, the claims of the respective parties were assigned to the plaintiff, who commenced this action to recover its value, on the theory that Loughmiller & Co. in receiving and shipping the wheat, were acting for and as the agents of the detendant, and it is, therefore, liable for their contracts. The therefore, liable for their contracts. The trial resulted in a judgment for the plaintiff, and the defendant appealed, assigning as error the admission of certain testimony and the overruling of its motion for nonsuit. . . Plaintiff introduced in evidence five warehouse receipts. . . and was permitted over defendant's objections and exception to give evidence allunde the receipts, tending to prove that Loughmiller & Co. in signing and issuing them, were acting as the agents of defendant, and that such receipts were, in fact, the contracts of the defendant.

The contention of defendant was that

The contention of defendant was that since warehouse receipts in this state are made negotiable by statute, the rule of law that the liability of a party upon a negotiable instrument must be established by the terms of the writing itself, and cannot be shown by evidence applicable to such receipts. coint the court says: "This rule is, in our opinion, confined to commercial contracts, which represent

and in a measure pass as money, such as

bilis of exchange and promissory notes. Parol evidence is not admissible to charge an unnamed principal or such an instru-ment. . . But the statute does no ment. . But the statute does not give to such (warehouse) receipts all the attributes of negotiable paper. . It is in no sense a negotiable instrument, under the law merchant . . and such evidence (parei) is admissible to show that,

dence (parol) is admissible to show that, although executed by and in the name of an agent, it is, in fact, the contract of the principal, and he is bound thereby."

The court also holds that the motion for nonsult was properly overruled, and that parol evidence is competent to show that wheat for which load checks were given

The following minor orders were made:
A. A. Kadderly, appellant, vs. William Frazier et al., respondents; ordered on application of appellant and consent of respondents, that said appellant have until October 1, 1900, to serve and file his brief.

R. Kersiake et al., respondents, va.
Brower & Thompson Lumber Company,
respondents, and the Latourell Falls
Wagon Road & Lumbering Company et al., Wagon Road & Lumbering Company et al., appellants; it is ordered on stipulation that respondents, George, Gregory & Duniway, have until May 10, 1900, to serve and file their brief in answer to appellants and in support of their cross-appeal.

Charles Altschul, appellant, vs. Emmett Clark, respondent; ordered on stipulation that appellant have until May 7, 1990, to file the transcript of the cause, and it is further ordered that when filed at Pendleton, the cause shall be transferred to Salem for trial.

Pacific Export Lumbering Company, re-

Pacific Export Lumbering Company, re-spondent, vs. Prescott, Veness & Co., ap-pellants; ordered on stipulation that appellants' time to serve and file their brief herein be extended to May 15, 1960. State, ex rel. Hammer, respondent, vs. F. O. Downing, appellant; ordered on stip-ulation that appellant's time to serve and file his brief be extended to May 1, 1990. Theo, A. Garbade, respondent vs. Larch Mountain Investment Company, appellant; ordered that respondent have until May 15, 1900, to serve and file his brief.
Ordered that William Carlton Chase, a licensed attorney of this court, be permanently admitted; on motion of A. J. Sherwood.

Mary E. Quinn, appellant, vs. Caroline
A. Ladd, et al., respondents; ordered on
motion that appellants' time to file a petition for rehearing be further extended

20 days.

Portland Trust Company, respondent, vs.
J. C. Hubbard et al., appellants; argued
and submitted on motion to modify the
decree herein.

COURT AT OREGON CITY.

-Other Cases. OREGON CITY, Or., April 16.—In the Circuit Court today, Judge McBride handed down a decision in the suit of S. Klinger, of Portland, against George Saum, a sawmill proprietor near Stafford, Saum has maintained a dam to elegate to the most of the court ford. Saum has maintained a dam to elevate water power for his mill for the past 15 years that caused some contiguous land in the neighborhood to be overflowed by reason of back water a greater portion of the time, he having an amicable understanding with the owner of the land. The original owner of the overflowed land sold the same to Mr. Klinger, who at once began suit to estop Mr. Saum from maintaining his dam to the injury of the land in question, claiming that defendant had entered into an agreement with the former owner to remove the obstruction. Mr. Saum denied these allegations, and the court handed down a decision in his favor. court handed down a decision in his favor.

For a number of years, Henry Thiessen and T. R. Worthington have been lawing over a narrow strip of land between the boundaries of two tracts in Milwaukie precinct, but the matter was finally settled today by a decree in favor of Plain-tiff Thieseen, who is awarded the disputed premises. At the beginning, Thieseen was premises. At the beginning, Thiessen was
the winner in a suit at law over the disputed strip, but a new trial was granted on
a technicality, and the jury brought in a
verdict in favor of Worthington. This
time a suit was brought in equity to settie the matter, with the result of a verdist in favor of Plaintiff Thiessen.
In the damage suit of Henry Nute, of
Portland, against Noblitts, on account of
the Wilholt stage accident nearly two

the Wilhoit stage accident nearly two years ago, a motion for a new trial was overruled. The suits of Akin, Selling & Co. vs. E. M. Hartman, the City of Portland vs. C. W. Ganong, and the Portland General Electric Company vs. H. J. Ship-ley were ordered stricken from the docket. The divorce suits of Walter vs. Elizabeth Nobilit and Fillipina vs. Frank Sweitzer were diamissed, and default was entered in the case of Ida B. vs. Elmer C.

Thomas.

A demurrer against the charge of practicing medicine without a license, entered against A. W. Hertzka, a Christian Science healer of Portland, will be argued in he morning. County Judge Ryan today granted an or-

der on the petition of Hiram Straight, ex-ecutor of the estate of Hiram A. Straight, deceased, to settle a claim against H. M. Cake, trustee, amounting to \$11,000, with accumulated costs and interest for \$10,000.

Circuit Court against Cake, as trustee, on 140 acres of land north of the city, over which there has been considerable litigation. This order for a compromise will stop litigation and enable the executor to settle up the estate.

Fishermen along the river made light hauls yesterday afternoon and last night, and report chinook salmon as very scarce. Fishermen are considerably discouraged over the outlook, although salmon are bringing a good price.

The funeral of the late George D. Warner was largely attended this afternoon, many relatives and friends from Portland being in attendance. The services at the family residence were conducted by Rev. P. K. Hammond, rector of St. Paul's Epis-P. K. Hammond, rector of St. Paul's Episcopal Church, who also officiated at the opening and closing exercises at the grave in the Masonic Cemetery. The impressive burial service of the Native Sons of Oregon was here conducted by President R. C. Ganong, assisted by Past President Robert A. Miller, of McLoughlin cabin, No. 4. The pall-bearers were Gilbert L. Hedges, Livy Stipp, W. H. Howell, J. W. Cole, Henry Meldrum and K. H. Gabbert, Many elaborate, tasty floral offerings were in evidence. The fire department and Cataract lodge, Knights of Pythlas, each attended the funeral services in a body.

Beet-Pulp Beef.

La Grande Observer. The problem is now solved, and actual feeding cost has demonstrated that beet pulp will not only be eaten by cattle, but that it makes most excellent beef. Messrs.

Patterson & Armstrong began the experiment last Fall by putting 675 range cattle on a pulp diet and hay. The cattle ate and thrived, enabling them to market 500 head of prime beef steers, and had the supply of pulp held out a little longer the whole lot would have been rolling in fat. The 175 not ready for market when the pulp gave out will be grazed until Fall and again be fed on pulp. The same company will feed a large number of steers next Fall, enough to consume the entire output of pulp.

Potatq-planting near Ellensburg is under full way, and the acreage promises to be very large this season.

SPRING-TIME DELUSIONS

FACT vs. CONJECTURE.

A Few Valuable Hints to Those Who Are Quick to Take Advantage of Timely Suggestions.

Just now the advertising space of the average newspaper is filled with adver-tisements of Springtime medicines, blood purifiers, etc. When it is understood as a scientific truth that the kidneys, liver and lungs are the only blood purifiers of the human body, much disappointment and money will be saved. Dizziness, palpitation, languid feelings, headache, ache, etc., are caused by the system being poisoned by uric acid, which the kidneys, through overwork or weakness, do not eliminate. The troubles mentioned are but symptoms. The cause lies deeper. Put the kidneys and liver in working order, with that vegetable specific, Warner's Safe Cure, and the symptoms and attend-ant troubles will disappear. With the system in first-class condition and the great organs of life doing the work nature intended them to do, most diseases are thrown off. It is the weakened, debili-tated poisoned body which falls an easy prey to chills, fevers, pneumonia, consumption, Bright's disease and death. No man or woman can afford to be laid up with a severe illness. It is the part of wisdom to keep well. Miss Florence Buffum, secretary of the Ishwara Theosophical Society, of Minneapolis, understands this perfectly, and under date of January 24 last, writes: "I have found Warner's Safe Cure of high value. It greatly assists a worn-out system to perform its duties, and whenever any of my friends become languid or pale and full of pairs. I advise them to try Warner's Safe Cure. sumption. Bright's disease and death. No I advise them to try Warner's Safe Cure, feeling assured that they will be satisfied with the result." Miss Buffum's experience can be yours. Will you not also en-

Study These Numbers There are many people, women and



men, who suffer from nervous disorders, and who are misled as to the true nature of the malady on account of the complex symptoms. When the nervous system is at fault, symptoms arise that are entirely remote from the seat of the disorder, and this is why people will doctor for stomach trouble, heart trouble and other disorders when in reality it is the nerves alone that are at fault. This diagram will serve to teach you your exact condition if your nerves are at fault. A prominent symptom is headache or dizziness (Fig. 1). The headache may be throbbing or dull. Other symptoms are hollow eyes (Fig. 2), pale or sallow com-plexion (Fig. 3), palpitation or fluttering

of heart (Fig. 4), impaired digestion and loss of appetite (Fig. 5), weakness of limbs (Fig. 6). Again, we have impaired memory, trembling, tendency to faint, lack of energy and general weakness as prominent

symptoms of nerve weakness or nervous exhaustion. HUDYAN is a positive and permanent cure for Men and Women all nervous disorders. HUDYAN will strengthen the nerves. HUDYAN will invigorate the entire system. Advised Free Write Complete nervous prostration is most serious. HUD-YAN will prevent it. HUDYAN will promptly overcome all the above symptoms. HUDYAN will correct constipation. HUDYAN will promote natural elesp—sleep that gives health and strength.

HUDYAN is for sale by druggists; 50 cents a package, or six packages for \$2.50, if your druggist does not keep HUDYAN send direct to

Cor. Stockton, Market and Ellis 5ts HUDYAN REMEDY CO., Consult Free-Consult Free the Hudyan Dootors, Write to them