HOW CAN THEY BE BROUGHT UP TO EQUAL CITIZENSHIP!

Twaining Schools Not Reformatories Resolution Favoring an Indian Reform School Was Adopted.

CHEMAWA, Or., Aug. 15.—The second day's sension of the Pacific Coast Indian Institute opened this morning with Increased interest and attendance. Every train brings in delegates so that Oregon, California, Washington and Alaska are already well represented. The followare already well represented. The following officers were elected to serve during

President-Major Thomas Jay Buford,

Vice-Presidents-For Oregon, Superin bendent Thomas W. Potter, Chemawa; for Washington, Superintendent Prank Terry, Tacoma; for California, J. Thomas Hall, La Joola; for Alaska, Rev. J. P. Jones, for Montana, Superintendent Campbell, Fort Shaw; for Idaho, Super-intendent Hosea Locke, Fort Hall. Becretery—Assistant Superintendent W. P. Campbell, Chemawa. Chaplain—Rev. E. H. Bryant, Siletz.

Committee on resolutions—W. P. Campbell, Miss Alice Reason, Chemawa; Miss Eva Wentworth Warm Springs; Frank Perry, Tacoma; Miss May Gaither, Uma-

The day was epent in lecture work and

discussion, the tendency being to draw the two systems of education, that of the white boy and that of the Indian, closer together; and it has repeatedly been suggested by many of the oldest Indian teachers that one of the wisest courses to pursue at the present time is to encourage the outing system, which provides that Indian boys and girls should be placed with be placed with cultured white families In order that they learn the ways of the white people. President Frank Strong, of the University of Oregon, especially rec-numends the outing system and suggests that it is absolutey necessary for Indian boys and girls to precede high intellectual development with a drill in industria education. He said that the Indians had once been a great people who had repeatedly neglected opportunity of culture and self-government until they came to a point where they would have to work back again, requiring possibly may decades, to their original strength of body and power of mind. He also said in part.

also said in part:
"The interest in education is greater than ever before. It is so because it is than ever before. It is so because it is becoming more and more evident that education in its broadent and truest sense is the most important matter with which we have to deal. This is true for at least two reasons. First, education has to do with the preservation of all that the past has given us of culture of mind lution, of all those many factors that go to make up general human efficiency. Second, education increases and extends ann culture and human efficiency Education, therefore, has to do not only with the mere school training of children, but it determines the quality of civiliza-tion which we possess, the production of of which we are capable, and the total product of our National activity

education as a whole becomes properly adjusted to the nature of the child and to the accumulated experiences of the race, it will have become indeed scientific. Too often in the past it has both ignored the nature and the process of the development of the child and the meaning of the teachings of history: It set the individual off as a unit, unconnected with the accumulated experiences of the race. Evolution has set a new value both upon the individual and the race. The race is what it is now on aclid and to the accumulated experi The race is what it is now on account of what it has been. Man is bo to the race by uncounted ties that no force can break. The crowded millions of the earth's past have not lived in valu. Upon the accumulated product of their experiences we are to erect the civilian tion of the twentieth century. It is the idea of evolution that the child is irre-wocably bound to the race that is revolutionizing our idea of education, that is forcing the world to add to the efficiency of the race. For if men or nations fall in their duty, it but rolls a heavier bur-den upon those behind them that walk with bleeding feet the wilderness of

Indian Reform Schools Assistant Superintendent W. Campbell, of Chemawa, said in favor of the establishment of reform schools in the Indian

ecrylee:
"The establishment of a reform school be a benefit to the Indian service. but there are some obstructions which must be removed before such a school can be established with success. We must first have compulsory education. "Those who have an idea that all In-

dian schools are reform schools should visit Chemawa, Puvallup Umatilla Stletz or any school on the Coast and they will find that they were mistaken. The In-dians are not criminals. For the year ending June 30, 1899, only 244 out of 257,505 Indians of the United States or less than one-eleventh of one per cent were tried in the civil courts; by other methods than civil courts, we find less than one-fourth of one per cent. In this connection it of one per cent. In this connection it might be instructive to state that about the same number of white men were prosecuted for selling liquor to the indians during that year. There is one feature of the Indian school service that we might say has been inherited fro the Indian's nomadic habit, his desi for perpetual change, from which w reap our runaway pupils. Looking at it from a pecuniary standpoint, it would be a great economy to establish a reform school. Discipline demands that runa-ways be returned. The establishment of such a school, would lessen the number of attempts. Experience all over the

At the close of a heated discussion, the following resolution was unanimously

"Resolved. That it is the sense of this meeting that a Reform School for the Indian Service is a necessity, and we respectfully request the honorable Commismoner of Indian Affairs to take such steps as may be deemed necessary to establish such an institution at a central point in

Superintendents Frank Terry, Thomas W. Potter and Miss M. V. Gaither were appointed a committee to transmit this resolution to the Indian Commissioner. It is understood further that the committee will receive the hearty support of and officers throt United States in bringing this matter to

the attention of the Commissioner, Miss Lottle Lane, of Puyallup, favored the institute with a meritorious plano solo, and Miss Nellie E. Thomas, of Oak-hand. Or., read a paper on the duty of the state to the Indian child, in which she emphasized the fact that the obliga tions of the state to children is the same, regardless of color. Frequently bits of gardless of color. Frequently bits of cal and instrumental music were given by the students of the Chemawa school displaying marked musical talent and

afternoon session was opened with an address on 'The White Man vs. the Indian," by John B. Horner, professor of Thetoric and English literature in the Ore-gon Agricultural College, Professor Hor-

ner said, in part: The people who established this Nation were of three classes, and were represented by the red, white and blue which we have come to honor with patriotic ferwor. There was the red man, the white man and the blue Yankee-the red, white and blue of a new Nation, and is sym-bolized wherever she plants her banners. The red man was here when the white

EDUCATION OF INDIANS the product of a temperate climate, not of extreme heat nor cold. He was a unter and true warrior, but not a cannibal; and for cunning was excelled by no man. He was provident; he laid by sup-plies, dried herbs and cured salmon, buf-falo and other meats for Winter. He had his herds of horses, and his wants were amply supplied, so that the average lon-gevity of the Indian was equal to that of the white man.

"Sometimes a white man married an

Indian maiden—who was possibly a prin-cess in blood as well as in character. There was happiness in the new homes; the better husbands and fathers never forsook their families as the tide of immigration increased. They educated their children, many of whom married whites. It was a repetition of the Norman conquest, when the invaders and the natives infermarried until the two peoples came to be assimilated into a new race; and men and books that had spoken of the white man versus Indian now began to understand the mutual relation of the two, and spoke of the white man and the American Indian. In the course of dec-ades, when the systems of instruction will be the same and old battle-fields will be forgotten, such expressions as 'the Indian and the white man' will be dropped and they will say 'the American.' The evening session, which took place

in the Auditorium, was opened with an address by Superintendent Frank Terry, of Tacoma, on the question, "Should Precedence Be Given Industrial Work in Our Schools?" He said, in part:

"I find the facts on the negative side of that question just as they are on the neg-ative of any proposition tending to pro-duce one-sided men. Given a man with quickened conscience, but without brain and muscle development, and we have a religious grank; given one with an aca-demic training, but without skilled hands and we have what is called 'an educated fool'; and given one with skilled hands, but without brain and heart development, and we have a 'tolling hind,' but not a

"It is admitted that the Indians need to learn that the divine decree, 'By the was not issued to the white man only; but it is not admitted that they are more need of this than of the development of thought and correct reasoning which the schoolrooms give. Nothing can be of more importance to them than a knowl edge of the language of our country. They also need to understand our methods of making ordinary calculations, our principles of self-government, etc.

"These several departments, therefore, must work together, each supplementing the efforts of the others, in drawing out the perfect man, the quickened conscience, the intelligent brain, the skillful

Governor Geer's Address.

After a feast of good music, Governor Geer addressed the institute, saying among other things:
"The Chemawa Indian Training School, although a Federal institution, is one whose success appeals to every Oregonian, since it is in one sense a part of the state's educational system. Most of its pupils are native sons and daughters of the state, and, ignoring, if we may, the right of ownership by conquest or purchase, and insisting that the doctrine of if the only just one, we may well stand back and ask ourselves what we are do. governing by the consent of the governed

ing here, anyway. 'One hundred years ago there was not a white man living in all the vast domain now included in the great state we all love so well, but before that, for count-less ages, so far as we know, these beau-tiful valleys and picturesque foothills and towering mountains were the happy, certainly the unmolested, homes of the various tribes constituting the 'red men of the forest.' Perhaps nothing will ever be definitely known of the origin of these earliest occupants of this country; cer-tain it is that at this time, after the most profound and searching inquiry into all available history and data, nothing whatever is known beyond the unsatisfac-tory results of speculation and the con-fusing stories of dreamy tradition. "The Indians differ from almost, if not

quite, all other races of men, in that they keep no record of any kind of dates or events outside of what is handed down events outside of what is named down from generation to generation in the form of story and romance, and the utter un-reliability of this sort of information is not confined to their own race. People whose faces are of a paler hue are, as we know from experience and observa-tion, often painfully incapable of impart-ing information by this method that is in guaranteed accord with the facts. Of course, a lack of habit in this direction begets a lack of care or interest, and the result is a continuous and firmly estab-lished indifference to anything but the events of today. Beyond what we have actually seen of the Indians we know

practically nothing about them. "There are perhaps few who, in their reflective moments, do not entertain a degree of sympathy and even admiration for the gallant struggle made by the Indians of this Northwest coast against any interference with their undisputed right to its possession. Their title to it rested on the solid ground of ownership and actual occupancy, and no one has a right to doubt the statement that it goes back, uncontested, even beyond the time when the Oregon first began to hearken to nds of its own dashings. Their technisounds of its own dashings. Their technical and legal right to it was as good as ours is today, even better, for they owned it first, but because the plans of a higher Power, as outlined by the history of mankind, demanded it, or seemed to, we be-gan to govern them without their consent, just as though no Declaration of Inde-pendence had ever been made, and have een doing so ever since, although in many instances, as they submit to certain

many instances, as they submit to certain prescribed conditions, they are admitted to citizenship and are allowed to partici-pate in their own government. "It is under the evolution of events, and in obedience to the dictates of justice and humanity, that we have reached that point where we provide not only for the protection of the Indian boys and girls, but for their education at public expense. The General Government has very kindly and thoughtfully and justly made the same provision for their education along certain lines that it has for its white children, and, as an outgrowth of the beneficent system, we have in our midst the beautiful village of Chemawa."

STORM AT CAPE NOME.

Several Ships and Lives Lost-3000

Stranded Goldhunters.
SEATTLE, Aug. 15.—The steamship Centennial arrived this afternoon from Nome with over 500 passengers, bringing news of the wreck of several vessels on the Nome beach on August 2 and 3, during which time a severe storm raged. The of the wreck of several vessels steamer W. K. Merwin is a total wreck. She drove ashore on the afternoon of August 2. So far as known, there were no lives lost, the crew and passengers escaping to the shore in small boats.
During the storm the tug Effort drifted
broadside on the beach and got bliged.
The schooner Teaser also drifted on the beach, and lay on her beam ends. Many

scows and small craft parted from their moorings and went ashore. The gale is reported by returning passengers to have been very severe. Sev-

eral drownings occurred.

General Randall has received authority to send back the indigent sick and destitute at the expense of the Governme He had received over 2000 application passage, and there were still several thousand who were broke and eventually be compelled to ask the Government to assist them home.

CABLE PARK, FOR AN OUTING

Cable Park, Portland Heights, 800 feet above the city, at terminus of Portland Railway, open to the public. Fine view The red man was here when the white man came. He was the host and contended for his rights and his honor until the white man took possession of the entire estate.

"The Pacific Coast Indian was the superior of the and arms Indian was the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with man took possession of the entire with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment was the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with man took possession of the entire with man took possession of the entire with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with the superior of the snow-clad peaks, city and country, pleasant shade, good refreshment with the snow-clad peaks, city and country and countr

IS NOW UP TO CONGRESS

NECESSITY FOR IMPROVEMENT OF COLUMBIA BIVER.

Presh-Water Drydock and Naval Station on the Pacific of Great Importance.

WASHINGTON, Aug. 10.—More than ever before is it now necessary to make an improvement at the mouth of the Co-lumbia River. That improvement has always been necessary, but when it is pointed out in the report of the Naval Board that it is desirable to have a drydock on the Columbia, that makes the necessity for the great improvement according to the latest plans of the engineers are the response to the second of the engineers are the response to the second of the engineers are the response to the second of the engineers. neers greater than ever, and it now de

schooner Ralph J. Long, from Frankfort, Hoquiam Wash—Arrived Aug. 13—Schooner W. F. Witzerman, from Honolulu for Aberdeen; schooner Serena Thayer, from Honolulu for Aberdeen.

Liverpool—Salled Aug. 14—Lake Ontario, for Montreal. tario, for Montreal.
Queenstown, Aug. 15.—Arrived—Waesland, from Philadelphia for Liverpool.
Southampton, Aug. 15.—Arrived—New
York, from New York.
Boulogne, Aug. 15.—Arrived—Maasdam,
from New York for Rotterdsm.
Hamburg, Aug. 15.—Arrived—Deutschland from New York, via Plymouth and

Cherbourg.

New York, Aug. 15.—Arrived—Hesperia, from Genoa, etc. Sailed—St. Paul, for Southampton; Teutonic, for Liverpool; Aragonia, for Antwerp.

Liverpool, Aug. 15.—Arrived—Livenian, from Montreal; Cufic, from New York; Oceanic, from New York; Plymouth, Aug. 15.—Arrived—Patricia, from New York for Hamburg, via Cherbourg.

Seattle, Aug. 15.—Arrived—Steamer Centennial, from Nome. Port Townsend, Aug. 15.—Passed—GerMUST DEPOSIT THE FEE the fees then established by law for the performance of any duty by the District

THE SIG FOR DISTRICT ATTORNEY IN DIVORCE CASES.

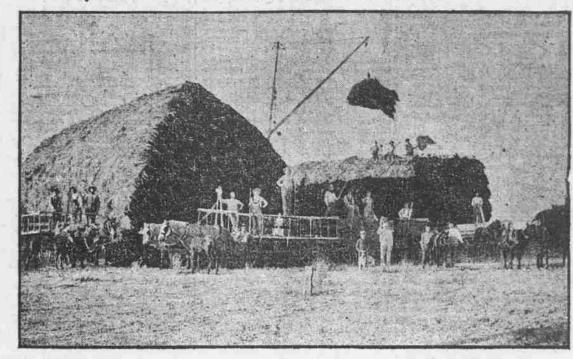
Supreme Court Renders Decision in the Multnomah County Case-Opinions in Other Cases.

SALEM, Or., Aug. 15.-The Suprem Court rendered a decision today in the case of Effic Fitzgerald, appellant, vs. Dan J. Moore, Clerk of the Circuit Court for Multnomah County, respondent, in which it is held that the Clerk properly insisted upon the deposit of a \$10 District

Attorney fee in divorce cases.

This was a mandamus proceeding commenced in Multnomah County, February neers greater than ever, and it now devolves upon Congress to provide for such an improvement in the next river and harbor bill. The United States has fleets upon the oceans, It has naval versels, it has Army transports, besides the growling Pacific commerce carried in vessels owned by private corporations and induing the complex of the case without the deposit of \$10 as a District Attorney fee. The case was heard by Judge A. L. Fradro, for Nome; steamer Charles Neison, dividuals. These vessels must be cared

HAYING IN KLAMATH VALLEY, OREGON



KLAMATH FALLS, Or., Aug. 12-On the ranch of Samuel T. Summers, Sheriff of Klamath County, the harvesting of alfalfa hay has just been completed. The amount of hay cut is between 1500 and 2000 tons. The big barns have been filled and the surplus was stacked, a gang of some 20 men having been employed in this work. Mr. Summers' father settled in the great Klamath Valley in 1885 when it was all sagebrush. There are now 800 acres fenced and in cultivation on the place. Two crops of alfalfa are harvested per year, averaging about 2½ tons per acre each time. Klamath is becoming a great feeding country, as many cattle are driven in there from California to be stall fed during the Winter on alfalfa. The Summers ranch adjoins the Jay Beach place, where the noted racing stallion was reared.

for in the Government docks, and it is necessary to have a repair station where they can be taken care of in case of ac-cident. The interests in the far East have developed. Instead of being less, there will be more ships, and there will be more naval vessels on the Pacific Coast than there are today. The necessities are greater. We shall always have armies in the Philippines, and they must have supplies, and transports must carry soldiers to and from those distant shores. When this matter is made plain to the men who this matter is made plain to the men who have charge of preparing the next river and harbor bill, there ought to be no difficulty in making the Columbia River improvement one of such profound importance, by reason of the proposed buildng of a Government drydock and naval station, that they will make proper prostation, that they will make proper pro-vision for the improvement of the mouth of the Columbia. This naval station and dock are absolute necessities in order to keep pace with the progress and devel-opment of the Pacific Coast.

ST. MARY'S BLOCKADE. of Time to Boat-Owners From

8100,000 to 8200,000. SAULT STE. MARIE, Mich., Aug. 15. SAULT STE. MARKE, Mich., Aug. in.— Wrecking outfits with extra crews worked today to clear the passage of St. Mary's River, which was blockaded last night by the sinking of the big ore schooner Maida. It will probably be four days at the inside before the channel is free from the obstruction. About 250 boats laden with obstruction. About so boats ander wife ore, merchandise, grain and coal are sf-fected by the blockade, and the actual loss of time will mean from \$100,000 to \$200,000 to the boat-owners alone.

NITHSDALE CLEARS.

Takes a Cargo of Wheat Valued a 859,450 to Europe. The British bark Nithsdale cleared yes

treday for Europe with 10L185.38 bushels of wheat valued at \$59,450. Her cargo comprises 33.859.28 bushels of Oregon wheat and 67.27.20 bushels of Walla Walla wheat. The British bark Bowman B. Law finished loading flour yesterday.

To Roise the Eurene. Willamette & Columbia River Tow ing Company will begin tomorrow on the ing Company will begin tomorrow on the work of saving the steamer Eugene, which is fast on Risley's Rocks, near Oregon City. The huil of the boat is pierced in two feet by a larke rock. At first it was supposed that the rock would have to be blasted, but it was found that by chipping it off there would be much less danger of causing extra damage. The water is falling fast, and the boat is nearly out of water. A diver oat is nearly out of water. A diver will be sent down and bulkheads will be put in, then the boat will be reised a foot or two and pumped out. After that it will be an easy matter to skid her off into the water. It is thought that the work

the water. It is thought that the work will be finished by the end of this week. Two Grain Vessels Arrive. The Harvest Queen arrived from Astoria at 8:20 yesterday morning, towing the British bark Australia and the British ship Genista. The Australia took berth at Weidler's dock and the Genista at Oceanic dock. The Harvest Queen's next tow will be the British ships Orealla and

Carried Lumber and Lath. ASTORIA, Aug. 16 .- The schooner Pionear, which crossed out yesterday for San Francisco, carried a cargo of 465.912 feet of lumber and 44.088 feet of laths. She was loaded at the Knappton mills.

Almota on Snake River. The Spokane, of the Lewiston-Riparia route, has been laid off for repairs, and the Almota has taken her place as a

Marine Notes. Joseph Supple has the contract for puting in the horse stalls in the transport Chrya, which has been scheduled to sail from Portland to the Orient.

The new steamer Sterra, of the Oceanic line, will not arrive at San Francisco from Philadelphia as early #s expected owing to some changes ordered in the Interior of the vegsel, so the Mariposa will make an extra trip hence to Aus-tralia. The Sonoma, the second steamer ordered for the same line, was recently aunched at Philadelphia.

Domestic and Foreign Ports. ASTORIA, Aug. 15.—Condition of the bar at 4 P. M., smooth; wind, south; weather, foggy, Left up at 9 A. M.— British ship Orealla. San Francisco, Aug. 15.—Arrived—

Tacoma; steamer Charles D. Lane, for the writ dismissed; hence the appeal by Nome.
Port Townsend, Aug. 15.—Passed—
Steamer Centennial, from Nome. Arrived
—Schooner Salvator, from St. Michael.
Chemainus—Salled Aug. 14—Ship James

Drummond, for Port Townsend. Yokohama—Sailed Aug. 12—British steamer Goodwin, for Tacoma. Arrived Aug. 14—British steamer Braemar, from

Hong Kong-Arrived Aug. 14-Steamer Olympia, from Taeoma.

San Francisco, Aug. 15.—Salied—Schooner Coquille, for Coquille River, Arrived—Steamer Egbert, from Seattle; steamer Walla Walla, from Victoria.

New York, Aug. 15.—Arrived—Koenigen Louise, from France.

Louise, from Bremen. Southampton, Aug. 15.—Sailed—Frederich der Grosse, from Bremen for New York. Rotterdam, Aug. 15.—Arrived—Moasdam, from New York, via Boulogne. Boston, Aug. 15.—Salled—New England

for Liverpool. Memorandam.

Per schooner Volante: August 12, 10 miles west of Fort Bragg, saw the ship John Ena, from San Francisco, August 11, for Port Blakeley, in tow of the Tatoosh; also a number of piles, which are a menace to navigation. August 13, 10 miles northwest of Point Ses, saw the schooner Volunteer, from San Francisco. cisco, August 13, for Coos Bay, in tow of the tug Columbia.

SKAGWAY AND HER TRADE.

Will Adopt Moderate Resolutions A Recent Earthquake.

SEATTLE, Wash., Aug. 16.-The City of Topeka arrived from the north this morning. She left Skagway, August 10. Lord and Lady Minto have arrived at Skagway.

The earthquake which recently shook Skagway was felt distinctly at several places along the whole length of the Yu-As a result of the assurances of help

given by General Spaulding, Senator Ma-son and other prominent officials, the Skagway Chamber of Commerce will adopt a memorial with reference to the Alaskan and Canadian austoms regula-tions now being prepared by its commite on trade and commerce to the Treasury Department. The object of this meportal will be to induce Canadians to ermit Skagway merchants to retain Canadian goods in bond at Skagway, with the privilege of shipping them across the border as sold and in quantities to suit the purchaser, and to have regulations adopted so that Skagway merchants can do business in Dawson, and that goods may be shipped from Skagway to their destination without the necessity of sending an agent to Bennett

TALK OF LYNCHING.

Treatment Suggested for Firebugs at Cape Nome. SEATTLE, Aug. 15.—The criminal element is again in the saddle at Nome, ac-cording to passengers who arrived from the north by the Centennial today. For a week or more prior to that vessel's de-parture thugs, thieves and firebugs had kept the city in a state of suppressed excitement, and talk of lynching was to be heard on every street corner. The crimes were apparently the work of an organized gang, which carried on its operations systematically, regardless of the military.

The greatest indignation has been aroused by the discovery and frustration of at least three separate and distinct attempts to burn the city, and a rumor was in circulation on the streets that a gang of firebugs had planned to start fires in various parts of the city simultaneously and lost the barks absenced. taneously and loot the banks, shops and stores during the progress of a general conflagration.

The local columns of the newspapers

were full of accounts of the doings of highway robbers, burglars, pickpockets and incendiaries. Man and Money Missing.

VICIORIA, B. C., Aug. 15.—Ell Frank, formerly a merchant of Victoria, is miss-ing with \$99, which he collected in Dawson for Lenz & Leiser, of this city. He falled to come to Victoria on his return from Dawson. The police traced him to Portland and lost the trail there

New Postmaster at Hamilton. WASHINGTON, Aug. 15 .- Amanda Creighton has been appointed Postmaster at Hamilton, Grant County, Or., vice Steamer Newburg, from Gray's Harbor; | Maggle Blackwell, resigned

the plaintiff. In sustaining the decision by Judge Frazier, Chief Justice Bean says in part: "The statute provides that the state

shall be deemed a party defendant in any suit for the dissolution of the marriage contract, or to have the same declared void (section 577); that the District At-torney shall be allowed a fee of \$10 for actually defending the same on behalf of the state (section 1073), and the plaint-iff is required by the act of 1878 to de-posit such fee with the Clerk of the Court before the complaint is filed (see tion 1071). The petitioner claims, how-ever, that the provision of the statute requiring plaintiff to make such deposit has been repealed by subsequent legisla-tion. In 18% the Legislature passed an act amendatory of an act to 'change in part the compensation and mode of pay-ment thereof to the County Clerks Re-corders of Conveyances, Clerks of the Circuit Courts and County Clerks in the state, and of the Sheriffs of the several countles; to repeal certain provisions of the statute providing for the payment of certain fees to said officers, and of trial fees in certain cases; to provide for the payment by parties to appeals, actions, suits and proceedings of certain sums to assist the state and several counties in defraying expenses consequent upon the administration of fuetice!

(Session laws 1895, page 77.) "By section 8 it is made the duty of the Clerks of the Circuit and County Courts to exact in advance from parties litigant n any suit, action or proceeding for the enforcement of private rights certain fees, and at the time such suit, action or proceeding comes on for trial or hearing, a certain sum as a trial fee; and section 9 provides that such sums are to be in lieu of all the fees such parties have heretofore been required to pay to Clerks. Sheriffs and other officials in such matters, and the trial fee provided for in the preceding section of this act shall be in lieu of the trial fee such par ties were, prior to the adoption of this act, required by law to pay, and no such fees or trial fee last referred to, or any other fee, shall bereafter be from the parties to any suit, action or

In 1899 the Legislature passed anothe act (Session laws, 1829, page 140) provid ing for the payment of certain fees which are to be in lieu of all the fees uch parties have heretofors been re quired to pay to Clerks, etc. . .

"The contention of the petitioner is that under section 9 of the act of 1895, and section 4 of the act of 1899, no fees can be required or exacted of parties litigant except such as may be provided for therein. This argument is based upon the provision that the several sums required to be paid shall be in Heu of all the fees the parties have hereto fore been required to pay Sheriffs, Clerks, etc., and all other officials, in such matters, and no other fees than those hereinbefore recited shall hereafter be exacted, and the court is asked to construe this language to include the District Attorney and his fees. It will be observed that such officer is not men-tioned in the title or body of either of the acts in question. The compensation or fees of District Attorneys was not the matter under consideration by the Legislature at the time of their plasage. This is apparent from their titles, which render very important aid in their construction. At the time of the passage of the act of 1895, the District Attorney was paid chiefly by fees, and to deprive him of his emoluments without mention ing his office, either in the title or body of the act, would not only probably be unconstitutional, under section 20, article 4 of the constitution. . . but would be against the generally accepted canons of construction.

The fee required by section 1074 to be "The fee required by section 10.6 to be paid to the Clerk by the plaintiff in a divorce suit is a mere deposit for the District Attorney, and not for his own use or that of the county. Under the law as it stood prior to 1838, placing the District Attorney upon a salary, he entitled to such fee as compensation for his services. Since that act the fee still remains, and the District Attorney is required to collect it as before, but he nust pay it over to the County Treasurer for the use and benefit of the county. So we conclude that neither the act of 1895 nor of 1899 operated to repeal the provisions of section 1074 of the statute requiring the plaintiff in a divorce proceeding to deposit with the County Clerk \$10 as a district Attorney fee The act of 1898 expressly provides that liberty.

Attorney shall continue and remain the established fees, and shall be collected by that official from the person or party by that official from the person or party for whom the service may be rendered, 'or who may be charged with the pay-ment thereof,' for the use and benefit of Multnomah County, and by him paid over to the Treasurer thereof. It is true, the act provides that no charge shall be made for services rendered by the District Attorney for or on behalf of the state or of the county. But this provision was intended to apply to in-stances in which the District Attorney had heretofore been authorized to charge and collect from the state and county, and not to cases where his fees are to be ollected from private parties for whom the services are rendered, or 'who me be charged with the payment thereof.'

I. Shannon et al., plaintiffs and appel lants, Peter Code et al., plaintiffs and re-spondents, vs. the City of Portland et al., defendants and respondents, from Muit-nomah County, Alfred F. Sears, Judge; affirmed. Opinion by Wolverton, J. This was a suit to enjoin the collection of certain street assessments made to defray the cost of improving and repair

ing East Water street, between East Oak street and Hawthorne avenue, in the City of Portland. The opinion says in part: "Two questions are urged here, which, is "Two questions are urged here, which, it is argued, are indisputably fatal to the validity of the alleged assessments. These are (i) that no sufficient notice was ever given to the plaintiffs, nor were they afforded an opportunity of being heard upon the question of the proportion of the cost to be assessed against each lot or parcel of land involved in the suit, and therefore there was dealed the settle. therefore they were denied their day in court: and (2) the assessments against the abutting lots were not made upon the principle or basis of peculiar benefits ac-cruing by reason of the improvement, and for both of these reasons it is claimed for both of these reasons it is claimed that plaintiffs are about to be deprived or divested of their property without due process of law, contrary to the inhibition of the Federal Constitution.

"But plaintiffs are met at the threshold with the objection that these questions

are not presented by the records, and therefore are not in issue. This suit involves a direct attack upon the assessments, and, being so, it is incum-bent upon the plaintiffs to show wherein the proceedings by which they were laid, are a nullity. Some facts must be alare a nullity. Some facts must be alleged by which the court can say from an inspection of the complaint, by fair and liberal interpretation, that the record of the city is insufficient to support the assessments. The entire purpose of the assessments. The entire purpose of the suit is to remove an apparent cloud from the title of plaintiffs, and the assessments and the lien imposed thereby, by which the city is afforded a means of subjecting the property to sale to enforce payment, constitute the cloud. It is essential to the maintenance of such a suit to assert and establish (1) the particular muniment constituting the cloud, and (2) muniment constituting the cloud, and (2) the infirmity attending it, which renders it a nullity as to the complainant, for, If he does not show it to be a mility, he must fail of his purpose. To establish the infirmity, facts, not conclusions, must be alleged."

After an extensive review of the com-plaint, the opinion holds that the allega-tions do not present the issues intended. tions do not present the issues intended. It is also held that the previous improvements would not effect an estoppel; that they city acquired jurisdiction by reason of the dangerous, insecure and unsafe condition of the street; that it does not appear that there was fraud in letting the contract for improvements at an exorbitant price, and that there is no sufficient cause to disturb the proceedings of the city on account of work not performed in accordance with the conperformed in accordance with the co tract. In the question of fraud in let ting the contract at an exorbitant the opinion says: "While it would seem that the Council cannot be held to be altogether blameless, there is not sufficient in the case to impute positive fraud to it, such as will void the assessment."

The Supreme Court also rendered an The Supreme Court also rendered an opinion, per curiam, in denying a petition for a rehearing in the case of Charles E. Ladd et al., respondents, vs. the Chamber of Commerce et al., defendants, and Ellis G. Hughes, appeliant. The opinion says in part: "The able and forefhie petition for rehearing, as well as the importance of the case, has impelied us to re-examine the questions involved with the utmost care, notwithstanding which we are constrained to adhere to the formwe are constrained to adhere to the form-

In the case of George Rader appellant vs. Emmett Barr, respondent on petition for rehearing, the court denied the peti-tion but modified the decree by taxing the costs to the appellant, on the ground that the respondent has virtually pre-

vailed in the Supreme Court Other petitioned in the fo Mary A. Jones, appellant, vs. J. F. Adams, respondent. Christ Breding, appellant, vs. James

Williams, respondent,
Mary E. Swank et al., appellants, vs.
Philip Swank, respondent.
In the case of the Pacific Livestock Company, appellant, vs. James Gen respondent, the petition for rehearing Other orders were made today as fol-

A. N. King et al., appellants, vs. the City of Portland et al. dered that appellants have until October 1, 1900, to serve and file their brief. David Brand, appellant, vs. County of Multnomh et al. respondents; ordered that the time to serve and file supplemental brief for respondents on rehearing be extended to Septimber 1, 1900.

James Parks was admitted to practice as an attorney in this state for nine

Slight Rear-End Collision. TACOMA, Aug. 15.—A rear-end freight train collision occurred Tuesday night on the Northern Pacific at Maywood. The second train was so near under contro that no damage was done except to roll

Washington Notes. James Pinder last week sold his timber laim at Frances for \$3000 to the Weyerhauser people.

An Olympia paper reports the capture of a 21-inch black bass at Mineral Lake. It weighed six and one-half pounds. During the past nine months, the amount paid for timber land on the South Bend-Chehalis route amounts to \$57,000.

A horse was killed at Tumwater, Saturday, by stepping on a sharp stick, which flew up and penetrated the ani-mal's body 20 inches. Mayor L. N. Griffin of Fairbayen may

Joe Carey a thrashing on the 13th Carey is a musician, and has been paying attentions to the Mayor's daughter, and the latter objected. Whitman County has had some good

work done on her highways by a chain

gang. At present seven prisoners are in the gang. A correspondent says that hoboes and thieves now shun Colfax, as one term of steady work is enough for At Seattle, August 13, James Mulligan, Clarence Pacard and Frank Kelly, boys aged from 17 to 21, held up L. F. Layer, a returned Klondiker, who was on his way to Victoria. An officer was attracted by his cries and arrived on the scene

The once-famed beauty of the up falls and river at Tumwater is rapidly becoming a thing of the past, says the Olympian. The change is due to the con-struction work on the new dam and flume for the light and power company, is to harness the power of the upper falls.

in time to arrest the trio.

Mrs. Pennington, of Spokane, who was committed to the Medical Lake Insane Asylum six years ago, deliberately drowned herself in the lake there Sat-urday evening. Recently she had been apparently cured of her mental maindy. and had consequently been given much

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