REVISION OF CODE

Portland Lawyers Give Opinions on the Matter.

SOME OBJECTIONS TO NEW CODE

Nearly All Agree That a New Compilation at Least Is Absolutely Necessary—Judge C. B. Bellinger's Work.

The compilation or the codification and revision of the statutes of Oregon into a new code is a subject of present discussion among members of the bar and also by the press throughout the state, and various opinions are expressed concerning what ought to be done in the matter.

Judge Bellinger undertook the compilation of the statutes about five years ago, and has the work practically completed. W. W. Cotton has recently been assisting him. Speaking of the project yesterday, Judge Bellinger said: "The policy of the state is to have a new code every 10 years. The last compilation was in 1887. There was a second addition in 1892, with supplemental pages, but it was not a new compilation. I have about finished the work. The acts of the incoming Legislature need to be included, and I have some recommendations to make to the Legislature. I expect to have it ready to publish just as soon after the Legislature adjourns as possible."

Some lawyers have suggested the appointment of a code commission by the Legislature, but to the contrary it is argued that it would put the state to an expense of not less than $20,000, and be a long job. Attorneys spoken to on the subject have different views to express.

A. H. Tanner said: "I think there are some points in the statute that could be improved upon, but whether a general revision by a code commission is necessary or not, might be a subject of some question. One important change, I think, ought to be made. It is to do away with the distinction between actions at law and suits in equity, so that a party could state his facts and get whatever relief he was entitled to in one case. Such is the provision now in the code in nearly all of the state, Missouri, Oregon, and, perhaps, Illinois, being the exceptions in this respect. Another change which would greatly simplify legal proceedings would be to allow general denials, instead of requiring specific denials, such as the code now requires in pleadings. There are many minor changes, which I think would facilitate the administration of justice, but on the whole, with the exceptions of these important changes, I have referred to, I am very well satisfied with the code as it is. I have no doubt any experienced practitioner can go over the present code and suggest many changes that would be an improvement, but, of course, I have not attempted to indicate more than in a general way the reforms that might be made."

Richard Nixon—I think a compilation will suffice; a revision would not only be extensive, but expensive.

Raleigh Stott—A code commission, if proper persons are appointed, and do the work, could make great improvements. I think the code should be brought up to the times.

R. R. Giltner—A compilation will answer all present requirements, if well annotated and indexed. I do not think a revision is a crying necessity.

John F. Logan, Law Librarian—It is now 13 years since there has been a revision or codification officially of the laws of Oregon. If a person wants to inform himself on the simplest matter in law, say, for instance, the rate of interest during the past dozen years, he must look through eight books, viz., the code of 1887 and six session laws.

A revision of the code is a crying necessity. But how is this to be accomplished? It is out of the question to ask a Legislature limited to a 40-day session, with a Senatorial election interjected, adequately to consider so weighty and lengthy a subject. The mode suggested by the experience of New York, Missouri, California and other code states is to appoint a code commission of, say three lawyers of ability and learning, who must be given authority to codify existing laws and suggest changes by dropping what is antiquated and useless, or adding that which is helpful or in line with the growth of modern legal procedure. To do this will require the entire time between the two sessions of the Legislature, and when adopted by, say, the session of 1903, we will have a complete code, made up after careful consideration, discussion and emendation.

The duty of the hour will be done by the coming Legislature if it appoints a code commission, with instructions to codify the laws and suggest others so far as legal procedure is concerned in line with the idea suggested here. The present codification, and particularly the index, is about as deficient as one could be with reference to the present needs.

Fred V. Holman—It ought to be done every ten years.

C. A. Moore—I think most lawyers in the state feel that our code, in a great many respects, needs revising to make it more definite upon some points and more modern as to others, and on the whole to make all of its provisions harmonious. A code commission composed of the right kind of persons would doubtless accomplish these purposes. The commission should be small, say three persons, and should be made up of active lawyers of acknowledged ability whose practice in the state has been sufficiently long to insure their familiarity with our practice. I have heard that Judge Bellinger has had a compilation of our laws into a code under preparation. A better man for the task could probably not be obtained, and if our Legislature should provide for a code commission, he would be an eminently proper person as one member. A commission appointed should report their labors to the next session of the Legislature after their appointment, and at the same time the recommendations proposed by the commission are enacted into law provisions should be made for compiling all the statute law of the state into a code. Authority for such a compilation should be given to one person, of course, who should annotate the same abundantly. We would then have a systematic and harmonious code that would be a great relief to the courts and lawyers, as well as a positive benefit in settling the rights of litigants. I prefer this plan rather than a compilation of our present laws into a code, although the bar of the state is much in need of a new code.

Judge Cake—We need a new code very badly.

William Reed—I would be in favor of having a commission appointed with power to revise the code and make it as uniform as possible, provided a commission is appointed of men of ability.

George H. Williams—In my judgment, it is desirable to have a complete codification of the laws. There is a good deal of trouble in ascertaining what the statute law now is on several subjects on account of the conflict of session laws with different portions of the code, but whether or not the necessity for such codification would justify the expense is a question I am not now prepared to decide. It would depend very much on the cost of the new codification, which, I should think, necessarily would be considerable. I suppose the Commissioners would have to be appointed and paid for their services; then the publication of the code would be quite expensive; therefore, it is a question, in view of all circumstances, whether it is advisable to have a new codification. Although it would be very convenient to have all the existing statutes of our state compared, compiled and put in consistent form.

Chester V. Dolph—In my opinion, a revision would be an unnecessary expense, inasmuch as Judge Bellinger has completed a compilation and annotation of the code up to date. The Legislature should assist the work.

District-Attorney Chamberlain—In a general way I think the laws of the state ought to be codified, revised and arranged so as to have the order and method of a code, but unless there was some assurance of its being done by a thoroughly competent party or parties, I would oppose any change in the present code. The Deady code is superior in many respects to the Hill code, as it is alphabetically arranged and the latter is not.

N. H. Bloomfield—I undoubtedly favor a general revision of the code. I think Oregon specially needs it. I might say there are a lot of antiquated features of the Oregon code that it is surprising the lawyers in the Legislature have not long ago eliminated or amended, notably in relation to pleadings where the Oregon statute covers only specific denials. This statute should be changed to cover a general denial, and I doubt not that there is no lawyer in the city but would be glad to see this change made. As for the codification or revision, they have had some experience in the State of Washington, having had a commission in 1881 that undertook to perform this duty and but indifferently succeeded, and later Hill's code was accepted, which proved, by reason of its index and other lax features, so entirely inadequate that numerous lawyers throughout the state prepared other codes that had ready sale. Later and recently, Bellinger's code, prepared by Superior Judge Bellinger, of Port Townsend, on his own responsibility, was found such an admirable work that the Supreme Court of the state constantly used and cited it, and lately the Legislature passed an act directly recognizing it. I am in favor of the revision, but I wish to utter a word of caution on the subject of who makes it, and suggest that if it be accepted it shall not be through a Legislative committee, always too busy to do the work properly, but through a special committee comprising ten leading lawyers of the state, with ample time to examine and approve it.

Rufus Mallory—There has been sufficient done in sessions of the Legislature since the last revision to make a new code desirable, and I am persuaded that it would be a very proper thing to appoint a commission, to make a general revision, since a revision ought to be made. It is the beginning of a new century, and we should have a new book.

John M. Gearin—That is my view of it, too. We ought to have the code codified to be accessible and convenient. I think that is the general sentiment of the bar.

Russell E. Sewall—A general revision of the laws of Oregon would be very expensive, and would probably abolish many methods of procedure that have been in practice a great many years, and while they may not be the most expedient, the adoption by the Legislature of a new method would result in numerous different interpretations and consequent trouble and litigation. I therefore would not favor a general revision, but would like to see a compilation that would bring our laws to date, with an index that would enable a person to find what he may be looking for, the index of Hill's code being very poor and of little value.

Judge A. F. Sears—The last official codification was in 1887. The 1892 code is not official. Of course, the laws ought to be got together in more accessible form. I don't know that it is a crying need, but it would be a great convenience. It is like a digest, it involves a great deal of labor, and, after once gotten out, should last a great many years. A new edition of the code would be an assistance. An attempt to revise and doctor up things would not be wise. It is best to leave the laws as they are. To attempt to codify and revise all the laws is out of the question; it would be the work of years, and of the most able lawyers, and I doubt if it would be satisfactory when done.

Senator Joseph Simon—I should not think there would be any object in revising the code. As I take it, Judge Bellinger's work, which is a revision up to date, will answer if the Legislature thinks it wise to take any action in the matter. It would accomplish the same purpose and save expense.

Ed Mendenhall—In the sense of a general revision, I don't think it is necessary. We need a code up to date, and particular attention should be paid to the indexing. The statutes enacted during the last 10 years have been greater in volume than in any previous period, and it is very troublesome to have to look up the law in so many different books. As an illustration of the many laws passed in the last 10 years, it may be mentioned that 17 volumes of Supreme Court decisions have been published in that time, all the work of our present Judges, as compared with 18 volumes covering the period beginning with territorial days in 1853 until 1890. The present code does not contain the decisions in the marginal notes in more than one-half of the instances.

Judge J. B. Cleland—I think we ought to have a codification and revision. The reason I say that is that a codification will induce a systematic study of existing laws and the suggestion of new ones, as required by present necessities. The probate code needs to be revised as to procedure, and regulating the descent and distribution of property, and a settlement upon notice of the estates of decedents. Our tax laws need revision, as illustrated in the litigation carried on in this department. There are a great many other particulars in which needed amendments or laws to supply omissions are neglected or overlooked because the occasion seldom arises for their application.

J. W. WHALLEY'S WILL.

Income of the Estate Bequeathed to His Widow for Life.

The will of the late John W. Whalley has been filed for probate. The estate is valued at $65,000. The executors and trustees are J. Frank Watson and W. T. Muir, designated to act without bonds.

The will directs that $250 shall be paid annually from the estate to his sister in England, during the term of her life. The rest of the entire net income arising from the estate is to be paid to his widow in monthly payments during her lifetime, and to her also is bequeathed all of his stocks, notes, bonds and other personal property, save his gold watch and chain, which is to be presented to his grandson, Frank Whalley Watson, and his portrait in oil to Charlotte Whalley.

Upon the death of his widow the entire estate is to be equally divided between his daughters, Mrs. J. Frank Watson, of Portland; Mrs. James N. Allison, of Vancouver, Wash.; Mrs. Herbert S. Huson, of Tacoma; Mrs. William T. Muir, of Portland, and Charlotte Whalley, of Portland.

Name of a Writer Wanted.

PORTLAND, Dec. 4.—(To the Editor.)—Will you kindly inform me who was the author of the following extract:

"I shall pass through this world but once. Any good thing therefor that I can do or any kindness that I can show to any human being let me do it now. Let me not defer or neglect it, for I shall not pass this way again." J. M.

IN THE SEVERAL COURTS

TRIAL OF $5000 SUIT AGAINST TERMINAL COMPANY.

Administratrix of Estate of Switchman, Who Was Crushed to Death, Asks Damages — Notes.

Jane Tucker, administratrix of the estate of her son, James A. Tucker, a switchman accidentally killed in the yards of the North Pacific Terminal Company, appeared in the Circuit Court before Judge Sears yesterday as the plaintiff in a $5000 suit for damages against the Company. The contention on which the suit is based is that Tucker's death was due to the negligence of the company.

Tucker met his death July 14, 1899, while making the coupling for two cars of rails, which had shifted so as to project over the ends of the cars, making Tucker's duties exceedingly dangerous. While coupling the cars Tucker's head was mashed by the projecting rails, and he died from the injuries. At the time of his death Tucker was receiving $82 80 per month.

It is alleged in the complaint that the negligence on the part of the company consisted in ordering Tucker to do the work when it thereby exposed him to greater danger than was incident to his occupation.

The Terminal Company denies negligence on its part, and insists that Tucker, being an experienced switchman, must have known the danger in which he was working, and that he was accustomed to handle such cars. They also urge that the car was not in such bad condition as alleged, and that Tucker came to his death simply as the result of his own carelessness, having failed to stoop low enough when making the coupling.

The testimony of Jane Tucker, George Tucker, Frank Mictus, John Golden, and John Harold was heard in support of the contentions of the plaintiff, after which a motion for non-suit was made for the defendant. hTe argument will be continued this morning. The case is being tried before the following jury: F. J. Smith, W. E. Peacher, S. A. Walter, Larkin Russell, John R. Slavin, Jacob Mitchell, Phillip Jenkins, S. I. Ogden, L. F. Kelly, Chauncey Ball, James Humphrey, and J. R. N. Sellwood.

Indictment Fatally Defective.

The case of Larkey Logan, charged with stabbing another Indian on the Siletz Indian reservation, came up for hearing in Judge Bellinger's court yesterday on a demurrer to the indictment, on the ground of lack of jurisdiction. M. L. Pipes appeared as counsel for the defendant, and set up that as the land on which the Siletz reservation had been divided in severalty among the Indians there they were no longer under the charge of the Government and were not liable to arrest and trial in the United States Court for offences for which other citizens were tried in the State Court. United States Attorney Hall was prepared to show that this idea was not correct, but before the argument was fairly under way, Judge Bellinger stated that an accidental omission of the word "Indian" in the indictment, to show specifically that the person indicted was an Indian, was a fatal defect, and rendered the dismissal of the indictment necessary. He, however, decided to listen to and give a decision on the point of law involved in the demurrer, and if he decides to assume jurisdiction in the case the defect in the indictment can be cured by referring it to the grand jury. He will probably announce his decision in a day or two.

Fay Severe's Third Trial.

Fay Severe was put on trial before Judge George in the Criminal Court yesterday afternoon for the third time on the charge of having murdered Emma Golden. The jury was impaneled in the morning, consisting of the following: George Whitaker, C. C. Smith, J. E. Smith, F. M. Sutford, E. W. Paget, Owen Caraher, George Spring, H. J. Wilson, John Baker, J. D. Butenschoen, B. B. Acker, J. M. Lewis. Testimony for the prosecution, which is being conducted by District Attorney Chamberlain and Deputy District Attorney Manning, was heard from D. Gaston, Annie Parker, D. D. Green, and W. S. Brown. No new evidence was brought out in the examination, though cross-examination showed several minor conflicts between the testimony yesterday and that in the previous trials.

Hearing Postponed.

The case of the Hartford Insurance Company vs. Thomas Connell, brought in the Circuit Court to recover $3200, will not be tried until January 15, the attorneys not having been able to agree upon an earlier date. The suit has been brought to recover money paid as the insurance on the saw mill burned, for which a Washington court has convicted Connell of arson. A motion yesterday to strike out parts of the answer to the complaint was denied by Judge Frazer.

Court Notes.

B. F. Jones, Gus C. Mosier and Amor A. Tussing were admitted to practice in the United States Court yesterday.

In the case of the North Pacific Wood Company vs. the Storey-Kern Fuel Company, Judge Frazer yesterday overruled the demurrer to the complaint.

Jefferson Hayes, of Kerby, Josephine County, merchant, yesterday filed a petition in bankruptcy in the United States Court. His liabilities amount to $3214 77. His assets amount to $3183 56.

In the United States Court, in the case of Charles M. Reed vs. the Northwestern Railway Company, hearing on the petition of Frank S. Shaw for leave to sell defendant's property under execution was continued until 10 o'clock this morning.

William Buffum pleaded guilty in the Criminal Court yesterday to simple larceny, on a charge of having robbed his employers of $112 55, and was sentenced to three months in the County Jail. An order was made by Judge George that the stolen money should be returned to the owners.

A mandate of the United States Circuit Court of Appeals was entered reversing the decision of the court in the case of Seid Back, as guardian of Go Mong, vs. the Employers' Liability Company, and ordering a new trial. This was an action brought to recover $5000 on account of the death of Go Wong, which was decided by Judge Bellinger in favor of the complainant.

The Dodson brothers and Duffy, arrested at Albina on a charge of counterfeiting United States coin, were arraigned for examination before United States Commissioner McKee yesterday. Duffy waived examination and was held to answer. Owing to the fact that Detectives Kerrigan and Snow, who made the arrests, were not able to be present, the examination of the Dodsons was continued until this morning.

From an Old Subscriber.

VANCOUVER, Wash., Dec. 4.—(To the Editor.)—The supplement, including The Oregonian of December 4, 1859, which was delivered with The Oregonian this morning, is certainly well worthy of being carefully preserved as a souvenir by any one interested in the welfare and advancement of the Pacific Slope. From my heart I congratulate the enterprising gentlemen who have been responsible for the great success of our great paper, the greatest on the Pacific Coast, and I pray (and so do thousands besides me), that the success which The Oregonian has achieved in the past 50 years may be only a starter in comparison to what it may achieve in the coming century. The Oregonian has done more for the interests of Oregon, Washington and Idaho than all other publications in those three states combined. Its editorials are fair and fearless. They give praise where due, and criticism if deserved.

THOMAS O'CONNOR,
An Old Subscriber.

HORSES FOR MANILA.

A Plea for the Recognition of Certain Animals.

FOSSIL, Or., Dec. 2.—(To the Editor.)—It being a conceded fact that the Philippine Islands are a portion of the United States, it seems reasonable that any measure tending to the advantage of that country or its inhabitants would be, in a greater or less degree, beneficial to the whole Government. The Quartermaster's Department of the United States Army is now purchasing and shipping for its use in those domains a large number of horses and mules. These purchases only include the non-productive division of this class of stock. There should be a sufficient reason for this exclusion, sufficient to overcome the advantages derived from a more liberal view of the situation.

The "gelding" is the proper animal for the "home" service, but this is different. Here the supply is always at hand, while there he can only be obtained by expensive and dangerous importation. For the service, the sister is his equal in every respect. She compares favorably with him in beauty, in intelligence, in docility, in endurance and in courage. His value ends with his life, while hers runs on to the end of time in the service of her offspring.

The service of many of the animals now being transported will only be required by the Government for a short time and then, as the transportation is too expensive for their return, they will be sold for other service. Others will be required in after years to take the places of the decrepit and old, and as the native or acclimated horse is the better animal for service, it seems that now is a favorable opportunity to transfer without cost a herd to those islands from which the Government may hereafter secure the supply required.

Again the Government is interested in the Philippines as a citizen. It took Spain a couple of centuries to raise him from a cannibal to be a cockfighter. The horse is a civilizer. It would take him only a few years to substitute the racecourse for the cockpit, a vast stride toward a better citizenship.

The mare, after rendering all the service required by the Government, a service equal to that of her brother, being sold to the citizen becomes the original stock of an essential element in the cultivation and transportation problems of this new domain. W. H. BYARS.

POSTOFFICE RECEIPTS.

Same Steady Increase That Previous Months Have Shown.

The receipts of the Portland Postoffice from the sale of stamps, stamped envelopes and postal cards during the month of November amounted to $18,088 78. The receipts for the corresponding month of last year amounted to $16,106 97, showing an increase of $1989 61.

The receipts of the Custom-House of the Port of Portland for the month of November, 1900, amounted to $37,238 26. The receipts for the corresponding month of last year amounted to $34,153 39, showing an increase for the month of $3914 26.

The receipts of the Internal Revenue Office for this district for the month of November were as follows:

List	$ 2,236 51
Beer	48,533 83
Spirits	608 30
Cigars	3,971 97
Snuff	2 50
Tobacco	182 40
Special tax	2,899 60
Playing cards	7 94
Mixed flour	5 00
Documentary	26,776 26
Proprietary	1,284 30
Total	$86,517 71

COMING ATTRACTIONS.

"Shenandoah."

It has been one of the cardinal rules of Jacob Litt, and one which has had much to do with his success, never to allow any company which is under his management to deteriorate in the slightest degree, either in the personnel of the company, or in the production. Instead of this, it has always been his aim to strengthen a company which is under his management from year to year. Ever since he took control of "Shenandoah" this rule has been strictly adhered to, and the result is that the present season the company which is presenting thep lay is one of the best balanced organizations that has ever been seen in the play. More than this, it is said on all sides that the great battle scene is better than ever. One of the theatrical events of the season will be the coming engagement of "Shenandoah," which is anounced for Friday and Saturday nights of this week, and for Saturday matinee. The sale of seats opens at 10 oclock this morning.

Herrmann, the Magician.

The great Herrmann will mystify and delight theater-goers of Portland at the Marquam Grand next Monday and Tuesday. Herrmann is a name synonymous with all that is mysterious. The most mystifying and incomprehensible feats of magic are performed by him with a charm of manner and a running fire of wit, that would lure a confirmed cynic into admiraton. For his present engagement in this city he brings many novelties that have never been seen in this country.

"Human Hearts."

"Human Hearts," which comes to Cordray's Sunday night, is one of the sterling melodramas of modern years which in this day of froth and folly on the stage, affords theater-goers an evening's entertainment which appeals to all lovers of the higher ideals in dramatic art. The piece is one of those pastoral realisms in which the people portray a plain country folk, always so entertaining when faithfully reproduced on the stage. "Human Hearts" portrays the simple ruralists of the Arkansas hills, and the production as it will be seen here is so realistic that one can almost imagine one's self sniffing the ozone of the Ozark Mountains and listening to the quaint manners of speech of the people themselves, instead of mere stage characterizations. This piece will run a week.

"That Man" Coming.

Mme. Chartres' inimitable farce, "That Man," will be the bill at the Metropolitan Theater next week, interpreted by Palmer's aggregation of players headed by Walter Walker. That this is an unequivocal Broadway success is beyond the question of a doubt, as this fact has been amply demonstrated during the past few weeks at the Herald Square, where the business was limited only by the capacity of the theater, and the termination of the engagement at that house was due only to the fact that it had to make way for the presentation of Hearne's new play, which had been previously booked. The cast will be individually the same as the New York production, and with such capable artists a delightful presentation can well be expected.

THROUGH TO CHICAGO WITHOUT CHANGE.

The Chicago-Portland special runs through to Chicago without change in 70 hours. Palace and ordinary sleepers, dining-cars (meals a la carte), chair cars and buffet library cars on all trains. Choice of many different routes to all Eastern points via the O. R. & N.

TO CURE A COLD IN ONE DAY,
Take Laxative Bromo-Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

BAD EAST PORTLAND BOYS

YOUNG HOODLUMS GET DRUNK AND CAUSE TROUBLE.

Police Endeavoring to Break Up the Gang—Wreck on a Tramway—Other Matters.

The gang of young toughs and hoodlums, who have been giving the residents of Central East Portland much annoyance for over a year, was much in evidence again Monday night at the corner of East Twelfth and East Stark streets. Near this intersection and on the vacant grounds at the Central Schoolhouse a large number of this element gathered, and made themselves a general nuisance to the entire neighborhood. The worst feature of the affair was that they obtained liquor from some source and became intoxicated, and while in that condition used profane and vulgar language. One of the boys was so overcome that he was helpless on the street, and had to be taken to his home in that condition. To the credit of his father it may be said the youngster was soundly flogged.

The janitor of the Central School noticed the crowd early in the evening and returned to and watched the schoolhouse, fearful the gang might conclude to damage the property. Most of these youngsters belong to respectable families, and for this reason no one has felt like making complaint against them, and they have been allowed full swing unrestrained. They have made a practice of gathering on street corners after night, smoking cigarettes and planning mischief. They have been known to commit depredations in the neighborhood, and there is hardly any doubt that they have been throwing stones through the costly plate windows of that neighborhood. However, this is the first time they have procured liquor.

The Chief of Police says he intends to break up this gang, and that they will be dealt with in the Police Court when placed under arrest. There will probably be no trouble about ascertaining who were with the gang Monday night, where the liquor they had came from, and also who has been throwing stones through the windows of dwellings in that neighborhood. Arrests will be made soon, and the offenders will be severely dealt with.

Wreck on the Tramway.

A wreck occurred on the East Taylor-street tramway yesterday morning, which resembled a wreck on a railway. This tramway was built by Hale & Smith on East Taylor from East Eighteenth and East Twenty-sixth streets for the purpose of making a fill in the ravine at East Eighteenth. The grade from East Twenty-sixth street is very steep and when the cars are loaded with dirt and gravel they run down the track by gravity. They are then pulled back by horses. On this occasion the cars were at East Twenty-eighth street and had been loaded ready for the start, but before they could be controlled the whole train started down the grade at a rapid speed, which constantly increased until they were rolling along at the rate of 30 miles an hour. The trainload of gravel as it dashed over the track made a great roar, and brought the residents along the route of the runaway cars to their doors. They could only catch a glimpse of the train as it shot down the steep grade. At the end of the track at the deep ravine came the smash-up. The gravel cars plunged over the bank, turning over several times and scattering the dirt in all directions. One of the cars were broken in two and all were more or less damaged in the plunge. The entire forenoon was taken up in pulling the cars out of the ravine and getting them up to the blacksmith shop at East Twentieth street for repairs, and a day was lost by the accident.

School Entertainment.

Brooklyn School will give an entertainment Friday evening in the Foss Hall, corner Grand and Hawthorne avenues, for the library fund of the school. The programme will be as follows:

"When I'm a Man," 11 boys in the infant class; Lullaby from "Wang," second grade; physical drill, third and fourth grades; concert recitation, "On the Rapnahannock," 30 girls; stereopticon lecture, "Away Down South in Dixie," by Dr. Kellogg. These views will be presented for the first time in this city. Several appropriate songs will be illustrated as will also a "tin whistle solo," by Professor W. H. Souls.

Taking Up Water Main.

The water committee is taking up the four-inch main on Milwaukie street between Powell and Holgate, and the private service pipes on that street also are being disconnected and connected with the 10-inch main laid later. The four-inch main was put down first and was first thought sufficient, but when a pipe was laid to Ellwood a 10-inch main was laid on Milwaukie street. All customers on the latter street will be changed to the larger pipe, and the four-inch pipe taken up will be used in other districts, chiefly on East Burnside and Belmont streets. Nearly 2000 feet of four-inch main will be secured from Milwaukie street in this way which can be used elsewhere.

New Hotel at Troutdale.

Ground was broken for the foundation of a new hotel building at Troutdale, Monday, for A. T. Tiller, who purchased a lot for the new structure several months ago. The hotel will stand on the main street. It will be 32 by 100 feet and two-story, and is for the purpose of providing accommodation for the crews working in the railway tie yard and also in the Union Meat Company's plant. The hotel burned some time ago left an opening for the new one. Troutdale will always be a point of some importance for shipping railway ties and because the Union Meat Company has its plant located there.

Troutdale School Resumed.

After being suspended two weeks on account of the scarlet fever scare the Troutdale School has resumed. None of the children attending the school caught the disease. The scare was caused by sickness in the family of James Douglas, who lives near Troutdale, and the directors thought it best to take no chances, and closed the school. The Douglas family have all recovered, and no other cases in the district are reported.

Repairs Needed.

Repairs to the intersection of East Burnside street and Union avenue are very necessary. The cars of the Portland Railway Company pass this place frequently and many people get on and off. If temporary repairs were made it would last till Spring when East Burnside street will probably be reimproved. There is much complaint over the condition of the intersection by the business men.

Albina Meeting.

Another meeting is announced to take place in Gomez Hall, Russell street, Albina, this evening to organize a subboard of trade from the Tenth Ward. At the meeting in the Manley building the attendance was too small and the meeting this evening is called to form the subboard.

East Side Notes.

The remains of Mrs. Mary A. Buffington, who died at the home of her daughter, Mrs. Judge Beal, Monday, were taken to Middleton, Or., for interment, yesterday evening.

Miss Jessie Bridge, of Washington, D. C., arrived last week and is visiting at the home of her sister, Mrs. E. Swank, of Troutdale. Miss Bridge has a Government position and is taking a vacation on account of ill health.

The friends of Mr. and Mrs. V. C. Dunning, living on East Sixth street, Stephens' addition, are congratulating them on the arrival of a little daughter at their home Monday night.

About Diamonds

Our stock is most complete, all sizes, and especial care we used in selecting them. Our cutters tell us we are among the most critical and particular firms in the United States. They are right. Our customers shall have only the very choice gems. We know what people want. We are not going to fool you and raise prices on account of the "war in the Transvaal," either. We will sell you a diamond at just what they are worth. No fancy prices. And our prices will bear comparison.

We make our own settings, so can give you what you want.

Jewelers and Silversmiths

THE G. HEITKEMPER CO.
286 MORRISON ST.

DAILY CITY STATISTICS.

Real Estate Transfers.

E. C. Stuart and wife to D. W. Gardner, lot 13, block 15, Lincoln Park, November 23	$ 85
J. H. Hawley & Co. to D. W. Gardner lot 12, block 15, Lincoln Park, November 27	100
The German Savings & Loan Society to John Widness, lot 2, block 59, Caruthers' Addition, November 23	1,400
S. W. Scoville and wife to George Williams, 10 acres on the county road near NW. ¼ of section 17, T. 1 S., R. 4 E, September 11	150
A. F. Biles and wife to William L. Bantam, lots 11, 12, block 12, Central Albina, November 27	240
Corbitt & Macleay Co. to E. E. Norgard, south 12½ feet of lot 5, and north one-half of lot 6, block 32, Albina, November 30	500
University Land Company to Mary J. Fox, lots 36, 37, and 38, block 128, University Park, December 3	155
Linzey S. Johnson (bond for deed) to Mary McDowell, N. ½ of E. ½ of NE. ¼ of SE. ¼ section 23, T. 1 S., R. 2 E., November 26	400
Kate Salchenberger to George A. Weed, N. ½ of E. ½ of SW. ¼ section 18, T. 2 N., R. 1 W., December 3	450
Ender M. Cederberg and wife to Alfred Cederberg, 29¼ acres at the beginning corner at SE. ¼ of SW. ¼ section 36, T. 1 N., R. 1 W., October 18	1
Ellen C. Darr to John H. Mitchell, executor, lot 8, block 125, November 23	250
Mary Dorney and husband to Mary Hanauer, lot 2, block 14, Carter's Addition, December 3	450
Isaiah Buckman to Newell G. Patterson and wife, east half of lots 5 and 6, block 21, Lydia Buckman's Addition, December 3	1,000
Northern Counties Investment Trust, Limited, to Joseph Glucksman, lot 7, block 22, King's Second Addition, December 4	1,500
Gust Monphier to Mary Monphier, east half of lot 21, block 34, Albina, December 4	1
Solomon Fisher and wife to G. N. Wills, 77.41 acres, Multnomah County; lots 1, 2, 3, 4, 5, 6, 7, section 19, T. 1 N., R. 3 E., December 4	150
Portland Lone Fir Cemetery Co. to Christine Katharine Kraus, lot 34, block 321, Lone Fir Cemetery, December 4	22
Catharine F. Thoma, guardian Catharine Louise Ganty, to Fred H. Mehtje, lot 19, block 34, Albina, November 30	625
Edna C. Dalton to Frank C. Baker and Abraham Tichner, east 63 feet of lot 8, block 16, December 4	17,000
John T. McCormick and Lena C. McCormick, to Leo A. Harpne, lot 16, Lenora Place, Multnomah County, December 3	300

Birth Returns.

November 30—To the wife of Edward H. Mills, 422 Tillamook street, a boy.

November 15—To the wife of Ole Engberg, 85 Fremont street, a girl.

November 15—To the wife of George Sebeski, 536 Irving street, a girl.

November 17—To the wife of John Mackin, 307 North Twenty-first street, a boy.

November 15—To the wife of John De Kaan, 413 Twenty-fifth street, a boy.

November 21—To the wife of John Hempka, Sylvan, a boy.

November 27—To the wife of David B. Fuller, 119 North Ninth street, a boy.

November 23—To the wife of W. J. McAllister, 21 East Thirty-first street, a boy.

November 25—To the wife of Gustave Givapha, 270 Sheridan street, a boy.

November 11—To the wife of Franco Sanshelle, 435 Water street, a boy.

November 12—To the wife of Edward T. Williams, 755 Hawthorne avenue, a girl.

December 1—To the wife of W. T. Turnbull, 411 Sacramento street, a girl.

November 30—To the wife of Jones N. Friedanthal, 696 Everett street, a girl.

November 23—To the wife of Otto E. Erickson, 731 East Thirteenth street, a girl.

November 18—To the wife of Thomas K. Campel, 509 Stephens street, a boy.

November 29—To the wife of A. J. Gill, 449 Everett street, a boy.

November 9—To the wife of Calvin U. Gantenbein, 423 Twelfth street, a boy.

December 1—To the wife of Richard Hall, Refuge Home, a boy.

November 23—To the wife of Fred Bock, Heppner, Or., a boy.

November 5—To the wife of John C. Marks, 186 North Twenty-fourth street, a boy.

November 9—To the wife of Tiodor Carlson, 919 Pettygrove street, a boy.

November 13—To the wife of J. H. J. Detje, 524 Mills street, a boy.

November 20—To the wife of Tom Kessler, 464 North Sixteenth street, a girl.

November 26—To the wife of William Almond Wood, 55 Fremont street, a boy.

November 27—To the wife of R. H. Heimbach, 212 North Sixteenth street, a boy.

November 1—To the wife of William H. Harrison, 447 Twenty-second street, a boy.

November 17—To the wife of Louis M. Anderson, 189 East Ninth street, a girl.

November 15—To the wife of J. H. M. Affee, 1 East Thirtieth street, a boy.

November 26—To the wife of Birt Mendenhall, Columbia Heights, a boy.

November 23—To the wife of W. B. Cormitt, 16 East Tenth street, a girl.

November 26—To the wife of J. O. Goltra, East Seventh and Grant streets, a boy.

Death Returns.

December 2—Nancy Jane Green, at 244 Jefferson street; age 52 years; tuberculosis of larynx.

December 1—John Tanner, at 465 West Park street; age 81 years; acute debility.

December 3—Florence Lillian Haworth, age 5 years; acute meningitis.

Contagious Diseases.

December 1—Mrs. Landles' child, Twenty-eighth street, between Holgate and Kelly avenues; scarlet fever.

December 3—Ada Keesey, 998 Corbett street; typhoid fever.

December 1—Otto George, 131 East Tenth street; diphtheria.

November 30—Kalliey Welsh, northwest corner Porter and Corbett streets; scarlatina.

November 30—Johnny Smock, southwest corner East Third street; diphtheria.

December 2—Mrs. Tuel and seven children; age, Mrs. Tuel 30 years, children 12, 11, 9, 6, 4, 3 years, and one 11 months, at 736 Montana street.

Marriage Licenses.

Lena Henrietta Wentz, 30, Paul E. Sabotker, 34, Essex County, New Jersey; December 4.

Annie E. Lienatlen, 28, Fred M. Stone, 35, King County, Washington.

Health Statistics for November.

The report of Health Commissioner J. P. Menefee for the month of November shows that the number of births reported so far for the month was 79, males 51, females 28, white 78, colored 1. The number of marriage licenses issued during the month was 91. Number of deaths reported, 87; males 58, females 29, white 81, yellow 6. Of the deceased, 14 were between 60 and 70 years of age, 11 between 70 and 80 years, and 5 between 80 and 100 years.

Causes of death are given as follows: Apoplexy, 7; heart disease, 7; pulmonary tuberculosis, 6; peritonitis, 4; tuberculosis, 4; old age, 4; pneumonia, 3; diphtheria, 3; senile debility, 3; urania, 2; diabetes, 2; typhoid fever, 2; spasms, 2; carbolic acid poisoning, 2; railroad accident, 2; abscess of brain, 2; malnutrition, 2; obstruction of bowels, 2, and 29 deaths are attributed to 29 other diseases. There were 13 deaths of persons brought here for treatment, and 11 were brought here for burial.

The number of cases of contagious diseases reported during the month was as follows: Diphtheria 27, measles 3, erysipelas 4, typhoid fever 9, scarlet fever 44.

The number of sanitary notices served during the month was as follows:

Notices written	113
Notices, verbal	68
Notices to Plumbing Inspector	33
Notices to fill up cesspools	10
To clean filthy yards	47
Not to dump garbage	8
To remove manure piles	13
To clean cellars and basement	13
Japanese and Chinese lodging-houses inspected	7
Notices to remove nuisances on street	5
Notices to other city officials	5
To remove nuisance in building	7
To clean chicken yards	16
China wash-houses inspected	3
Fish markets and oyster-houses inspected	4
Number of letters written	33
Public schools inspected	3
Notice to clean alley	6

The appended report of Thomas E. Hulme, Inspector of Plumbing and Drainage, for the month, shows work done by his department as follows:

New buildings inspected	30
Old buildings inspected with new fixtures	37
Cesspools connected	29
Sewers connected	33
Written notices served	58
Total number licensed plumbers	39
Reports of defective plumbing	23
Plumbing remodeled on notice	39
Total number of visits for month	309

PREACHERS AT BANQUET.

Ministerial Association Entertained by United Presbyterian Church.

The Portland Ministerial Association was entertained Monday night at the United Presbyterian Church, Wasco street and Union avenue, a large number of the members being present. As the ministers arrived they were heartily welcomed by Dr. Gibson and the women who had provided the banquet, and were made to feel at home. At 8 o'clock the ministers and wives were ushered into the lecture room, where three tables had been prepared, along which they were seated. Rev. W. O. Forbes of the Forbes Presbyterian Church of the East Side presided and occupied the chair of toastmaster. Dr. L. F. Rockwell sat at the head of the second table. There was an abundance of good things served by the women, who anticipated every desire.

At the close of the banquet Mr. Forbes called for the transaction of any business that was before the association. Remarks were made by Secretary Stone of the Y. M. C. A., announcing the coming of Fred B. Stone, a noted Y. M.