DECLARE IT A LIEN

Supreme Court Decides Mortgage Tax Case.

MEANS $300,000 TO COUNTY

It Is Held That Satisfaction of a Mortgage Does Not Discharge an Existing Lien for Such Taxes.

SALEM, Jan. 14.—Adolph A. Dekum et al., appellants, vs. Multnomah County, respondent, from Multnomah Count, John B. Cleland, Judge; affirmed. Opinion by Moore, C. J.

The question presented in this case was whether a mortgage on real property, given to secure the payment of a debt, conveys, for the purpose of assessment and taxation, any interest in the premises affected thereby that may become subject to the lien of a tax levied on the debt and security, and if so, does a satisfaction of the mortgage discharge an existing lien for such taxes. The question arose under the mortgage tax law of 1882, and 1891, and repealed in 1896. The decision of the court is in brief as follows:

"The mortgage tax law, when considered in its entirety, induces the belief that the Legislative Assembly intended that, though the evidence of the debt and the mortgage which is its incident may pass beyond the boundaries of the state, the debt and the lien created by the execution of the mortgage still remain, and are taxable, as land, in the county in which the real property affected by the mortgage is situated, and the tax levied thereon is by the express provisions of the statute impressed as a lien on the mortgagee's interest in or encumbrance upon the premises which may be sold for the payment of any taxes due thereon, in the same manner and with like effect that real property or land is sold for the payment of taxes.

"In Savings & Loan Society vs. Multnomah County, 169 United States, 421, in construing the mortgage tax law of this state, it was held that a mortgage of land given to secure the payment of a debt conveyed an interest in the premises thereby encumbered. Mr. Justice Gray, speaking for the court upon this subject, says: 'Taking all the provisions of the statute into consideration, its clear intent and effect are as follows: The personal obligation of the mortgagor to the mortgagee is not taxed at all. The mortgage and the debt secured thereby are taxed as real estate, to the mortgagee, not beyond their real cash value, and only so far as they represent an interest in the real estate mortgaged, the interest of the mortgagee herein being taxed to him and the rest to the mortgagor.'

"The tax impressed upon the debt and security being a lien upon the mortgagee's interest in the real property, subject thereto, a release of the mortgage would necessarily reinvest the original estate in the mortgagor, unless the tax levied on the debt and security had not been paid, and it remains to be seen whether the lien thereof is discharged by canceling the encumbrance or foundation upon which it rests.

"When the release of a mortgage is made to a party whose duty it was to pay the debt, and there are no supervening equities by which a merger of the estate and interest would defeat the rights of either party to the contract, such release will generally operate as a discharge and not as an assignment of the mortgage. A nonmerger of such estate and interest will be decreed in equity, however, when a union thereof would be contrary to the intention of the parties, subversive of their interests, or would defeat the demands of justice.

"Upon the principle thus announced, the lien of the tax levied on the debt and security having attached to the mortgagee's interest in the premises prior to the release of the mortgage, the demands of justice ought not to be frustrated by permitting the cancellation of the encumbrance to merge such interest in the fee so as to defeat such lien, for to do so would frustrate the object of the mortgage tax law, by compelling the county to pay the state taxes levied on the debt and security without receiving any portion thereof from the person whose duty is was to pay the same, thus imposing upon other taxpayers an additional burden not intended by the act.

"The release of the mortgage was an equitable assignment thereof, which leaves the mortgagee's interest still subject to the lien of the taxes."

The case of the Alliance Trust Company, Limited, appellant, vs. Multnomah County, respondent from Multnomah County, John B. Cleland, Judge, was also affirmed, in an opinion written by Justice Moore.

This case involved the same question presented in the Dekum case. It was also contended that the repeal of the mortgage tax law rendered void tax sales made under the law. This contention is held to be without merit. Other reasons were assigned tending to show that the tax levied was invalid, but the court holds that, inasmuch as the plaintiff has not tendered the amount it believed to be due, it is not entitled to equitable intervention.

MEANS ABOUT $300,000 TO COUNTY.

Mortgage Tax Will Almost Pay Multnomah's Debt.

The cases above decided have been ably fought by Messrs. Bernstein & Cohen and Pipes & Tifft, who were employed by the county as special counsel, and who had entire charge of this litigation. These gentlemen are congratulating themselves and the County Commissioners upon having been successful in every county case intrusted to their management, in both the lower and the higher courts.

The decisions are of vital importance to the county, and of significant interest to those owners of real estate who have permitted their property to be bid in by the county at delinquent sales. As the decision expressly holds that the mortgage tax heretofore levied creates a lien on the interest in the land to the extent of the mortgage, which for this purpose is considered real estate, and that this lien continues and is not discharged by the settlement and satisfaction of the mortgage, there can be no further excuse for evading payment.

Lawyers who have been awaiting the result in these cases before filing similar suits against the county will now doubtless advise their clients to pay and remove the cloud this tax creates upon their property. Nor will any lawyer pass upon a title to real estate in Oregon where the mortgage tax remains unsatisfied. The effect is not difficult to forecast. This county holds several thousand certificates of purchase. The payments due on the same will reach a large amount—some assert $300,000—which will now probably be collected within a short time.

This will obviate all possible necessity for bonding the county indebtedness, and legislators may dismiss consideration of the proposition. It is presumed that taxpayers will appreciate the circumstance and not allow these tax certificates to ripen into tax titles, making separate suit necessary in each instance and thus adding the costs of litigation to the taxes and penalties already due. The foreign mortgage companies, which have foreclosed upon the property of citizens and endeavored to shirk the payment of taxes through all the quibbles which eminent and ingenious counsel could devise, will now have to step up to the desk and settle their share of the burden of public maintenance.

The county is to be congratulated, as the various suits conducted by the special counsel it employed were won after hard-fought battles against eminent opponents and against the great weight of opinion among leading lawyers that its contention could not be upheld.

N. C. Oviatt, who has charge of tax collections in the Sheriff's office, states that for 1892, which was the main mortgage-tax year, the mortgage taxes still due amount to $145,000, and, with costs accrued, about $160,000, which does not include penalties to which the county is entitled by having bid the property in at tax sale. There are mortgage taxes of other previous years in various smaller amounts. The county will receive all of whatever money is realized, because prior to 1894 the county did not collect the city, school and other local taxes, as now.

The agent of a mortgage company estimates that the sums involved in this suit aggregate $290,000.

Other Cases.

SALEM, Jan. 14.—The case of Kadderly vs. Multnomah County, from the same court, was also affirmed in an opinion by Justice Moore, the decision being that the assessment roll did not describe the land with sufficient certainty.

Ola Sharpe, respondent, vs. A. J. Johnson, appellant, from Lane County, J. W. Hamilton, Judge, reversed and remanded; opinion by Chief Justice Bean.

C. E. Bayard, respondent, vs. Standard Oil Company, appellant, from Wasco County, W. L. Bradshaw, Judge, reversed and new trial ordered; opinion by Justice Wolverton.

ASTORIA'S MISTAKE.

Boycott of O. R. & N. Not Approved in Eastern Oregon.

BAKER CITY, Jan. 12.—(To the Editor.)—The farmers and business men of the Inland Empire have been stirred up to some extent by the recent articles published in The Oregonian regarding the Astoria situation. This question is becoming one of importance here, owing to the fact that the merchants in Astoria who have established a boycott against the O. R. & N. Railway are calling upon the people of the interior to co-operate with them in their demand for a readjustment of the rates on wheat to Astoria.

A careful investigation of the subject throughout this territory reveals an almost universal sentiment against such a proposition as is advanced by the Astorians. They have bolstered up their claims by lengthy articles written by civil engineers and others living at a distance from Oregon, but who claim to have examined the situation, and to be interested in the outcome of the question, and to have studied traffic, the relation of ports to territory and the relation of railroads and canals to ocean traffic. But not an argument of fact has been advanced to prove that ships will make less rates from Astoria, or that the farmer would get the benefit, if they did.

Comparison is made between the ports of Astoria and New York, and this is being harped upon constantly. The thinking men of this community say that one might as well compare peaches with potatoes as New York with Astoria.

In an interview today, one of the leading attorneys of Eastern Oregon, and a man who has studied the question carefully, stated to me that the Astorians now seem to have come to an acute stage in their disease. Portland wants all the transportation lines by water and rail that she can secure. I do not believe that Portland is on the list of "knockers." Her business men seem to be awake to the situation, and, I am convinced, will arise with sufficient force adequately to meet the demands made upon their port. The proposition just made by the O. R. & N. Co. to put in an independent line of steamers between Portland and Honolulu certainly deserves the commendation of Eastern Oregon, and will undoubtedly receive the attention it demands at the hands of Portland merchants. It surely will be a simple matter for Portland to raise sufficient funds for the building of a sugar refinery at that point, which is the only consideration for the establishment of the steamship line. Portland is not boycotting the transportation lines which serve it, and it looks to one on the outside as if Astoria was setting a dangerous precedent to the laboring classes, when its principal business men boycott a railroad upon the flimsy excuse they have to offer. It has only been a short time since Astorians defended with guns in the hands of the state militia their canneries against a strike of employes. Now they turn around and lay themselves liable to just criticism by employing the same methods they fought against so hard. It is hardly probable that Astoria will get either the sugar refinery or the smelter.

As to Mr. Schenck's letter, there is little to say. He is a scientist, but draws comparisons that are not applicable to the situation on the Columbia River.

In the light of recent history, this would seem to be Missoulaville methods transferred to Asstoriaville. Perhaps when it is too late these strikers will see where they made their mistake. Now that the transportation lines of Portland have offered to put in a line of steamships to Honolulu and have secured a smelter to be located at Portland, it is again up to that city to make good its claim to be the metropolis of the Northwest. Nothing more can be asked by that city until it makes good the propositions named. As I before stated, there can be little doubt that the Portland merchants will come to the front, erect a sugar refinery and take care of the Columbia River channel so that steamers and vessels of all dimensions may in the future take their cargoes at Portland, as they have done in the past. This part of the state will send its ores there for smelting, ship it wheat for export, and co-operate with that port in producing crops of all kinds, aiding in manufactures and in the development of the state by offering such inducements to newcomers as will cause them to locate here and open the dormant resources of the Inland Empire. W.

Cremation by Liquid Air.

CHICAGO, Jan. 14.—After a protracted series of experiments, a Chicago physician is said to have succeeded in perfecting a method by which human bodies may be cremated with the use of liquid air at a cost which is nominal in comparison with the present expensive methods. The method involves the treatment of the body, to be cremated with a chemical substance and exposure to a current of electricity in liquid air. The combustion is said to be perfect, practically no smoke or odor resulting.

Appeal to the Democrats.

Washington Post, Ind.

We are face to face with the facts. Why not recognize them with candor, and deal with them honestly and bravely? The United States is virtually at war in the Philippines. The Government must be furnished with an army—not less than 75,000 strong, though we think 100,000 would be nearer the mark. Why do the Democrats who did so much to get the country into this abominable mess now refuse to help it out?

Assaulted by Highwaymen.

CHICAGO, Jan. 14.—Edward Kelly, a prominent race horseman, is at home in a dangerous condition as the result of a desperate battle with two highwaymen. Kelly was on his way home and in an effort to save his money and valuables resisted when the footpads presented revolvers at his head and ordered him to hold up his hands. In consequence he was knocked down and then brutally beaten and robbed of money and valuables to the amount of $300.

JANUARY TERM OPENED

STATE CIRCUIT COURTS HAVE A BUSY DAY.

Customary Number of Jurors Excused—Cases Set For Trial—Criminals to Be Got Ready.

The January term of the State Circuit Court began yesterday. There was a large attendance of attorneys. A large number of motions and other matters were disposed of, and all four departments of the court were kept busy during the entire day.

Jurors Excused.

The following-named persons were excused as jurors for the term: A. B. McAlpin, Isadore Lang, J. W. Matschek, D. D. Neer, E. H. Stolte, Werlin Ennis, Byron Z. Holmes, and A. H. Birrell. The latter is not a citizen, and the others were excused for business reasons.

George Krockman, W. S. Sibson, James Gebbie and J. C. Logan were excused until January 22, C. L. Fay until January 17, and J. W. Riner until January 29.

The remaining jurors are as follows: L. Zimmerman, Henry Moore, George Whitaker, J. T. McDonnell, Vincent Cook, Thomas Farrell, G. Whidden, S. Chase, Michael Danexe, Milton York, James Frainey, F. J. Fellows, Charles Perth, Wm. Lind, D. B. Mackie, A. G. Long, Ira Russ, Charles Cleveland, Fred Emily, Arnold Rugg, C. N. Proud, Alonzo B. Gates, Lars Carlson, Geo. W. Pullen, J. M. Woodworth, John Marshall, John B. Quay and R. Z. Joy. No Grand Jury was called.

Set For Trial.

Judge Sears has charge of the jury trial docket this term, and yesterday set cases for trial as follows:

Wm. E. Boyd vs. Portland General Electric Company, January 15.

Henry Waterman vs. Robert Irving et al., January 15.

Hartford Fire Insurance Company vs. Thomas Connell, January 15.

Levi Adler vs. Wm. Frazier, January 17.

Burrow vs. Standard Box Factory, January 16.

Bridges vs. Barnes, January 17.

Spreter vs. Malond, January 16.

State vs. Fay Severe, January 17.

Salem Building & Loan Association vs. O. M. Smith, January 18.

Pallay vs. Brenner et al., January 18.

State vs. W. E. Spicer, January 21.

Chang Young vs. Hop Young, January 22.

Blond vs. Davidson, January 22.

Garrison vs. Nickum, January 22.

Mackin vs. Portland Gas Co., January 23.

State vs. G. Schwartzrock, January 23.

Blanco vs. Clinton, January 23.

State vs. Lundrene, January 24.

Musgrove vs. O. R. & N. Co. et al., January 24.

N. P. Wood Co. vs. Storey & Kern Fuel Co., January 29.

The trial docket will be called every Monday until the jury is discharged. Judge Sears states that he will endeavor to set cases so as to get through with the jury, if possible, in one month.

Judge Cleland set cases for trial in the equity department as follows:

Charles H. Thompson vs. Erminie Thompson, January 15.

C. J. Reed et al. vs. B. G. Whitehouse, January 17.

Alice V. Goodwin vs. Samuel Goodwin, January 22.

A. S. Yerex vs. H. Edsell, January 23.

Charles J. Hale vs. Nellie J. Hale, January 24.

Martha McGrotty vs. Thomas McGrotty, January 25.

Frank Benedict vs. Margaret Benedict, January 29.

Edith Johnson vs. F. W. Johnson, January 30.

J. W. Lindsey vs. Maggie Lindsey, January 31.

Mary T. Clark vs. Robert Catlin, February 5.

Bank of British Columbia vs. City of Portland, February 8.

Estate of Peter C. Calsing, February 12.

Eliza Kalfus vs. C. S. Silver, February 26.

The trial calendar in this department will be filled up as the term progresses.

Criminal Court.

In the criminal department a large number of offenders were arraigned.

Chester, who is under arrest for kidnaping John Ditchburn's young son, was given until Wednesday to plead and secure an attorney.

John A. Long and Phoebe Gage, indicted for burglary for breaking open the safe of the Blue Mountain Ice Company, were arraigned, and granted until Wednesday to plead.

Carrie Chapman and S. H. Chapman, charged with extorting money from Hugh Kerr by means of the badger game, were arraigned, and granted one week to plead.

George Watson pleaded guilty to a charge of larceny of various articles of jewelry, the property respectively of Mrs. C. M. Hartness and Mrs. W. I. Watts. He will be sentenced today.

Edward Cassidy pleaded guilty to an information charging him with burglary in having broken into the Owl Concert Hall and stealing money and goods. He will be sentenced today. Cassidy is 19 years old, and states that he came to Portland to sing in a concert hall. Judge George deferred passing sentence in these two cases in order to inquire into the antecedents of the prisoners.

An information was filed against Frank Heller and William Ayres, on complaint of Charles Harbaugh, charging them with conducting a gambling game known as faro.

Charles Tracey, charged with assault with a dangerous weapon, was arraigned and allowed until today to plead.

J. F. Smith, charged with buying stolen property, was arraigned and granted one day to plead.

John T. McNamara, charged with assault, was allowed one week to plead; Charles Appleton, assault, until Wednesday, and James Casey and James Watson until Wednesday. R. DeWitt, charged with larceny from the person, pleaded not guilty.

PRISONERS AWAITING APPEAL.

Judge George Decides They Shall Not Be Sent to State's Prison.

The motions filed by District Attorney Chamberlain, asking that Frank E. McDaniel, James L. Warren and George Dixon be committed at once to the penitentiary, were denied by Judge George yesterday, and the District Attorney will appeal from the decisions in the Warren and Dixon cases to the Supreme Court. This is the first time the question has ever been raised here.

Warren is under life sentence for the murder of William Kirk, Dixon has been sentenced to 10 years for forgery, and McDaniel was convicted of manslaughter and sentenced to 15 years.

The cases have all been appealed to the higher court, and the men are all held in the county jail under the certificate of probable cause statute, which provides, section 1440: "An appeal from a judgment on a conviction stays the execution of the judgment, upon filing with the notice of appeal a certificate of the Judge of the court in which the conviction was had, or of a Judge of the Supreme Court, that in his opinion there is probable cause for the appeal, but not otherwise."

In the McDaniel case the certificate of probable cause was issued by Judge George a long time ago, and there was not much room for an argument upon the part of the state's counsel, but he protested against the delay in preparing the transcript on appeal, which opposing counsel explained they were in no way responsible for.

Dixon is held here on an application for a certificate of probable cause, and in the Warren case the court previously ruled that the question would not be passed upon until the bill of exceptions was submitted.

District Attorney Chamberlain argued that it was not proper to keep these two men here in the county jail, and that they ought to be committed to the penitentiary. He referred to the delays in appeals, and said that witnesses were liable to go away while the determination of the higher court was being awaited for. The District Attorney argued that according to the recent decision of the Supreme Court in the Gus Wachline murder case, the certificate of probable cause asked in the Warren and Dixon cases could not be granted. In that case the Supreme Court held as follows:

"It is apparent that before the Justice of the Supreme Court can certify that in his opinion there is probabe cause for an appeal, it must appear from the record presented to him that there is at least some debatable question to be heard on such appeal, but no such showing is made in this case. The only record submitted consists of the indictment, plea, trial, verdict and judgment, and some ex parte affidavits. It contains no bill of exceptions, and it is not claimed that error can be predicated upon any matter appearing in the face of the record as presented. It is true there are some affidavits, filed by defendant's counsel, that state facts which, if embodied in a bill of exceptions, might furnish a basis upon which a Justice of this court could give a certificate of probable cause, but error of the trial court cannot be made so to appear. It will be observed that neither the trial Judge nor a Justice of this court has any power or authority to stay an execution, or postpone the execution of a sentence, but the law declares that a certificate of probable cause for an appeal will, when filed with the notice of appeal, operate as such a stay. This being so, there is no alternative but to deny the application."

In its syllabus the court said:

"A Justice of the Supreme Court cannot certify that there is probable cause for an appeal in a criminal case, as provided for by section 1440 of the code, unless the errors relied upon are presented in a bill of exceptions; copies of the papers and journal entries are not sufficient to present any questions not apparent on their face."

Judge George, who desires to have the Supreme Court decide fully on what is the proper practice, formally denied the motions of the District Attorney to commit Warren and Dixon to the penitentiary. Judge George said it has always been the practice to grant these certificates in the past under proper showing, and he believed such would be the ruling of the Supreme Court, but he desired to give the District Attorney a chance to take the question up. In California there is a similar statute, and the California Supreme Court has construed it to mean that even if the Judge of the trial court is satisfied with his rulings and that he will be sustained by the higher court, yet if the points raised on appeal are not frivolous and are debatable, the certificate of probable cause should be issued. Judge George was inclined to think the Oregon Supreme Court will uphold the decision of the California Supreme Court, and that the Oregon court in its recent decision did not mean that certificates of probable cause shall not be granted at all.

The defendants lose all of the time spent in the county jail, as a sentence in the penitentiary begins to run only from the time a prisoner reaches the institution.

Court Notes.

Judge George will decide today all motions argued before him yesterday in civil cases.

The inventory of the estate of Andrew Snover, deceased, was filed in the County Court yesterday. The property is appraised at $15,423.

The remainder of the estate of Joseph Leonard, deceased, was escheated to the state by Judge Sears yesterday, on motion of Administrator R. Nixon.

A legal fight for the $1200 taken from George Dixon, the deed forger, at the time of his arrest, occurred in Judge George's court yesterday, and a decision bill be rendered today. J. M. Hodson, who bought the lot sold by Dixon for $2100, claims the money, and St. Rayner & Clark, attorneys for the defendant, are trying to get it. Mr. Hodson recovered some of the rest of the money from Mattie Frost, the accomplice in the crime, and other sources. The question raised yesterday was whether the court has jurisdiction to determine the right of property, or only its custody, or whether the parties should litigate the matter out in a civil suit.

NO FREE DELIVERY.

Mount Tabor Must Wait Until Annexed to Portland.

Mount Tabor will be obliged to wait some time for free mail delivery. Special Agent Ormsby, who was here recently, has reported against it. His reasons are given in the following report:

"Washington, Jan. 10.—A number of applications have been filed with the Post-office Department, asking for the establishment of two rural free delivery routes in Multnomah County, Oregon, one to begin at Hurlburt, and the other at Mount Tabor. Upon the requests made by the petitioners, Special Agent H. J. Ormsby was recently detailed to make an investigation of these two localities, and has recently submitted adverse opinions in both cases.

"In his report Mr. Ormsby says, in regard to the rural free delivery service from Hurlburt, that the conditions required by the department for such service do not exist at that point; that the office is now situated on a star route, about 20 miles from Portland, and that the country tributary to the office is very sparsely settled, and he does not think it possible to secure the requisite number of families to make it successful.

"In regard to the proposed rural free delivery route from Mount Tabor, he finds it absolutely suburban delivery, and was informed at Portland that the vicinity of this office was soon to be taken into the city proper, and receive its mail from the Portland Postoffice. Inasmuch as delivery from Portland will be more efficient, and more frequent than under the rural free delivery system, the people of Mount Tabor will find themselves better provided for than they anticipated."

Looting in China.

Gunton's Magazine.

For an enterprise undertaken in behalf of civilization and humanity to drop promptly into pillage and devastation saps the moral strength of the whole proceeding. It entitles Chinese apologists to point the finger of scorn. It is easy to understand how invading soldiers, fresh from victory over a fanatical and cruel foe, and seeing on every hand the results of Boxer ravages, would most naturally act in the spirit of revenge, and repay outrage with outrage, but for the military authorities of the allies to permit such proceedings is inexplicable. To say that it could not be helped entitles the Chinese to retort: Very well, if your organized and disciplined armies cannot be held in check by their own officers, how can you demand a penalty from us for failing to restrain these hordes of Boxers who recognize no authority? The Government, to be sure, was aiding and not restraining the Boxers; nevertheless, the Chinese are entitled to throw this reproach in the face of Christendom. We can only hope that the reports have been exaggerated, and that stern measures were and are being applied. At least, it seems assured, from the replies to inquiries made at once by our War Department, that American soldiers were not implicated in the looting of Tien-Tsin; and it is hard to believe that the same will not prove true of our men in Pekin when the facts become known.

Van Camp's soups, 10c at all grocers.

FOR FREE KINDERGARTENS

SCHOOL BOARD URGED TO MAKE RECOMMENDATION.

Committee Requests the Board to Ask for $5000 This Year—Directors Seem to Be Divided.

A meeting of the Board of School Directors was held yesterday to consider the estimates of the expenses of the school department for the coming school year, which are to be laid before the annual meeting of taxpayers next Monday night. A first rough draft of the estimate was prepared, but this will have to be gone over carefully and corrected several times before it will be ready to be submitted. Chairman Warren presided, Directors Beach, Williams, and Wittenburg were present, and City Superintendent Rigler was in attendance.

Director Thompson has not yet returned, but is expected to arrive in time to give his ideas on the estimate before it is submitted, but this is not certain.

H. C. Campbell, Mrs. Helen Ladd Corbett and W. B. Ayer were present at the meeting to urge the board to place in their estimates and recommend an appropriation of $5000 for the support of the free kindergartens. They urged that this scheme be tried as an experiment for one year.

Mr. Campbell said they were not there to enlighten the board as to the advantages of the kindergarten system, as those were well known to them all.

City Superintendent Rigler said he had no objection to having the kindergarten incorporated with the public school system, but intimated that the rules governing the two systems would have to be different.

Mr. Beach said the question was whether the board had a right to recommend such an appropriation.

Mr. Ayer suggested that they had as much right to do this as to establish night schools.

Mr. Beach said if night schools had not been established before he became a member of the board he would not have voted for them.

Mr. Wittenberg said the taxpayers had been called upon to meet and vote a tax for the support of the schools. If they voted $5000 for the support of the kindergartens it would be all right.

Two members of the board appeared to be in favor of the appropriation being made, while two others, though not openly opposing the appropriation, did not care openly to favor it.

It was remarked that probably Director Thompson would be opposed to the appropriaton, but Mrs. Corbett stated that she had been informed that while Mr. Thompson was at first opposed to such an appropriation he had changed his opinion, and would now favor it.

After some further discussion it was decided to place the appropriation in the estimates, but the board for the present has not decided to recommend it.

WANT A NEW SCHOOLHOUSE.

East Siders Demand Completion of the Central Building.

A meeting of representative citizens of Central East Portland was held last night at the East Side Bank, to take steps to secure the completion of the Central schoolhouse, for which plans were prepared about two years ago, and of which four rooms were erected. H. H. Newhall was made chairman, after which there was an exchange of views. General Summers said that the Ninth Ward was entitled to a modern, up-to-date schoolhouse, with first-class sanitary appliances. The Ninth Ward, he said, is the largest in the city, and the old building has served its purpose and should be replaced with a modern structure. Whitney L. Boise, W. T. B. Nicholson and others spoke along the same line. On motion, Mr. Nicholson, Mr. Boise, Mr. Newhall and General Summers were appointed to gather statistics concerning the building, and ascertain how much additional levy will be necessary to get the Central building finished.

This committee will report at another popular meeting of the residents at Justice Vreeland's office, East Morrison and Grand avenue, next Friday night. To this meeting it was decided to invite all citizens of Central East Portland, so that there should be a full representation. The committee made an appointment last night with R. K. Warren, chairman of the School Board, to meet him this morning, and he will give them such information as they may desire. There was no criticism of the School Board, and it was the opinion of all present that the Directors were handling the affairs of the district in a careful and economical manner.

DAILY CITY STATISTICS.

Marriage License.

W. J. Byrne, 22, M. E. Downing, 18.

Real Estate Transfers.

A. L. Cook to Daniel Hart, lot 25, block 149, University Park, November 1, 1900	$ 50 00
William H. Cone and wife to Matilda Altman, lots 5 and 6, block 6, Monticello, October 7, 1900	300 00
F. M. Smith to Minnie Smith, undivided one-half of the south half of lots 1 and 2, block 4, subdivision Riverview Addition to Albina, January 11	87 00
J. Thorburn Ross and wife to Moore H. Thompson, lots 35 and 36, block 2, Stanley, January 12	1 00
Cyrus N. Wood and wife to John F. and Helma H. Peterson, lot 11, block B, Albina Homestead, December 21, 1900	850 00
Joseph Dollinger to Charles J. Peterson, lots 4 and 5, block 8, Woodlawn, May 8, 1899	500 00
University Land Company to E. A. Johnson and R. H. Whitehead, lots 1, 2, 3 and 4, block 116, January 14	175 00
F. W. Clayton et ux. to Susan A. Wells, lot 17, block 67, Sellwood, January 12	500 00
L. D. McArdle and wife to the Co-operative Investment Company, lots 12 and 14, block 2; lot 6, block 12, Highland Park; also lot 11, block 39, Woodlawn, December 13	10 00
Sheriff, for May E. Swigert, to S. A. McDaniel, lot 20, block 3, North Villa, January 10	2 25
Sheriff, for Esther Pratt, to same, lot 7, block 5, North Villa January 10	2 93
Sheriff, for Mrs. L. M. Schultze, to C. Bircher, lots 6 and 7, block 2, Bush's Addition, January 10	7 20

Birth Returns.

December 23, to the wife of Charles Morris, Pendleton, a girl.

December 29, to the wife of Robert Myers, West Chehalem, Or., a boy.

January 12, to the wife of John Price, 63, corner Fourth and Pine streets, a boy.

January 8, to the wife of Fred Lanpeman, West Park and Couch streets, a girl.

Contagious Diseases.

Teresa Schwarzbeck, 1075 Corbett street; measles.

Charles Schwarzbeck, 1075 Corbett street; measles.

Mrs. Levina Wilkenson, corner Fourteenth and Ainsworth streets; measles.

Boney Esch, 435 Glisan street; measles.

William Laitboode, St. Vincent's Hospital; measles.

Child of Mr. Manning, 187 Seventeenth street, north; measles.

Child of R. Junit, 289 Grand avenue; scarlet fever.

Death Returns.

January 9, Stephen Baker, at Salem, 15 years; railroad injuries.

January 6, Frank Richardson, Good Samaritan Hospital, 8 years; exhaustion.

January 10, Sarah Jane Harris, 235 Jefferson street, 34 years; pneumonia.

January 12, Della Coleman, corner Twentieth and Glisan streets, 24 years; disease of heart.

January 11, Robert C. Bruce, St. Vincent's Hospital, 45 years; acute pneumonia.

January 14, Netty Hellmann, Good Samaritan Hospital, 9 years; fracture of skull.

January 13, Otto Zeplin, 388 Twentieth street, south, 8 months; acute bronchitis.

TOO MUCH GAME LAW.

Suggestion in Direction of a Compromise.

PORTLAND, Jan. 14.—(To the Editor.)—After reading column after column of communications from "Sportsmen," "Farmers," "Pot Hunters," "Game Hogs," etc., I am forced to the conclusion that the present game law is much more honored in the breach than in the observance, because of the feeling (whether justified or not) that it has been so drawn as to benefit some particular class at the expense of another. In short "class feeling" is at the bottom of the trouble, and the present game law has increased the feeling somewhat. It was passed as an emergency measure at the last session of the Legislature upon very short notice, as it had to be done then, or not at all. There being insufficient time to consult the wishes of different sections, the bill was drafted practically by Portland sportsmen, according to their best understanding of existing conditions. In consequence, it has been looked upon in the country sections as a "Portland law," and the old prejudice of the "farmer boys" against the "city sportsmen" has been revived.

The farmers who own the land and the sportsmen who hunt the game are the only classes who are really concerned in the matter, and if they could only be brought to see it, their interests are practically identical, as they both want the game preserved in order to get as much as possible of it at the proper time.

My observation of the practical working of the law is confined to that section relating to the killing of upland birds, China pheasants, grouse and quail, in the Willamette Valley. As a fact, I find that the law has been generally respected and observed by the city sportsmen, but that no atention is now paid to it by farmers, farmers' boys and neighbors. The farmers claim that October 1st is too late for the opening of the season, that the prohibition of market shooting is a good thing and has resulted in a large increase in the number of birds, that the only leisure time a farmer has for shooting is that between the close of harvest, early in September, and the commencement of Fall work, plowing and seeding, early in October. The birds are then well grown and it is the natural shooting season. They claim that the law passed by "city sportsmen" protects the birds for the benefit of the latter, while the farmer now hard at work, has to stand off and watch those "city fellows" having all the fun.

Two years ago the law was generally respected by the farmers, with above results, but last season they became very restless and took matters into their own hands commencing to shoot early in September, and keeping it right up through the whole month. Last September there was a good crop of birds, larger than for several years past, but birds were killed openly every day in the month, and shooting could be heard all day long. This shooting was done by the farmers and their friends, and when sportsmen who respected the law started out on October 1 they found the coveys scattered, and birds unusually wild. The few game wardens did he best they could to prevent this and secure convictions, but public opinion being against them, found it impossible to secure evidence or convictions in the farming communities.

The reason the law was not enforced was that it lacked the force of public opinion behind it. It is like our present trespass law, so stringent that it defeats its own purpose.

Under our trespass law any man who, with a dog (of any kind, whether a hunting dog or otherwise) or with a gun, goes upon the enclosed property of another without permission (no matter for what purpose, whether trespass notices are posted or not) is technically guilty of a misdemeanor, and may be arrested anywhere in the state and compelled to stand trial where the alleged offense was committed. No decent sportsman will knowingly trespass by going without permission upon land where trespass notices are posted, but as a matter of fact does repeatedly break the law technically by going upon or crossing land where no notices are displayed. A reasonable trespass law could be properly enforced with very little trouble, but when both game and trespass laws are made too strict, neither will be respected.

The majority of both farmers and sportsmen generally would be satisfied with the following provisions, and would help to enforce such a law.

First—Make open season for upland birds from September 1 or possibly the 15th. If necessary to shorten season, do so at latter end, closing October 15 or November 1.

Second—Limit the amount of bag to 15 upland birds of any variety in one day, and prohibit, as at present, any selling of game at any time.

Third—Change the trespass law so as to require owners or lessees of property to post notices.

While I come under the head of "city sportsman" myself, I am willing to concede that the farmer who owns the land has rights which we are bound to respect. If we treat him fairly he will be inclined to do the same by us, but nothing is to be gained on either side by stirring up class feeling or riding rough-shod over another's rights. R. H. BIRDSALL.

PERSONAL MENTION.

Robert T. Hale, past grand officer of the domain of New York, is visiting the Knights of Pythias lodges in Portland, and will fraternize with Castle Lodge tonight.

County Commissioner William Showers, who has been confined to his home for four days with the grip, was able to get out and be down to the office of the board yesterday.

Captain John J. Bradley, United States Army, and his family, are visiting Captain J. A. Sladen in this city for a few days, on their way to Chicago, where Captain Bradley is ordered for duty. Captain Bradley has been the Army Quartermaster in charge of the Army transport Hancock, running between San Francisco, China and the Philippines.

NEW YORK, Jan. 14.—Northwestern people registered at New York hotels today as follows:

From Portland—W. Goldman, at the Gilsey; F. Soloman, at the Bay State; O. P. Steinbach, at the Herald Square; L. Samuel and wife, at the Imperial; G. C. Strow, at the Broadway Central.

From Seattle—S. Sudelsky, at the Broadway Central.

From Spokane—D. L. Killen at the St. Cloud.

A. Roderick Grant and wife, of Portland, called at the Eastern office of The Oregonian today. They came by way of Montreal, and will return by way of Washington and Chicago.

Reading-Jersey Central Deal.

NEW YORK, Jan. 14.—The terms of the Reading-Jersey Central deal have been announced by President Maxwell, of the Central Railroad of New Jersey, in the following notice to stockholders:

"The holders of more than a majority of the stock of the company have sold, through George F. Baker, to J. P. Morgan & Co. a controlling interest in the company at the price of $160 a share, deliverable and payable at the purchaser's option within four months of January 4, 1901, with interest that date at 4 per cent per annum, the dividends meanwhile accruing to the purchasers. The sellers desire to give opportunity to all owners of stock to participate in this sale on equal terms, and the privilege is accorded to you to contribute one-half of your holdings."

WORN COINS REDEEMED

GOVERNMENT WILL REPLACE "SMOOTH" SILVER.

Coins Which Have Suffered Natural Abrasion Accepted by Local Banks at Face Value.

There exists a vast amount of ignorance in regard to the provision made by the United States Government in regard to the redemption or exchange of silver and minor coin.

Many persons who come into possession of smooth quarters will lay awake nights scheming how to get rid of it or pass it on a street-car conductor if possible, or ask a friend to take a drink in a saloon and take chances of passing it on the barkeeper, or throw it in the collection-box at church, for which reason plates are used for taking collections in many churches.

There is no need for all this worry, as the Government stand ready to redeem old silver coins at their face value in new ones. These remarks have been called forth by a letter received by The Oregonian from a citizen of foreign birth, who says:

"It seems very strange to me and to all the Europeans, that the United States does not redeem the worn silver coins, as do all European Governments. Why should not our Representatives in Congress occupy themselves about this and see that the people get justice? It is not right that the loss of the worn coin shall fall upon individuals."

The following rules in regard to the redemption or exchange of silver and minor coin, are taken from a circular issued from the Treasury Department March 23, 1900, containing the regulations which govern the issue, redemption and exchange of the paper currency and the gold, silver and minor coins of the United States and the redemption of national bank notes, by the Treasurer of the United States:

"VIII—Redemption or exchange of silver and minor coin.

"15. Subsidiary silver coin and coins of copper, bronze, or copper-nickel may be presented in sums or multiples of $20, assorted by denominations in separate packages, to the Treasurer or an Assistant Treasurer for redemption or exchange into lawful money, and standard silver dollars for exchange into silver certificates only. When forwarded by express, the charges should be prepaid.

"16. Depositors of subsidary silver coin will obtain quicker returns and aid the Department in retiring the old issue from circulation, if they will present coins of the old designs and the new in separate packages.

"17. No foreign, mutilated, or defaced silver coins, or coins to which paper or any other substance has been attached as an advertisement, or for any other purpose, will be received. Reduction by natural abrasion is not considered mutilation.

"18. Minor coin that is so defaced as not to be readily identified, or that is punched or clipped, will not be redeemed or exchanged. Pieces that are stamped, bent, or twisted out of shape, or otherwise imperfect, but showing no material loss of metal, will be redeemed."

Of course, it is not possible for every one who gets hold of a smooth quarter or half dollar to send it to the sub-Treasury in San Francisco and exchange it for a new one, but all merchants and business men ought to know that silver coins worn smooth or thin by natural abrasion are accepted at the face value by the First National Bank from customers and that a man employed there daily sorts out the old and worn coins for shipment to the sub-Treasury at San Francisco, where new coins are given in exchange for them.

Hereafter, no man need scheme to work off a smooth quarter and reproach himself with having done a dishonorable or dishonest action, as any dealer ought to accept it and pass it into the bank, where pains will be taken to see that it never gets into circulation again.

Czar's Mother.

PORTLAND, Jan. 14.—(To the Editor.)—Is the mother of the Czar of Russia a German or English? BROWN 991.

Neither. She is the daughter of King Christian IX. of Denmark.

SHOE Clearance Sale

All shoes redu