

HAS PARTISAN LOOK

Idaho Reapportionment Bill as Agreed Upon.

IT WOULD BENEFIT FUSIONISTS

BOISE, Idaho, Feb. 25.—Probably the most important measure in a political sense to be decided before the Legislature adjourns, will be the reapportionment, which it is hoped, will be passed in a few days of the session, because if it comes up soon there will be a block. The Republicans, of course, are diametrically opposed to any arrangement agreed upon in the fusion conference, and it is not a number of the fusionists do not favor it because of its intense partisan look. As at present agreed upon, the apportionment for Representatives will cut from the counties of Latah, two members; Ada, one; Blaine, one; Canyon, one; and additions of one each will be made to Nez Perce and Idaho Counties. The agreed apportionment, which follows, shows a peculiar method of figuring:

Table with 3 columns: County, Population, Apportionment. Lists counties like Blaine, Boise, Clatsop, etc., with their respective population and number of representatives.

These are the counties which lose seats, as follows: Blaine, Boise, Clatsop, Lemhi, Owyhee, Washington. Total 11.

The apportionment is seen to be unfair in its entirety, and there will be the fiercest kind of fight over it. It is a political measure, as the counties which gain are fusion, while those which lose are Republican. The southeastern portion of the state is more important, so far as population is concerned, than the central and northern portions, yet the latter receive the large apportionments under this plan. It may go through, but it will result to the credit of the fusionists. And if the bill comes into the House within a few days those opposing it will only have a few days to retard legislation to "kill" it, as there are many fusionists who would rather see the reapportionment measure lose than that their pet bills should.

It is said another resolution will shortly be presented by the fusion element looking to another airing of the Couer d'Alene trouble. It may not call for the Governor to abolish martial law, but will be rather in the nature of a commission to make official inquiry into the conditions in Shoshone County, and to determine whether the present martial law is necessary. It is not expected that the matter will be taken up, as it is not expected that the members will be able to get no two statements to agree. It is pointed out by the members that the people of the south wish to know what is the matter with the north, if anything, and the only way to determine the fact will be personal investigation. The northern members have a good deal of pleasure, and promise those making the trip a most enjoyable time, as well as ample opportunity for investigation. It is doubtful, however, if any resolution regarding the Couer d'Alene can pass, because of the lack of information by a majority of the members.

Another important matter is in relation to the codes, which were ordered to be printed by a commission of the previous Legislature. These should be attended to this session, and in fact, it is expected that the members will be able to get no two statements to agree. It is pointed out by the members that the people of the south wish to know what is the matter with the north, if anything, and the only way to determine the fact will be personal investigation.

Mrs. Lucy Howell, Oregon Pioneer. OREGON CITY, Feb. 25.—Mrs. Lucy Howell, a pioneer of the early '60s, died at the home of her son, William Howell, last night. She was 82 years of age, a native of Missouri, but she and her late husband, Henderson Howell, immigrated to this state from Iowa. Mrs. Howell has resided at Salem and vicinity until a few months ago. She left the following children: Walter P., of Portland; Mrs. Eva Waymire, of Santa Rosa, Cal.; Mrs. Florence Morand, of Salem; Mrs. Addie McClure, of Frank and William A., Oregon City.

Report of Jap Immigration Not True. VICTORIA, B. C., Feb. 25.—After passing a resolution of loyalty to the King, the Legislature proceeded to debate on the report of Jap immigration. Hon. W. H. Ellis, immigration officer, has returned from the Gulf Islands, where he investigated a report that Japanese were being smuggled in from the American side, bringing goods with them. The report of the immigration officer is that the number of Japanese is small, and that the trend of the Japanese was more to the southward than to the northward.

May Name Successor to Gallows. OREGON CITY, Feb. 25.—Hon. William Gallows will continue to be the holder of the local land office until March 7, he will have served in that capacity for five years, although he was appointed by President Cleveland for a term of four years. Now that the United States Senator has been elected from Oregon, Mr. Gallows anticipates that his successor will be appointed soon after March 4.

Dallas May Build Woolen Mill. DALLAS, Tex., Feb. 25.—Should the woolen mills be moved to Portland, as contemplated, it is quite certain that a company will be organized here, and a modern three-set plant at once founded. The Law and Order League will hold a mass meeting February 27. A ticket for the coming election may be named. The last slot machine in Dallas was closed yesterday.

College Regents to Meet. SALEM, Feb. 25.—The Board of Regents of the Oregon Agricultural College will hold a special meeting at Corvallis on Wednesday afternoon. The board will probably at that time make a general outline of plans for the expenditure of the additional appropriation made at the recent session of the Legislature. The additional appropriation was for improvements.

GEER SIGNED TWO BILLS

ONE FOR OREGON EXHIBIT AT BUFFALO AND CHARLESTON FAIRS.

It Carries \$25,000 Appropriation—Other Makes Interference With Gas or Electric Fixtures a Crime.

SALEM, Or., Feb. 25.—Governor Geer today signed the bill appropriating \$25,000 for the payment of the expenses of Oregon's exhibit at the Pan-American Exposition in Buffalo and the Commercial Congress at Charleston, S. C. The commissioners will meet at 2 P. M. tomorrow in the office of A. P. Tift in the Chamber of Commerce building, Portland. The bill, which is introduced by Senator Tift, will provide for the collection of the exhibit. There is but little time for the work of collecting samples of Oregon's resources, as the exhibits should be shipped to the respective fairs.

There are a number of candidates for the position of superintendent of the Oregon exhibit, but since the compensation is only \$50 per month, there need be little competition. The bill, as introduced, will secure their coveted position. The cost of living at Buffalo will be high and will not leave a man much out of his pocket. Governor Geer also signed the bill making it a crime to interfere with gas pipes or electric wires or fixtures.

NO FUNDS FOR SOLDIER MONUMENT. Senate Would Not Agree to House Amendment to Bill.

SALEM, Or., Feb. 25.—The bill for an appropriation to complete the monument fund failed of passage because the two houses could not agree on the provisions of the bill. The bill, as introduced by the Senate, provided for a monument for the Second Oregon Volunteers. In the House an amendment was made, providing that the monument should be erected in honor of veterans of other wars, including those of the Civil War, Mexican War and Indian Wars. When the bill came back to the Senate with this amendment, there were many Senators who spoke in opposition to the proposed change. It was argued that since a considerable portion of the fund had been raised by private subscription for the express purpose of erecting a monument to the Second Oregon Volunteers, it would not be right to divert the fund from the original object. The custodians of the fund, it was said, would have no right to appropriate it to any other use. The contribution of the general public, friends, relatives and admirers of the Second Oregon boys and it would not be right to defeat their intentions.

It was also said that there would be no honor in being made the title to a veterans' fund given a secondary place on a monument erected chiefly in honor of the veterans of the Spanish war. These opinions seemed to be quite generally held, and a motion not to concur in the amendments carried without opposition. When the bill was sent back to the House with information of the action of the Senate, the House refused to recede from its position and advised the appointment of a conference committee. A conference committee was appointed but did not reach an agreement on the bill. It thus appears that the bill failed because the House wanted to extend the purpose of the monument, while the Senate would not agree to that.

Clash Between Authorities. PORT TOWNSEND, Feb. 25.—The steamer Dirigo, arriving this afternoon, reports that on February 13, a clash occurred between the military and civil authorities, which aroused considerable excitement. On the night of February 13, a negro sentry on duty in front of the barracks called out the guard, and the sentry was shot at by a soldier. The guard charged on a crowd of bystanders, commanding them to throw up their hands. Among the crowd were McLean and Fraser, two night patrolmen. They were seized by colored soldiers and taken to the guardhouse. On the way they protested, and Fraser was struck on the head by the Corporal of the guard. Indignation runs high at Skagway, and when the incident was called the matter was being investigated.

Yakon Mail Carriers Use Bicycles. Bicycles are being utilized in carrying the mail from the Yukon to interior points. Oscar Fish, United States mail carrier, recently left Eagle City on a bicycle, carrying the mail to Valdez.

Calander Randabagh, of Roseburg. SALEM, Feb. 25.—Calander Randabagh, of Roseburg, died in this city last night of poisoning, which had its origin in a fever. He left a wife and two children. He was taken to Roseburg today for burial. The deceased left four children at Roseburg, and a brother, E. S. Randabagh, of Salem.

John B. Fussen, of Dayton. DAYTON, Or., Feb. 25.—John B. Fussen, who had resided here since 1875, died last night, aged 32 years.

Passed Through Torres Straits. Captain of Chehalis Has Prepared Chart of Dangerous Waters. ASTORIA, Feb. 25.—Captain Simonsen, of the American bark Chehalis, now loading lumber at Knappton for Fremantle, Australia, has just returned from a trip to that port, and in doing so passed through Torres Straits, which are considered so dangerous that insurance companies do not carry risks on vessels taking that course. The Chehalis was on three days going through, and, as there are no accurate charts of the straits, Captain Simonsen made one for his own use. He will not carry it, but will deposit it in the office of the hydrographer's office at Washington, so duplicates can be made for the use of other captains.

Captain Geather, a Puget Sound pilot, boarded the steamship Rockingham here this afternoon, and will go around on her to Tacoma.

Sunday School Institute. VANCOUVER, Wash., Feb. 25.—Mrs. A. H. Burkhoffer, president of the Clark County Interdenominational Sunday School organization, closed a three days' Sunday school institute here today. Sessions were held Saturday and this afternoon at the Methodist Church, and at the Methodist Church yesterday afternoon. The instruction yesterday afternoon was in the nature of kindergarten work for primary classes, at which Mrs. Burkhoffer gave a practical demonstration. The institute was held in the afternoon. The instruction yesterday afternoon was in the nature of kindergarten work for primary classes, at which Mrs. Burkhoffer gave a practical demonstration.

Poltallock Moved Seventy Feet. SOUTH BEND, Wash., Feb. 25.—The stranded Poltallock was moved 70 feet farther toward the deep water yesterday. She must move nearly half a mile before deep water is reached in the bay, but most of the work will be comparatively easy pulling. Until yesterday the sea was too smooth. What is needed is a heavy swell to lift the vessel out of her sandy bed, when a pull is made on the cable, which will be done by the tugboat chartered by the owners of the Poltallock, was driven on Empire Spit, off North Cove, yesterday, and lost her propeller. She got off without further damage.

Sentence of Forger Commuted. SALEM, Feb. 25.—Governor Geer has commuted the sentence of Joseph Genemann, convicted of forgery in Wasco county and sentenced to two years in the penitentiary. He was arrested at Eugene in November, 1898. The commutation was granted upon the recommendation of the complaining witness, the trial juror and the presiding judge. By his good behavior Genemann has gained some time in his sentence. The commutation simply sets him at liberty, and his regaining his citizenship depends upon his future good conduct.

Will Address University Students. FOREST GROVE, Or., Feb. 25.—Edward A. Beale, of the United States Weather Bureau, at Portland, will deliver an address to the students of Pacific University Friday. The subject will be "Upper-Air Explorations" and the lecture will be illustrated with lantern views of balloons, mountain observatories, kites, etc. The fine electric lanterns in the laboratory of Pacific University will be used for the occasion.

Dallas' New Depot. DALLAS, Tex., Feb. 25.—Owing to a defect in the title to the land on which the new depot was to be constructed, a delay has occurred. The title has now been perfected, and work will commence at once. The improvements contemplated include a new freight warehouse, and a general rearrangement of switches, etc.

Petition for Free Rural Delivery. FOREST GROVE, Or., Feb. 25.—A well signed petition was forwarded to Representative Williams today, asking for free rural delivery from Forest Grove to Eugene Valley. It is intended to include the Napato and Powell's Valley sections. About 200 families would be accommodated by the route.

SEVEN YEARS FOR VAUGHN

WHO ASSAULTED GIRL. The Attack Was a Murderous One, and the Weapon Used Was an Axe—He is Now in Penitentiary.

SALEM, Or., Feb. 25.—Clyde Vaughn, the Jefferson youth, who some months ago committed murderous assault on Lulu Jones, was today sentenced to seven years in the penitentiary. Vaughn pleaded guilty to a charge of assault with a dangerous weapon. Before passing sentence, Judge Burnett listened to a statement of the facts by the District Attorney and examined the wound made on the girl's back by Vaughn's axe. An extreme penalty allowed by the law is 10 years. Vaughn was taken to the penitentiary this evening.

Wade Will Be Sentenced Thursday. Murray Wade, who was to have been sentenced today for stabbing Will Evans, will not be sentenced until Thursday. The action against John Gates, the Statehouse janitor, who was arrested on a charge of embezzling \$1500, was dismissed today for want of prosecution. As no one appeared to claim the \$1500 found on him when arrested, the money was returned to him.

Charge of Embezzlement Dismissed. The action against John Gates, the Statehouse janitor, who was arrested on a charge of embezzling \$1500, was dismissed today for want of prosecution. As no one appeared to claim the \$1500 found on him when arrested, the money was returned to him.

FLAX ASSOCIATION VICTORIOUS. Supreme Court Decides in Its Favor—Another Case Reversed.

SALEM, Or., Feb. 25.—The Supreme Court today handed down decisions in two cases, in both of which the lower courts were reversed. The first of these was the case of Mitchell vs. Oregon Women's Flax Fiber Association, in which the association comes off victorious. The victory is only an intermediate one, however, for the case goes back for retrial. This action was brought in Marion County, and tried before Judge George H. Burnett, who rendered judgment for the plaintiff. In the appeal, this judgment was reversed, the opinion written by Chief Justice Beane.

The suit was brought to recover upon three causes of action: For the reasonable value of certain services, for other services at an agreed compensation, and for money expended for the association. When the cause was called for trial, the court, without any additional showing, stated that a trial of the issues of fact required by the defendant's motion was not warranted, and that the defendant moved to set it aside on the ground that the cause did not require the examination of a long account, and was, therefore, improperly referred, and this motion was overruled.

The Supreme Court says: "The Constitution guarantees to every suitor in a civil action the right to trial by jury, of which right he cannot be deprived by the court on its own motion or that of his adversary, unless it affirmatively appears, with reasonable certainty, that the trial will require the examination of a long account, or other facts, the trial of which is not warranted." "The facts must be disclosed, either by affidavit or upon the face of the pleadings, from which the conclusion can be fairly drawn that so many separate and distinct accounts will be litigated on the trial that the jury cannot comprehend the evidence in mind in regard to each of the items, and give it the proper weight and application when they retire to deliberate on the verdict."

After discussing the questions involved, the court holds: "These are all simple questions of fact, easily understood, and there could be no difficulty in an average jury fully being in mind and appreciating the evidence in relation thereto, and determining the controversy between the parties intelligently. A new trial is ordered."

Joseph Silver, respondent, vs. William C. Lee, appellant, from Columbia County; T. A. McBride, Judge; reversed; opinion by Beane, C. J. This was a suit for a decree establishing title in the plaintiff to a tract of land 100 feet square in the town of Rainier, and for the cancellation of a deed therefrom to one Mary Ann Watkins to the defendant.

The facts are that in 1877 George Watkins, while indebted to J. O. Hanthorn & Co., purchased the land in question and took the deed in his wife's name. During the lifetime of the wife, she obtained a judgment against Watkins and sold the land at execution sale in 1879 to one Wadsworth. At the time of the sale Mrs. Watkins was in possession of the land. In 1879, however, she was ousted by Hanthorn and exercised acts of ownership until 1882, when Lee secured a transfer from Mrs. Watkins and went into actual possession. This suit was begun in 1886, to quiet the title. The case was tried, resulted in a verdict for the plaintiff.

The Supreme Court, in reversing the decision of the lower court, says: "It is held that the title to the land in question in real property is legal in its nature, a court of equity will not assume jurisdiction of the suit of the owner to try and determine a dispute to the title, unless he is in possession, and will leave him to his remedy at law. In this case, there are no special circumstances afforded ground for equitable jurisdiction. The plaintiff's title, in fact, is a legal one, founded upon adverse possession. The proceedings in the action of Hanthorn vs. Watkins gave the purchaser no title to the property, either legal or equitable. The land is in possession by one person, but conveyed to another, trust results, but it is a mere equitable interest, and cannot be sold on execution. The property may be made to contribute to the payment of the debt, but the creditor is in equity and not in law."

It is therefore held that the action at law between Hanthorn and Watkins gave the plaintiff the title to the land, and the plaintiff in equity must fail, because the plaintiff is not in possession.

Northwestern Pensions. WASHINGTON, Feb. 25.—The following Northwest pensions have been granted: Oregon—Original—Ezra Cross, Portland, \$6; Andrew Wilson, Independence, \$6; William L. Towne, Salem, \$6. Restoration and relief—William Garner, near Baker City, Hl. Original widows' special account, December 18—Almira J. Moore, Dufer, \$6.

Original—John R. Landes, Clackamas, \$12. War with Spain original—William J. Amittage, Roseburg, \$6. Original—Silas Dickerson, Cornelius, \$6; Charles W. Perry, \$6. Increase—Samuel H. Dunlap, near Gaston; George Pennington, Ashland, \$10; Hiram W. White, Albany, \$12; Jacob Mills, Oregon City, \$10. Original widows, special, \$6. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

COLONEL STONE FOUND DEAD.

Oregon Pioneer of 1864, and Columbia River Steamboatman.

ASTORIA, Feb. 25.—Colonel Andrew H. Stone was found dead at his residence in Knappton during the past two days. His death is not known, but it is believed to have been the result of an overdose of a narcotic taken to induce sleep. Colonel Stone had been in ill health for several years, and left the hospital here only a few days ago. The body will be buried at Knappton.

The deceased was born in New York in 1822, came to California in 1859, and to Oregon in 1864. He was a pioneer on the Upper Columbia and Snake River steamers until 1864, when he was appointed agent for the O. S. N. Company, at Astoria. About 28 years ago he moved to Knappton, and purchased the property at Knappton, where he resided until his death. He never married, and the only relatives he is known to have are a son, residing in New York, and a nephew, in California.

Calander Randabagh, of Roseburg. SALEM, Feb. 25.—Calander Randabagh, of Roseburg, died in this city last night of poisoning, which had its origin in a fever. He left a wife and two children. He was taken to Roseburg today for burial. The deceased left four children at Roseburg, and a brother, E. S. Randabagh, of Salem.

John B. Fussen, of Dayton. DAYTON, Or., Feb. 25.—John B. Fussen, who had resided here since 1875, died last night, aged 32 years.

Passed Through Torres Straits. Captain of Chehalis Has Prepared Chart of Dangerous Waters. ASTORIA, Feb. 25.—Captain Simonsen, of the American bark Chehalis, now loading lumber at Knappton for Fremantle, Australia, has just returned from a trip to that port, and in doing so passed through Torres Straits, which are considered so dangerous that insurance companies do not carry risks on vessels taking that course. The Chehalis was on three days going through, and, as there are no accurate charts of the straits, Captain Simonsen made one for his own use. He will not carry it, but will deposit it in the office of the hydrographer's office at Washington, so duplicates can be made for the use of other captains.

Captain Geather, a Puget Sound pilot, boarded the steamship Rockingham here this afternoon, and will go around on her to Tacoma.

Sunday School Institute. VANCOUVER, Wash., Feb. 25.—Mrs. A. H. Burkhoffer, president of the Clark County Interdenominational Sunday School organization, closed a three days' Sunday school institute here today. Sessions were held Saturday and this afternoon at the Methodist Church, and at the Methodist Church yesterday afternoon. The instruction yesterday afternoon was in the nature of kindergarten work for primary classes, at which Mrs. Burkhoffer gave a practical demonstration. The institute was held in the afternoon. The instruction yesterday afternoon was in the nature of kindergarten work for primary classes, at which Mrs. Burkhoffer gave a practical demonstration.

Poltallock Moved Seventy Feet. SOUTH BEND, Wash., Feb. 25.—The stranded Poltallock was moved 70 feet farther toward the deep water yesterday. She must move nearly half a mile before deep water is reached in the bay, but most of the work will be comparatively easy pulling. Until yesterday the sea was too smooth. What is needed is a heavy swell to lift the vessel out of her sandy bed, when a pull is made on the cable, which will be done by the tugboat chartered by the owners of the Poltallock, was driven on Empire Spit, off North Cove, yesterday, and lost her propeller. She got off without further damage.

Sentence of Forger Commuted. SALEM, Feb. 25.—Governor Geer has commuted the sentence of Joseph Genemann, convicted of forgery in Wasco county and sentenced to two years in the penitentiary. He was arrested at Eugene in November, 1898. The commutation was granted upon the recommendation of the complaining witness, the trial juror and the presiding judge. By his good behavior Genemann has gained some time in his sentence. The commutation simply sets him at liberty, and his regaining his citizenship depends upon his future good conduct.

Will Address University Students. FOREST GROVE, Or., Feb. 25.—Edward A. Beale, of the United States Weather Bureau, at Portland, will deliver an address to the students of Pacific University Friday. The subject will be "Upper-Air Explorations" and the lecture will be illustrated with lantern views of balloons, mountain observatories, kites, etc. The fine electric lanterns in the laboratory of Pacific University will be used for the occasion.

Dallas' New Depot. DALLAS, Tex., Feb. 25.—Owing to a defect in the title to the land on which the new depot was to be constructed, a delay has occurred. The title has now been perfected, and work will commence at once. The improvements contemplated include a new freight warehouse, and a general rearrangement of switches, etc.

Petition for Free Rural Delivery. FOREST GROVE, Or., Feb. 25.—A well signed petition was forwarded to Representative Williams today, asking for free rural delivery from Forest Grove to Eugene Valley. It is intended to include the Napato and Powell's Valley sections. About 200 families would be accommodated by the route.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

SEVEN YEARS FOR VAUGHN

WHO ASSAULTED GIRL. The Attack Was a Murderous One, and the Weapon Used Was an Axe—He is Now in Penitentiary.

SALEM, Or., Feb. 25.—Clyde Vaughn, the Jefferson youth, who some months ago committed murderous assault on Lulu Jones, was today sentenced to seven years in the penitentiary. Vaughn pleaded guilty to a charge of assault with a dangerous weapon. Before passing sentence, Judge Burnett listened to a statement of the facts by the District Attorney and examined the wound made on the girl's back by Vaughn's axe. An extreme penalty allowed by the law is 10 years. Vaughn was taken to the penitentiary this evening.

Wade Will Be Sentenced Thursday. Murray Wade, who was to have been sentenced today for stabbing Will Evans, will not be sentenced until Thursday. The action against John Gates, the Statehouse janitor, who was arrested on a charge of embezzling \$1500, was dismissed today for want of prosecution. As no one appeared to claim the \$1500 found on him when arrested, the money was returned to him.

Charge of Embezzlement Dismissed. The action against John Gates, the Statehouse janitor, who was arrested on a charge of embezzling \$1500, was dismissed today for want of prosecution. As no one appeared to claim the \$1500 found on him when arrested, the money was returned to him.

FLAX ASSOCIATION VICTORIOUS. Supreme Court Decides in Its Favor—Another Case Reversed.

SALEM, Or., Feb. 25.—The Supreme Court today handed down decisions in two cases, in both of which the lower courts were reversed. The first of these was the case of Mitchell vs. Oregon Women's Flax Fiber Association, in which the association comes off victorious. The victory is only an intermediate one, however, for the case goes back for retrial. This action was brought in Marion County, and tried before Judge George H. Burnett, who rendered judgment for the plaintiff. In the appeal, this judgment was reversed, the opinion written by Chief Justice Beane.

The suit was brought to recover upon three causes of action: For the reasonable value of certain services, for other services at an agreed compensation, and for money expended for the association. When the cause was called for trial, the court, without any additional showing, stated that a trial of the issues of fact required by the defendant's motion was not warranted, and that the defendant moved to set it aside on the ground that the cause did not require the examination of a long account, and was, therefore, improperly referred, and this motion was overruled.

The Supreme Court says: "The Constitution guarantees to every suitor in a civil action the right to trial by jury, of which right he cannot be deprived by the court on its own motion or that of his adversary, unless it affirmatively appears, with reasonable certainty, that the trial will require the examination of a long account, or other facts, the trial of which is not warranted." "The facts must be disclosed, either by affidavit or upon the face of the pleadings, from which the conclusion can be fairly drawn that so many separate and distinct accounts will be litigated on the trial that the jury cannot comprehend the evidence in mind in regard to each of the items, and give it the proper weight and application when they retire to deliberate on the verdict."

After discussing the questions involved, the court holds: "These are all simple questions of fact, easily understood, and there could be no difficulty in an average jury fully being in mind and appreciating the evidence in relation thereto, and determining the controversy between the parties intelligently. A new trial is ordered."

Joseph Silver, respondent, vs. William C. Lee, appellant, from Columbia County; T. A. McBride, Judge; reversed; opinion by Beane, C. J. This was a suit for a decree establishing title in the plaintiff to a tract of land 100 feet square in the town of Rainier, and for the cancellation of a deed therefrom to one Mary Ann Watkins to the defendant.

The facts are that in 1877 George Watkins, while indebted to J. O. Hanthorn & Co., purchased the land in question and took the deed in his wife's name. During the lifetime of the wife, she obtained a judgment against Watkins and sold the land at execution sale in 1879 to one Wadsworth. At the time of the sale Mrs. Watkins was in possession of the land. In 1879, however, she was ousted by Hanthorn and exercised acts of ownership until 1882, when Lee secured a transfer from Mrs. Watkins and went into actual possession. This suit was begun in 1886, to quiet the title. The case was tried, resulted in a verdict for the plaintiff.

The Supreme Court, in reversing the decision of the lower court, says: "It is held that the title to the land in question in real property is legal in its nature, a court of equity will not assume jurisdiction of the suit of the owner to try and determine a dispute to the title, unless he is in possession, and will leave him to his remedy at law. In this case, there are no special circumstances afforded ground for equitable jurisdiction. The plaintiff's title, in fact, is a legal one, founded upon adverse possession. The proceedings in the action of Hanthorn vs. Watkins gave the purchaser no title to the property, either legal or equitable. The land is in possession by one person, but conveyed to another, trust results, but it is a mere equitable interest, and cannot be sold on execution. The property may be made to contribute to the payment of the debt, but the creditor is in equity and not in law."

It is therefore held that the action at law between Hanthorn and Watkins gave the plaintiff the title to the land, and the plaintiff in equity must fail, because the plaintiff is not in possession.

Northwestern Pensions. WASHINGTON, Feb. 25.—The following Northwest pensions have been granted: Oregon—Original—Ezra Cross, Portland, \$6; Andrew Wilson, Independence, \$6; William L. Towne, Salem, \$6. Restoration and relief—William Garner, near Baker City, Hl. Original widows' special account, December 18—Almira J. Moore, Dufer, \$6.

Original—John R. Landes, Clackamas, \$12. War with Spain original—William J. Amittage, Roseburg, \$6. Original—Silas Dickerson, Cornelius, \$6; Charles W. Perry, \$6. Increase—Samuel H. Dunlap, near Gaston; George Pennington, Ashland, \$10; Hiram W. White, Albany, \$12; Jacob Mills, Oregon City, \$10. Original widows, special, \$6. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Original—Nathan L. Coffey, Hubbard, \$8; Frederick Meyers, Laurel, \$6. Original widows, special, Jan. 13.—Ann C. Gray, Bebe Island, \$8. War with Spain original—Charles A. Marcy, Portland, \$12. Increase—Solomon Kerfer, Holland, \$8. Original—Samuel Sweeney, Handy, \$6.

Sick Women

Mrs. Valentine Tells How Lydia E. Pinkham's Vegetable Compound Cured Her.

Happiness will go out of your life forever, my sister, if you have any of the symptoms mentioned in Mrs. Valentine's letter, unless you act promptly. Procure Lydia E. Pinkham's Vegetable Compound at once. It is absolutely sure to help you. Then write for advice if there is anything about your case you do not understand.

You need not be afraid to tell the things you could not explain to the doctor—you letter will be seen only by women. All the persons who see private letters at Mrs. Pinkham's Laboratory, at Lynn, Mass., are women. All letters are confidential and advice absolutely free.

Here is the letter:—"It is with pleasure that I add my testimony to your list, hoping it may induce others to avail themselves of the benefit of your valuable remedy. Before taking Lydia E. Pinkham's Vegetable Compound I felt very badly, wasterbly nervous, and I tried, had sick headaches, no appetite, growing pain in stomach, pain in my back and right side, and so weak I could scarcely stand. I was not able to do anything. Had sharp pains all through my body. Before I had taken half a bottle of your medicine, I found myself improving. I continued its use until I had taken four bottles, and felt so well that I did not need to take any more. I am like a new person, and your medicine shall always have my praise."—Mrs. W. P. VALENTINE, 506 Ferry Avenue, Camden, N.J.

\$5000 will be paid if this testimony is proved correct. Lydia E. Pinkham's Vegetable Compound.

For closing of mercantile establishments at 7 P. M. A lodge of Knights of Pythias will be instituted at Sumpter. The Medford Council has elected W. I. Vawter City Attorney.

The new hospital building at Baker City will be opened for the City Council. The Medford Council has elected J. R. Wilson and Frank Amann new members. Alexander Slater has been appointed superintendent of the Union County poor farm.

The electric light company of Baker City had agreed to supply city lights for \$8 per month each. The Stayton Council has changed the date of the annual city election to the first Monday in December. Sidewalks are being put down in every part of Canyon City in compliance with the recent orders of the City Council.

An application containing about 60 names for an infantry company has been forwarded from Cottage Grove to the headquarters of the Oregon National Guard. The Sumpter Water Company has proposed to connect 10 fire hydrants if the city will pay a monthly water rental of \$6 for each.