

The prevailing opinion of the court quotes section 2884 of Hill's Code, which quires a guardian to "settle his accounts having been vested by the constitution with any equitable jurisdiction, the ques-equivalent thereto. But, when the judgassembly has conferred upon it sufficient authority to set aside, as fraudulent, a settlement entered into between a guardian and his ward, in pursuance of a statute authorizing such settlement. "Our statute requires the guardian to give a bond conditioned that he will settie his accounts with the County Court or with his ward. A settlement with such court exhausts its power in this respect. so that if the ward seeks to surcharge and falsify the account he must resort to a court of equity for that purpose. If the guardian settle with his ward, after the latter attains his majority, the jurisdiction of the County Court to compel a settlement must necessarily be extinguished, for the guardian, in effecting such settlement, has complied with the condition of his bond, and the rule is well settled that transactions between the guardian and ward after the latter becomes of age, are beyond the jurisdiction of the County Court." In this state a female is of age when she marries, and her marriage operates as a discharge of

the Gamma Sigma fraternity of the Pa-cific University. Each of the guests responded to a toast, and the affair was complete success. Thrown From Horse and Badly Hurt.

fruit was rotting in the orchards for lack of cars to transport it. J. J. Hill offered to take the fruit

through in 10 days, transporting it from San Francisco by hoat to Seattle. The train left Seattle, Tuesday morning.

Vital

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MACKAY, DR. A. E., Phys. and Surgeon. 209 MACKAY, DR. A. E., Phys. and Surgeon. 209 McCOY, NEWTON, Attorney-at-Law. 115 McFADEN, MISE IDA E., Stemographer. 201 McGINN, HENRY E., Attorney-at-Law 311-19 UAYINNON Y. D. Torthe Back and and attack

McKINNON, J. D., Turkish Baths. 306-

METT, HENRY



MUTUAL SAVINGS BANK ENTITLED TO SHARE DIVIDENDS.

Portland Grain Brokers' Case Remanded-Also Two Suits Against Savings & Loan Company.

SALEM, April 1 .- The Supreme Court today handed down opinions in six cases, in five of which the decisions of the lower urts were reversed.

The case affirmed was that of Cleveland Rockwell, plaintiff, vs. The Portland Savings Bank et al., defendants. On the appeal, Richard Nixon, receiver of the bank, way appellant, and the Mutual Savings Bank, of San Francisco, respondent. The case was tried before Judge J. B. Cleland, and his decree is affirmed in an opinion written by Chief Justice Wolverton.

The Mutual Savings Bank held a note upon which the Portland Savings Bank was a surety. The note was secured by a mortgage. When the Portland Savings Bank went into the hands of a receiver, the Mutual Savings Bank presented its claim on this note and sought to share in the dividends. This claim was adjudicated and allowed by the court. On demand by the receiver, the Mutual Savings Bank began sult to foreslose the mortgage, but afterward dismissed the sult by etipulation, upon the principal paying half the taxes due upon the mortgaged property, and a portion of the interest. The bank also stipulated that if the debtor should make certain agreed payments, no further suit to foreclose would be commenced.

The receiver refused, thereafter, to pay a dividend upon the claim, giving as his reasons that the claim was secured by a mortgage on real property exceeding in value the amount thereof; that the claimant failed and refused to foreclose the mortgage; and that the stipulation for the dismissal of the foreclosure suit and the agreement not to sue if certain payments should be made at stated times, was an extension of time without the surety's concent, and operated as a re-

The Supreme Court holds, as did the Circuit Court, that the Mutual Savings Bank is entitled to share in the dividends me a creditor; that the failure to foreclose does not release the surety, and that the receiver consented to the stipulation, by the terms of which an extension of time was given to the mortgage debtor.

Lizzie Richardson Butterick, respondent. vs. S. T. Richardson, as guardian, appellant, from Polk County, R. P. Boise, Judge, reversed; opinion by Justice Wolverton; chief Justice Bean dissenting. This was a proceeding commenced in is alleged in the petition that in May, 1890, S. T. Richardson was appointed guardian of Linzie Richardson; that he qualified and entered upon his duties; that he had not filed any final account nor made any settlement with her after she became of age. Richardson's answer was that he had settled with her subsequent to her marriage, and that she had released him. He also filed a final account, in which it was shown that he had paid out for his ward more than he had received.

The County Court held the release invalid, and ordered the guardian to file a final account. Richardson appealed to the Circuit Court, and that tribunal dismissed his appeal, holding that it was taken from matter by reason of the settlement enthe order requiring the guardian to file a final account is, in effect, a judgment without power in a new proceeding, and in that respect is final and reviewable.

with the County Court, or with his ward," want of an answer: it will, perhaps, be and then says: "The County Court, not

subject to a direct attack. Where the record of a Justice of the Peace shows be sold at Sheriff's sale Wednesday. A banquet was given at the residence of Mrs. A. E. Kreider Saturday night by that the court convened at the time and place specified in the summons, and, after waiting the siatutory time, a judgment was rendered against a defendant, for

her guardian. "The Consity Court, in my judgment, has exclusive jurisdiction in the first instance of Justice Bean, in dissenting, says: over the accounts of the guardian of a minor appointed by it, and, as a conse-quence, the power and authority to inquire into a settlement with the ward, when such settlement is pleaded as a bar to a petition for an order requiring the

guardian to render a final account. A guardian is required by statute to file in guardian is required by statute to me take the county Court an inventory of the es-tate of his ward, and to account for and the popular loan whereby the city will take up warrants to the amount of \$9000, take up warrants to the amount of \$9000, and administrators; Hill's Code, sections 2884, 2888. And I think the statute contemplates that the evidence that he has properly disposed of and accounted for the property inventoried, and has faithperformed the duties of his trust. fully shall be an order of the County Court discharging him, either upon a settlement with the court or with his ward. Hill'e Code, section 2903. If this is so, and such discharge is sought on account of a settlement with the ward, the County Court, as an incident of the power to make the order, has undoubted jurisdiction to inquire into and ascertain the circumstances

Marcus Morton and George Strong, receivens, appellants, vs. James Denham et al., respondent, from Polk County, R. P. Boise, Judge, reversed; opinion by Justice Wolverton

This was a suit by the creditors of James Denham & Co., a firm composed of James Denham and James D. Richardson, to set aside two deeds to 68.36 acres of land situated in Polk County, one excouted and delivered by James Denham to his wife, and the other to the defendant R. J. Fleming, and to cancel and set aside a mortgage upon the same property given by R. J. Fleming and wife to A. Fleming, as fraudulent and void as to them, and to have the property subjected to the plaintiffs' judgments there:ofore obtained against said firm. It was further sought to set aside a sale of a stock of boots and shoes by Denham & Co to Fleming, and to require the latter to account for the proceeds thereof. The de-fenses were that all the transactions were in good faith and for valuable considera-

defendant at the time and place epecified in the summons." The cause is remanded to the Justice's

Court for such further proceedings as may be proper.

Guaranty Savings & Loan Association. appellant, vs. Robert A. Taylor, respondent, from Multnomah County, Alfred F. Sears, Jr., Judge, reversed; opinion by Chief Justice Bean. The facts in this case are the same as

in the preceding case, and the same judgment is entered.

# Alaska Reindeer Stations.

WASHINGTON, April 1.-The President has issued an executive order reserving for reindeer stations two tracts of land in Alaska, one on Norton Sound, and the other on Unalikik River. They are made subject to any legal existing rights to any lands within those reserved limits. The first reservation occupies the entire peninsula, of which Cape Denbigh forms second begins about six miles above the mouth of Unaliklik River, extends 10 miles northeasterly along the north bank of that river, thence 10 miles northwest, another 10 miles southwest, and thence

southeast to the point of beginning.

Independence Bonds in Demand.

issuing in lieu thereof bonds in amount of \$2000, issuing in lieu thereof bonds in amounts ranging from \$50 to \$300. Subscriptions were received today and the City Re-corder states that he has received bids for fully one-third of the issue. The bonds will draw 4 per cent, while the warrants draw 6 per cent, while the warrants draw 6 per cent. A block of bonds to the amount of \$1000 has been asked for by Salem capitalists. May 1 is the date when offers for the issue will cease

# Thieves Broke Into Freight Cars.

JUNCTION CITY, Or., April 1,-Two freight cars on the sidetrack at the depot were broken into last night by thieves. under which such settlement was made, and to determine whether it entitles the guardian to be discharged and his bonds-men exonerated." Marcus Morton and George Strong, reto carry off the shoes in.

# Dallas City Election.

DALLAS, Or., April 1.-The city election today was holly contested, resulting as follows: Mayor, H. M. Ellis; Police Judge, Dan P. Stouffer; Marshal, J. M. Grant; Councilman-at-large, J. C. Hayter; Councliman, first ward, T. A. Riffs; second ward, W. G. Vassall; third ward, A. B. Muir. H. M. Ellis was the only success. ful candidate on the law and order ticket.

#### Heir to Half a Million.

WALLA WALLA, April 1 .- News has been received in this city that Mrs. Frank Goodwin, of Walluia, has fallen heir to \$500,000, as her share of the Bauer estate, being a portion of the Trinity Church property, of New York City.

## Mail Service Improved.

ARLINGTON, Or., April 1.-Stella Ward was thrown from a horse here today, sustaining concussion of the brain and injury to the spinal column. She was rendered unconscious, and is in a delirious condi-Physicians consider her case extremely critical.

Goes to Prison for Twelve Years. HILLSBORO, Or., April 1.-Judge Mc-Bride this morning sentenced Ezra E. Colestock, the barber convicted of crimi-nal assault, to 12 years in the Penitentiary.

Oregon Man Drowned in Idaho. BOISE, Idaho, April 1.-John Arnold, of North Powder, Or., was drowned at the Natatorium tonight. He was on a raft in the deep part of the pool, and slipped

#### Circuit Court at Albany. ALBANY, Or., April 1.-Department 2,

of the Circuit Court, R. P. Bolse, Judge, convened this afternoon with 41 cases on the docket

Protest Against Sunday Opening. BUFFALO, April 1 .-- A mass meeting

attended by about 1000 persons was held at the Delaware-Avenue Baptist Church last night at which resolutions were adopted protesting against the opening of the Pan-American Exposition on Sunday. Rev. J. W. Hathaway, of New York, general secretary of the American Sab-bath Union, and others, spoke. Dr. Hath-away called attention to a mass of signed petitions containing, he said, over 1,000,000 signatures, asking that the gates be closed on Sunday. He also read a letter from Secretary Cortelyou in reply to one Hathaway had written President McKinley on the subject. It enclosed an abstract from a letter from J. H. Brigham, chairman of the government board, reading as follows: "It has been the in-variable rule of the government board

not to open the government buildings on Sundays. It will be entirely safe to inform persons interested that this rule will not be departed from at the Pan-American Exposition."

### The Court Misquoted.

COLUMBUS, O., April 1 .- An item sent from here March 28 contained an inaccurate condensation of a decision of the United States Circuit Court in an injunction case brought by Arbuckle Bros. against State Food Commissioner Blackagainst State Food Commissioner Back-burn. The court was made to say that a certain brand of coffee manufactured by the plaintiff, and known as Arlosa, was adulterated within the meaning of the statutes and its sale was a "misdemeanor under the laws of Ohio." The exact language of the opinion was as follows: "Ariosa is not a compound of cofsugar and eggs, and if it is so coated as to conceal damage or inferiority, or if by means of the coating, it is made to appear better or of greater value than it really is, it is adulterated within the meaning of the statute."

#### Taking Canada's Census.

OTTAWA, April 1.-The work of taking the census throughout Canada was be-gun today. The population is to be recorded as it was yesterday, the decis-ive hour of reckoning being 12 o'clock,

It K. Levy, San Fran (L. H. Lechler, city THE PERKINS.
Rending Controls Lehigh Valley.
NEW YORK, April 1.—The Commercial Advertiser says:

A dvertiser says:
The Semi-official announcement was made today that the Lehigh Valley Railroad dad been turned over to the Philadelphia & Reading Company, and will here after form part of the Reading system, which also includes the Jersey Central Railroad. J. P. Morgan has been this B Fristoi. do Mrs R C Aiwood, Wasco, Or C P Lindsley, Spokane D R Terry, do Mrs H Dury, Dawson Wre Chandler, Lebanon P R Starkmealer, Seattle, Wash Starkmealer, Seattle, Star

bald McLeod 10 years ago, when he un-dertook to amalgamate the Reading, Jersey Central and Lehigh Valley Railroads, This combination proved too unwieldy at that time."

### Will Build to Republic.

SPOKANE, April 1.-Traffic Manager G. M. Bosworth, of the Canadian Pacific Railway, accompanied by several assistants, is here. He held a consultation with the manager of the Trail smelter, and today will meet prominent British Columbia mine owners. He is on a tour of inspection. He announces that the Canadian Pacific Railway will build to Republic, Wash., from Grand Forks, B. C., but says definite arrangements have lead ores, he says, will only follow in-creased output. He makes no promise

of immediate reduction, and does not speak hopefully of the suver lead markets.

#### Against Crow's Nest Road.

VICTORIA, B. C., April 1 .-- In the Legislature today, Houston of Nelson, sec-onded by Green of Kaslo, attempted to get a motion before the house favoring government construction of a railway from the Crow's Nest coal fields to the American boundary. The charter for this line passed the House a few days ago, Houston opposling it. The motion was ruled out of order. Smith Curtis, of Rossland, moved for all the papers in connection with the proposed construction of rollwars in the Province and contraction of railways in the Province, and spoke two hours on the question. The motion

was negatived on a straight party vote of 11 to 25.

Mount Baker Road Nearly Ready. SEATTLE, April 2,-P. B. Cornwall, president of the Beilingham Bay & British Columbia Railroad, is in the city on business connected with his road. He stated today that the road to the Mount Baker mining district will be in operation by May 1. The roadbed has been graded. steel bridges put in, and the final track-laying is now being hastened as much as possible. Mr. Cornwall is chief owner of the Black Diamond coal mines, and while in Washington will visit that property with a view to making extensive improve-ments preparatory to making larger shipments to meet the increased demand.

Readjusting "Junior Vanderbilts." NEW YORK, April 1,-The Times says: "It is semi-officially indicated that announcement will be made this week re-garding plans approved by William K. garding plans approved by William K. Vanderbilt and his New York Central ive hour of reckoming being is o clock, what everyone born before that hour and everyone dying after it are to be counted in the population. An army of some 9024 officials will be employed and it is expected all schedules will be returned to the census office by the end of the month variable. What is a constrained by the status of a number of those properties which Wall street calls the "Junior Vanderbilt." Prominent in this are Lake Erie & Western, New York, Chicago & St. Louis (Nickel Plate), and Canadian Southern. It is stated there is to be a



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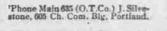
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