

HE IS PROPERLY IN COURT

The matrimonial bonds existing between Edna Fitzgerald and J. W. Fitzgerald were dissolved because Fitzgerald deserted his wife in September, 1900, one month subsequent to their union. She was restored to her maiden name, Putnam.

Nonresident Claims Part of an Oregon Estate Which Was Denied by the State Courts.

The case of L. P. Bolander vs. Andrew Saling, executor of the estate of his father, Henry N. Bolander, to recover possession of two paid-up policies of insurance amounting to \$2250, was argued before Judge Bellinger on a plea in abatement, which was overruled. The policies had been made payable to Anna M., wife of Henry N. Bolander, if living; at the time of his death, and if not to their children. Mrs. Bolander died July 2, 1897, and Mr. Bolander died a month later. Andrew Saling was appointed in 1897, and obtained possession of these insurance policies and listed them as property of the estate.

Thereafter L. P. Bolander, one of the children of Mr. and Mrs. Bolander, to whom all the other children had transferred their interests, brought suit in the County Court of Multnomah County to have the policies eliminated from the inventory of the administrator, and the Court decided that he was not justified in listing the policies as property of the estate and ordered him to eliminate them from his inventory. On appeal the State Circuit Court affirms this decision.

The administrator then appealed to the Supreme Court, which rendered a decision on February 4, 1901, to the effect that a county court exercising the jurisdiction of a probate court has no power to determine an issue of title between an administrator and a claimant of property inventoried by the administrator as an asset of his estate, but that such an adjudication, if necessary, must be had in a court of ordinary jurisdiction. It also decided that the Probate Court has no power to order the administrator to correct his inventory by striking out any property listed by him, that his inventory is conclusive upon the Probate Court so far as the claims of third persons are concerned, at least until the contrary is made to appear by the judgment of another tribunal having jurisdiction to determine the question of ownership.

In the meantime, in May, 1900, Louis Philip Bolander had commenced an action of replevin in the County Court of the United States for the district of Oregon against Andrew Saling for the recovery of the two policies, or \$4250, the value thereof, and for interest on that sum, together with attorney's fees and retention thereof. The plaintiff was and is a resident of the State of California. A bond and writ of replevin were issued to the United States Marshal, who made demand upon Saling for the policies, which was by him referred to his attorney, Milton W. Smith. The latter refused to deliver the policies, and on behalf of Saling filed a plea in abatement to Bolander's complaint, claiming that the policies were held by Saling as administrator of Henry N. Bolander's estate and were in the custody of the law, and could not, therefore, be interfered with by the United States Court. On account of the then pending litigation in the state court, Judge Bellinger overruled a demurrer to this plea, and the case came on to a hearing in the Federal Court again, and in the trial yesterday was upon Saling's plea in abatement filed two years ago.

The attorney for L. P. Bolander contended that since the State Circuit Court has no jurisdiction to try his client's right to these policies, and since every man is entitled to his day in court somewhere before he can be deprived of his property, there remained but two forums. And as L. P. Bolander is a resident of the State of California, and the amount involved in the controversy is over \$3000, he has his election in the State Circuit Court of the United States; that as he has already exercised his election as a citizen of the United States by bringing his suit in one of the courts which he is entitled to resort to, that court, the United States Circuit Court, will not shirk jurisdiction and throw him out to find another forum.

Milton W. Smith, the attorney for the administrator, contended that while the State Circuit Court has jurisdiction to try the suit, the United States Court has not; that the State Circuit Court is in the custody of one of the state courts, namely, the County Court, and that such custody cannot be interfered with by any Federal Court. Judge Bellinger took a different view, however, remarking that if the United States Circuit Court, which is a court of common law jurisdiction in such matters, were the smallest court of ordinary jurisdiction, and if the parties exist, as in this case, that if one court can take the policies away from the administrator the other can also do so; that if the State Circuit Court cannot try the claims of a third party in the hands of an administrator, on the ground that such trial will interfere with the possession of such property in the hands of the Probate Court, and for the same reason, the State Circuit Court cannot settle such claims, then an administrator can not be held liable for property, claim anything that suits him, put it in his inventory, and the real owner is without a remedy. Such a result cannot be tolerated. Claims are a right to recover their property, if it is theirs, in some court. The court held that in this case the plaintiff, Bolander, is properly in this court, which has a right to hear and determine his case, and that Saling's plea in abatement was overruled and his attorney was given 10 days in which to serve and file a better plea. And that the plaintiff's plea is to be heard upon its merits.

Six Divorce Cases. Six divorce suits were tried in the State Circuit Court yesterday before Judge Frazer. The suit of Margaret F. Darling against Thomas Darling was heard, and the decree will be granted after the findings have been submitted by the attorney for the plaintiff. The suit of Mrs. Darling against her husband was heard, and the decree will be granted after the findings have been submitted by the attorney for the plaintiff. The suit of Mrs. Darling against her husband was heard, and the decree will be granted after the findings have been submitted by the attorney for the plaintiff.

The "Portland-Chicago Special." The question of properly advertising this section is now prominent in the minds of the loyal citizens of our state. It is safe to say that the O. R. & N. Co.'s best train appears in print more often than any other thing in which the name of our city appears. By the way, have you seen the "Portland" appear in the name of any other train on any line? The O. R. & N. never fails to get Portland before the people, so reciprocate and ride on your name's lowest rates always. Ticket office Third and Washington.

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De Chailin Goes Over to Investigate Conditions.

NEW YORK, June 21.—The Tribune says: Just before sailing on the Hamburg-American liner Augusta Victoria, Paul du Chailin, the explorer, explained the objects of his trip to Russia as follows: "Russia is misunderstood, and that is because such an immense amount of misinformation is printed about it in this country. Enemies of Russia send out these lies for the purpose of spreading evil opinions of the country. I have met many Russians in their own country and in other countries, and I have found them to be wonderfully fine people, full of life, energy and intellect.

"Russia, like America, is young. There will be tremendous expansion of our commercial relations with Russia consequent upon the development of the Far East by that country by means of the railroad across Siberia. We shall trade with Russia to the extent of millions of dollars a year. Hence we should know each other better, in order that we may have better commercial relations. "I do not go to the Russians to look for flaws, but to master their character and their system of living, socially, politically and economically. I believe my finding will be of value to both this country and theirs. I go to see the people as they are, and I have confidence that what I shall learn shall be gratifying to me and to all those who want to have Russia and the United States come into closer relation with each other."

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RUSSIAN STUDENT TROUBLES.

Ambassador Casati Makes Light of Them.

NEW YORK, June 21.—A special to the Tribune from Washington says: The attention of Count Casati, the Russian Ambassador, was called to an article entitled, "The Russian Situation From the Inside," which appeared in this week's number of the New York Independent. In reading the article, Count Casati said: "I never before heard of the author of this article. I spend about two months every year in Paris, and an well acquainted with the Ambassador there, I shall cable to Paris immediately to learn if there is any such person on the staff of the Ambassador, a legal adviser or in any other capacity. I cannot believe that a servant of the Emperor would make such gross misrepresentations of his government and of Russian affairs in general as are contained in this article.

The disturbances among the university students for the improvement of Grant, and professes to write authoritatively, were no worse than they usually are. Russian students are like the students of America and every other country. They are merely boys full of vitality, which sometimes expresses itself in reckless and lawless form. I speak not only with a general knowledge of the facts, because I once was a university student in Russia myself, but I am also able to speak with specific and detailed knowledge of the disturbances of last March. At no time did they amount to a serious demonstration against the government and at no time were the students supported by the workmen of St. Petersburg, or elsewhere. The most exaggerated accounts of the disturbances were cable to the newspapers of the United States and England, and I am glad of the opportunity to deny these reports and set my government right in this part of the world.

Two distinguished Americans—Consul-General Holloway, at St. Petersburg, and General Williams, who represent the Cramp Shipbuilding firm in Russia—who witnessed the disturbances, have stated more than once that there was nothing ominous or dangerous in them. I suppose that when school boys in this country become unruly and riotous the police are called on to suppress them. That is all that was done by my government during the disturbances of last March. "Please say for me that the government which I represent was never more secure and stable nor were the Emperor's subjects loyal, prosperous and contented. They are progressing in all the arts of peace, and in common with their imperial master they have nothing but good will toward all the peoples of the earth."

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opened his address with an eloquent compliment to the self-sacrificing devotion of the sisters of St. Vincent's Hospital, and then, taking up the main thread of his discourse, traced the evolution of the trained nurse, saying that her development and recognition had been retarded unduly. This was due in no small measure, he averred, to a not unnatural jealousy on the part of the medical profession, which, in the light of the present day, had been swept away. The trained nurse, he said, was now a recognized entity in the practice of medicine and surgery. Dr. Mackenzie's address was eloquent and humorous by turns. He poked some good-natured fun at his colleagues of the faculty who have had the instruction of the graduating class, and before closing, suggested that he and his colleagues would be glad to learn that some of the members of the class, after risking their lives on the battlefields of their country, that they might minister to the wounded and dying, might marry some gallant officer whose life they had saved.

KINDERGARTEN PICNIC.

Children and Daisies and Ice Cream Make Happy Combination.

The children from the six public kindergartens celebrated the close of the year by a big and most delightful picnic yesterday. The picnic was held at the city spot, and the City and Suburban Street Car Company generously transported the party of 200 children free to the picnic grounds. At the end of the car line, furnishing special cars for that purpose, the first car, starting at 9 o'clock, carried the children from the North Portland, the Albina and the Third Street Mission schools. For the next few hours from Sixteenth and Montgomery streets and Fourth and Harrison, in South Portland; while one of the regular cars picked up the remaining pupils from the East Side school. As may well be imagined, 200 children and 200 lunch baskets, not to speak of teachers and big brothers and sisters and protecting mammas—for most of the children are hardly more than babies—made a pretty commotion in the cars, and there was hardly a square inch of daylight left for the conductor. But it was a merry, jabbering crowd, and when they arrived at the picnic grounds, they were met by a large number of the teachers and the mothers.

The picnic grounds were found to be white with daisies, which of course sent the little 5-year-olds into an ecstasy of happiness. For the next few hours the picnic was a fair wild over the hills, or as near it as their baby dignity would allow. Two hundred wreaths were made and 200 small nests were crowned with garlands, and then the pupils of the kindergarten were grouped together (looking for all the world like a big nosegay of flowers), and pictures were taken of the groups.

EAST SIDE NEWS.

Property-Owners Slow to Sign Grand-Avenue Improvement Petition.

Property-owners hesitate to sign the petition for the improvement of Grand avenue, between East Burnside and Belmont streets. The committee appointed at the meeting in Justice Vreeland's office to circulate the petition started out early, and a number of the larger property-owners signed promptly, but others declined for the reason that, according to the special provision inserted by Mayor Rowe, they might be liable for the cost of the improvement, and not for the portion of the street fronting their property. It would seem that Mayor Rowe made the matter sufficiently clear, so that there need be no apprehension. He stated explicitly in the meeting that the cost to the property-owners would not exceed the estimate of the City Engineer, and that property-owners who pay their taxes, and who are not liable for those who resist payment. The Mayor also said that he would protect the property-owners; that the Board of Public Works would contract and permit on East Burnside street was 97 cents per front foot. The committee will continue to circulate the petition with the above provision, which is in line with Mayor Rowe's suggestions.

BEST WAY TO SELL WOOL.

Notable and Satisfactory Auction at Shaniko Wednesday.

The wool sale at Shaniko Wednesday marks a new era in the Oregon wool market. That was the first time for any considerable quantity of wool to be put on primary market in this state. A million pounds was disposed of at 12 1/2 cents per pound, that being the highest figure yet reported this season. All this wool belonged to the Baldwin Sheep & Land Company and part of it was of last year's clip. Due notice of the sale had been given and a dozen buyers submitted sealed bids based on samples of wool taken from sacks on the ground. The highest bid took the wool, and \$125,000 was paid on the spot and the transaction closed. This was one of the largest sales of wool ever made in the Northwest; it is even said to be the largest ever made by a producer. There have been sales of larger quantities by a warehouseman or other collector of quantities of wool, but in amount of wool or money involved. The new plan worked so successfully in this instance that it is likely to be largely followed hereafter. It is found that the producer who has a considerable quantity of good wool—all this wool was the finest grade merino—can get the best price and make the cleanest sale by putting it up at auction.

Fine New Potatoes.

E. G. Goding, of 249 Sacramento street, Albina, took pride yesterday in showing seven potatoes, each weighing about five ounces, and all from one hill. They are of the early Rose variety, and, considering the lateness of the season, are remarkably large. Mr. Goding has been taking new potatoes from his garden for the past two weeks.

Singular Death of Valuable Horse.

A Hambletonian colt, belonging to E. L. Thorp, met death in a singular manner Thursday, while Mr. Thorp was trying to

WOMAN'S PART IN WORK

UNION MISSIONARY RALLY OF THE CONGREGATIONALISTS. Miss Borden, of Boston, Spoke on "The Educational Work of Missions"—Various Reports.

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Fraternizing Entertainment.

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Fall of a Great Meteor.

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Treadwell's Suit Dismissed.

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The union missionary rally of the Women's Home Missionary Union and the Board of the Pacific of the Congregational Churches of Oregon was held yesterday at the First Congregational Church. In attendance were delegates from all over the state, who listened with interest to the programme that had been prepared by the officers for the occasion. The two presidents of the associations, Mrs. F. Egbert of the State Home Missionary Union, and Mrs. D. B. Gray, of the Oregon branch of the Board of the Pacific, alternated in presiding. The feature of the day's programme was the address of Miss C. Borden, of Boston, who had an international reputation in missionary work on the topic, "The Educational Work of Missions." The morning session was opened by de-

Benefit of the Baby Home.

A juvenile entertainment for the benefit of the Baby Home will be given by a number of East Side children at Burkhardt's Hall, Thursday evening, June 27. A play entitled "A Boy or a Girl," will be produced and the children giving it hope for a fair patronage, owing to the worthy cause to which it is devoted. Admission will be free.

Fraternizing Entertainment.

An entertainment was given last evening at Burkhardt's Hall by Fidelity Lodge, No. 4, A. O. U. W., to the members and their families. There was a large gathering, and the evening was pleasantly spent. An interesting programme was rendered. Fidelity Lodge has 400 members.

East Side Notes.

B. N. Houty, superintendent of the

notional services led by Mrs. E. M. Rockwood. Mrs. Arthur W. Ackerman read messages from many missions, especially interesting being the letters from Lucile Foreman, Aintah, Turkey; Ursula Clarke Marsh, Philadelphia, Bulgaria; Mary E. Brewer, Sivas, Turkey; and Margaret McCord, Natal, South Africa. The Rev. Dorra Reed Barber, of Sherwood, read a paper on the Church Missionary Society and the Women's Board, favoring the union of the two societies. Miss McKecher spoke on the "Relation of the Woman's Board to the American Board of Congregational Foreign Missions," reading letters from Mrs. Judson Smith, president of the Boston branch, and Mrs. Moses Smith, president of the Chicago branch.

Real Estate Transfers.

John Selbert to Frances R. Donaldson, lot 12, block 10, Sunnyside, June 21 \$1500
Frances M. Korell and Charles M. Korell to A. N. King, 50x100 Kearney street, June 21 100
Jane G. Buckman to Anna M. Burke, 5x100 East Burnside street, near East Eighteenth street, June 20 1300
Mary F. Guffney to George Jacobs, 6x100 East Burnside street, near East Eighteenth street, June 21 100
Laura Gardner to Sarah B. Wallace, lot 3, block 54, Caruthers' Addition, June 18 600