

## TO RECOVER SHORTAGE

SUIT FILED ON ACCOUNT OF THE DAVIS \$21,000 DEFAULCATION.

Attorney-General Has Instituted Proceedings Against Pennoyer, McBride and Metchan.

SALEM, Aug. 9.—Attorney-General Blackburn today began a suit against Sylvester Pennoyer, George W. McBride and Philip Metchan, to recover \$21,000, alleged to be the state's account of the defalcation of George W. Davis, clerk of the School Land Board, in 1894. The complaint and summons were served upon the defendants at their homes today. The complaint is to the effect that the defendants, by their negligence, have caused the state to lose the sum of \$21,000, and that they are liable to the state for the same.

The complaint, in substance, is that the defendants have caused the state to lose the sum of \$21,000, and that they are liable to the state for the same. The complaint is to the effect that the defendants, by their negligence, have caused the state to lose the sum of \$21,000, and that they are liable to the state for the same.

The complaint also sets forth that a legislative committee examined the books of the clerk of the board in 1895, but that the committee failed to discover the deficit. It is asked that this examination of the books and the report that they were correct be set aside and that a new accounting be had.

The latter feature of the case seems to bring it into the equity department, and the suit is now pending in that department. As Judge Boise holds court at any time there is business to attend to, the case can be taken up whenever the parties are ready.

Copies of the papers were sent to Portland today to be served upon Pennoyer, McBride and Metchan. The latter are probably being served by publication unless they make a voluntary appearance.

The complaint apparently states all the facts upon which a technical defense might be based so that it is expected that the case will be decided without demurrer. The defenses which have been heretofore mentioned are: That the Legislature relieved the board of liability by authorizing the appointment of a clerk; that the statute of limitations is run against the state claim, and that the legislative investigation of 1895 constituted a statement of account.

(When seen by an Oregonian reporter last evening and asked his opinion concerning the above dispatch, ex-Governor Pennoyer said: "I think that there must be some mistake about the matter. I don't think that the Attorney-General would be fool enough to bring such a suit."

"As members of the State School Land Board we were officers of the state, and Davis, the clerk, was also an officer of the state. It is true that the board appointed the clerk, but its members were not responsible for him, or his transgressions."

Legislature at every session appointed a committee to examine the clerk's books, and those committees employed outside experts and reported everything correct, and that obligated the majority of the committee to sign the books. The board had no authority to examine and report, and there was no law requiring it to do so."

"The clerk was an officer of the state in pursuance of law, and it seems preposterous that a suit for his alleged shortcomings should be now begun against other officials who were not responsible for him. If such a suit has been brought, it is for buncombe."

Mr. Metchan is at Salem and is not expected to return to Portland until tomorrow.

## POPULAR LOAN AT SALEM.

City Will Issue \$30,000 of Bonds to Refund Obligations Due.

SALEM, Aug. 9.—The members of the Salem City Council have decided to issue \$30,000 worth of 4 per cent bonds, payable on or before the expiration of 15 years. The purpose of this issue is to refund the \$30,000 worth of bonds which will fall due on October 1, 1901. The bridge bonds bear 5 per cent interest and by making a new issue in order to pay off the maturing bonds, \$300 per year can be saved.

The new bond issue will be in the nature of a popular loan, the small investors being given the preference. This plan was followed by the Council in issuing bonds for refunding the warrants in 1895. The plan proved eminently successful and was entirely satisfactory to the people of the city. By means of a popular loan, the city is able to raise the money needed to pay the old bonds, and the city is not burdened with a new debt.

The bond issue has been decided upon by the members of the Council at informal meetings held for the purpose of devising means for meeting the bonds which will mature on October 1, 1901. Should no new issue of bonds be made, the city would be obliged to issue warrants to pay the old bonds, and the city would be burdened with a new debt.

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and has therefore 17 months yet to serve. The petition states that the victim of Jenkins' assault, Cathrine McBeath, was under the age of 16 years, but consented to the crime.

Some of the signers of the petition are as follows: Mrs. Manda Lewis, mother; Nell McBeath and Hugh McBeath, brothers; E. H. Crane, half brother; W. J. Baker, uncle, all of Cleveland, Douglas County. These are relatives of the injured girl. The names of 42 other citizens are appended to the remarkable paper.

## NORTHWEST DEAD.

Davenport Pioneer.

DAVENPORT, Wash., Aug. 9.—Bernard Fitzpatrick, one of Lincoln County's pioneers, died of heart failure Wednesday night. Deceased was born in Ireland 88 years ago and located near Davenport in 1878. He left five children by his first wife, Mrs. Jennie Kelly, and a son, Robert, of Portland, James of Spokane, Ben, of Loomis, and a daughter, Kate, who is dead. Deceased was married the second time four years ago.

Fell Under Work Train.

GRANT'S PASS, Or., Aug. 9.—A construction train was making a run from the Kinneville woodlands, north of Grant's Pass, on the main line, to the camp of the Japanese workmen occupying the train fell from a car and was run over and instantly killed. His comrades took charge of the mangled remains and buried them near the Japanese camp at Kinneville.

Drowned From Log Raft.

CENTRALIA, Wash., Aug. 9.—S. H. Lowell, foreman at the Chehalis River Lumber Company's mill, was drowned about 11 o'clock this morning in the Chehalis River. He was handling some logs when he lost his balance and fell into the water. He was unable to swim. He left a widow and four children.

Drowned in the Klondike.

SEATTLE, Aug. 9.—Word just received from Dawson brings news of the drowning of Andrew J. Lee in the Klondike. His body was found floating in the river, and a coroner's jury fixed the death as having occurred on June 9. His parents are in Norway, but he has a brother in Decatur, Ia.

Aged East Oregonian.

LA GRANDE, Or., Aug. 9.—C. R. McGuire, an aged citizen of Summerville, died Monday, and was buried yesterday at Masonic rites. He was born in 1812 and moved to this county 35 years ago. During the past 15 years he has been a sufferer from cancer.

Died at the Asylum.

SALEM, Aug. 9.—William Summers, aged 36, died at the asylum today. The remains were sent to Portland.

Peter Vercler, of Salem.

SALEM, Aug. 9.—Peter Vercler, aged 75 years, died at his home in South Salem today.

Newberg Paragraphs.

NEWBERG, Aug. 9.—Grate & Keller, proprietors of the Newberg Flouring Mills, have already received some wheat of this season's threshing, and turned it into flour. The case will be shipped to Portland for a good wheat crop in this part of the county, and expect a steady run from now on.

Dr. H. J. Littlefield, who has taken a trip through the United States revenue cutter Perry, into Alaskan waters, has returned home. The extent of the cruise was 500 miles north and 200 miles west of Seattle, from whence the Perry sailed.

All the machinery has arrived for the Chehalis Valley Mills, Newberg's new flouring mill, and is fast being placed in position. The new mill, located near the depot, is four stories in height, and is being equipped with the latest improved machinery. The engine-house, situated in front of the mill, is now under construction. As there is not enough wheat raised in Chehalis Valley to supply both of Newberg's flour mills, many thousands of bushels of wheat are being brought in here from other parts of the county.

Baker City Items.

BAKER CITY, Aug. 9.—George J. Bentley, one of the attorneys in the case of the State vs. Manny Howard, a convict of horse stealing last month, has secured the signature of Judge Eakin to the necessary documents perfecting the appeal to the Supreme Court. It is expected that the clerk will order the prisoner to be released on bail.

Geiger & Kendall, of Portland, were awarded the contract to furnish the heating plant for the new South Baker school. The work is now under construction, to-day, for \$300.

The Blue Mountain Oil Company was organized here today and the incorporation articles will be filed with the Secretary of State. The company owns lands in Crook County, on which it is claimed oil has been discovered. Mayor Carter, Dr. Moor, P. Crabbill, L. Panting, William Albright and A. M. Cartwright, are the principal stockholders. The work of boring for oil will be commenced just as soon as the necessary machinery can be got on the ground.

Electric Lights for Newberg.

NEWBERG, Aug. 9.—Work is being pushed rapidly here toward putting in the electric lights so long desired. The dynamo for the line are up, and the town is now being wired. The dynamo will be located south of town at the pressed brick factory, where the necessary power is directly on hand for running it.

It is Mr. Edwards' intention to have the system ready for service about September 1. As is always the case in a new town, the work is being pushed hard to suit everybody, and the Council has experienced no little difficulty in determining the location of the city lights. Two or three arrangements were decided upon, but the most satisfactory being raised, rearrangements have been made until a plan has been adopted which seems to give quite general satisfaction.

The new lights will be placed at the most prominent business places in town, while on some of the back streets the incandescent lights will be used.

Cooler in Josephine County.

GRANT'S PASS, Aug. 9.—Josephine County was visited by a beautiful rain Wednesday, and reports from the districts of Wilderville and Kerby show a heavier fall than at this point. The condition of the dunes is improved, and the heavy lumber teams had cut them up badly. Late potatoes and corn were greatly benefited. The rain also put out all the smokes, and the smoke from the mountains could not be seen. The hot spell is broken, the temperature being normal today.

Fred T. Merrill Buys a Hotel.

TERRY, Or., Aug. 9.—Mr. Merrill has sold his business, known as the Twelve Mile House, to Fred T. Merrill, of Portland, the property and good will being sold for \$5000. Mr. Merrill contemplates adding five acres east and south to the property, and will erect a 5000 two-story hotel, moving the present structure back to make room. This is considered a good location for tourists and bicyclists, and will be operated on first-class plans by Mr. Merrill.

No New Trial for Yukon Murderer.

VANCOUVER, B. C., Aug. 9.—In the Yukon murder case the Dominion Government has notified O'Brien's counsel that they do not see merit in his contention that there were evidences that says country was not in the province of Ontario at the time, and his application for a new trial will not be granted. The law will therefore take its course, and O'Brien will be hanged on August 22.

## TROUBLE WITH INDIANS

ANNUAL DRUNKEN LAW-BREAKING RAIDS IN EASTERN OREGON.

Offenders Are Citizens and Only Remedy Is for State to Enforce Laws More Strictly.

SALEM, Aug. 9.—Several months ago citizens of Walla Walla County complained to Governor Geer that Indians from the Nez Perce and Umatilla reservations persisted in giving trouble to settlers in that county. Governor Geer laid the matter before the Department of Indian Affairs for explanation and the charges were submitted to the Department of Indian Affairs for explanation and action.

Indian Agent Charles Wilkins, of the Umatilla Reservation, replies that he has been unable to discover any cases of offenses committed by Indians under his charge. C. T. Stranahan, agent at the Nez Perce Reservation, admits that Indians living on his reservation make trouble as charged, and recommends that the state should take action.

IDAHO TIMBER LAND ORDER.

Hermann Excludes State Until List of Land Taken is Given.

BOISE, Aug. 9.—Commissioner Hermann, of the General Land Office, has issued an order excluding the state from the public lands in Idaho until a list of land taken is given. A complete statement shall have been made of the acreage already acquired under the Government grant for educational purposes. The result of this survey will be a list of the lands taken, and the state will be excluded from the public lands until the list is given.

MENTIONED FOR NEXT GOVERNOR.

Hon. A. C. Marsters, of Douglas County.

ROSEBURG, Aug. 9.—Hon. A. C. Marsters, who is frequently mentioned for the next Governorship, has been for 20 years a resident of Douglas County, and for at least half that period, a recognized leader in the Republican ranks of Southwestern Oregon. He has never aspired to or accepted office until the State Senatorial contest in 1900. In the last Legislature he made an enviable record, and did much good work in behalf of the plain people. His candidacy for the Governorship, which would be almost certain to meet with the hearty approval of the southern sections of Oregon.

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