

RECEIVED ANOTHER BLOW

JUDGE GEORGE DECIDES AGAINST BUILDING ASSOCIATION.

Orders a Suit to Foreclose a Mortgage for an Indefinite Period. Dismissed.

Building and loan association methods received another blow yesterday in the decision of Judge George in the suit of the Pacific Building Association against Mary M. Peterson, Alex. Peterson, Katherine E. Sloan and C. E. Griffith, which was in favor of the defendants. The suit was brought to foreclose a mortgage, the original amount of which was \$100, and \$112.40 was paid. The plaintiff claims a balance of \$407 and \$55 attorney's fees. The defendants set up that there was to be no payment of \$112.40 each, all of which were made.

It was alleged in the second answer of the defendant parties that the mortgage was made payable in California to evade the laws of Oregon regarding the excess of 10 per cent interest per annum, and that the agreement was corrupt. The defendants asked that the sum of \$112 be applied on the payment of the loan in full.

The court stated, in giving a review of the testimony, that it felt bound to follow the Supreme Court's principle in matters of this kind. Citing the case of the Washington National Building & Loan Investment Association vs. Stanley, he stated that it was held that a bonus is called a premium within the meaning of the law of building and loan associations. He dwelt upon the various practices of corporations in compelling members to pay premiums on loans, and then concluded as follows:

"In this case the company required 8 shares of stock, and subscribed and pledged for the \$100 loan; also, 8 more shares which were to serve as a premium to the company, the company to be the full beneficiary of these additional 8 shares, but the borrower must keep them paid up in good standing until they matured at some indefinite time in the future at the rate of 40 cents a month on each share. The ruling of our Supreme Court would appear decisive of the case in favor of the defendant. It is, however, contended by the plaintiff that this case is not a California corporation, having its principal place of business in San Francisco, and the contract in terms was made payable in that state, that so far as usury is concerned it must be governed by the laws of California, and cites a recent decision of the United States Supreme Court—that of Bedford vs. Eastern Loan Association.

"Our Supreme Court, in the case of the Washington Building & Loan Association vs. Stanley held that where a contract with a foreign building association, authorized to do business in Oregon, is made in Oregon and is secured by mortgage on realty here, such contract is to be construed by the laws of Oregon, though it is a contract of such foreign state.

"There being no question herein involving the Constitution of the United States, the court proceeded to consider the facts and under the rule adopted by our Supreme Court the case must be treated as a loan made in Oregon, and be governed by the laws of Oregon, and be credited with all payments made. As these payments so credited pay off the \$100 and 6 per cent interest the prayer of the defendant that this suit be dismissed will be allowed.

This case was tried last term, G. W. Allen appearing as attorney for the Building & Loan Association, and William H. Reid and Judge Stott for the defendants.

Denied Motion to Vacate.
Judge Frazer yesterday denied the motion to vacate the writ of arrest issued in the damage case of Chas. Coffey against W. Shattuck, master of the ship Oceano, and decided that the warrant was properly issued under paragraph 1 of section 106 of the statutes. Shattuck being about to depart from the state.

J. Couch Flanders, attorney for the defendant, had previously argued that the action was one of trespass, and that the arrest was contrary to the seaman's abuse act, as follows:

"No officer or seaman of a seagoing vessel or ship shall be arrested or imprisoned for debt; and no officer or seaman shall be arrested or imprisoned for debt upon such officer or seaman shall, upon conviction thereof, be liable to the peace bond of the Circuit Court of the county in which the arrest was made for not less than \$20 nor more than \$100."

Judge Frazer, in passing upon the case, said a debt does not ordinarily comprehend a claim for damages. It did not occur to him that a man could be arrested for a debt, and he was not allowed to go with impunity. The provision of the law referred to exempting an officer or seaman of a seagoing vessel from arrest for debt does not apply if a person has been arrested in a suit for damages for personal injuries or injury to character. It was not intended to protect a man from a tort or a wrong, but to prevent tramping up charges of debt against a captain or sailor and detaining a ship about to proceed on her voyage.

Judge Frazer explained that this law was passed to stop the practice of sailors boarding home men at Astoria of taking sailors off ships which were about to sail on charges of debt and detaining the vessels. Under this law a person need not trust a sailor, and if he did it was on his own risk.

Captain Shattuck filed a bond in the sum of \$500, for his future appearance.

In the Criminal Court.
A. Miller, R. Latour, Ross Larson, Joe Holder, Herman Schneider, William Grimes and one H. H. Hagedorn, charged with selling liquor without license, were arraigned before Judge Frazer yesterday, and allowed until Monday to plead. Antonio Villa and James Lyons were granted until Monday to plead.

The trial of A. F. Smart on a charge of obtaining money under false pretenses, was set for September 23.

R. W. Patterson, Fred Love and J. Feldman, charged with robbery, were before the court in order not to have their bail forfeited. They explained that they did not know that they should have appeared Monday.

Decisions Today.
Judge George will announce a decision this morning in the case of the Pacific Building Association vs. Mary M. Peterson, Alex. Peterson, Katherine E. Sloan and C. E. Griffith. Also in the case of Cyrus D. Noble vs. Gus Routh.

TALK ON FILIPINOS.
Physician From Manila Entertains Members of Y. W. C. A.

Dr. Alice Condit, who has been a practicing physician in Manila, gave a delightful talk before the Young Women's Christian Association last evening. She explained why the Filipinos had turned from the Roman Catholic Church, and showed that the authority of the pope was growing weak in all parts of the world except America. The Filipinos, she said, having abandoned the faith of their childhood, are showing a disposition to accept Protestantism in its place; and the American missionaries must be ready to meet the call for help. The supreme need in the islands just now is the translation of the Bible into the Filipino language. This must be accomplished through the medium of the American Bible Society.

AS IT WAS 50 YEARS AGO

FIRST STREET TO BE REPRODUCED AT COMING CARNIVAL.

Copies of First Issue of The Oregonian as Souvenir—Native Sons and Daughters.

The coming carnival is going to be historical as well as modern, mythical and musical. All arrangements have now been made for the reproduction of a Portland pioneer street, on which will be located the old Oregonian building. In this structure will be located the real reproduction of the first Oregonian office, which will contain the first press and the first forms. Copies of the first Oregonian will be printed while you wait, and distributed as souvenirs. The enterprise will be under the auspices of the Native Sons and Daughters. The \$250 reward for the expense of reproducing the pioneer street was raised yesterday. It will be a most interesting exhibit, and a striking reminder of 50 years ago.

At Exposition Building.
Quite a change is being produced in the exterior appearance of the big structure which will soon contain vast crowds of visitors and sightseers. DeCaprio's band rehearsed in the music hall yesterday for the first time, and the acoustic effects were very good. Soon the music will get used to the hall and the hall will get used to the music, and by opening night there will be a beautiful blending of sweet sounds.

The entrance platform to the big building on the Chapman street side is being braced, and strengthened, and the immense crowds that will soon be crossing it will be found on firm foundations.

Concession Business Good.
A. B. Steinbach, who is performing the responsible duties of treasurer of the carnival committee, and is also chairman of the concessions committee, is having a very busy time these days. Concessions are in good demand at fair prices, and all applicants are coming right up with the cash. Mr. Steinbach's committee is realizing more money out of concessions than ever before. Everybody seems to recognize the fact that there are very large crowds of people coming to the carnival, and are shaping their business policy accordingly.

Carnival Information Bureau.
Better to accommodate and make more pleasant the visits of the unusually large crowds of people who are coming to Portland during the carnival, the committee concluded some time ago to establish one of those useful institutions—an information bureau.

It has now been established in a very central locality, at the drug store of S. J. H. Smith, 101 North Fourth street. The books are now open for registering rooms, and people who have rooms to rent should state in writing, giving the number they have, the price per room or bed or person, and the location of the room. People desiring to talk to the bureau can call up Oregon phone Main 833, Columbia 65.

Woman's Department.
Preliminary work is being vigorously pushed which promises to make this one of the finest features of the year. The auxiliary committee consists of the following: Mrs. O. Summers, Mrs. Taylor, Mrs. J. A. Condit, Mrs. E. H. Edwards, Mrs. D. W. Dunne, Mrs. L. Therkelsen, Mrs. A. B. Steinbach, Mrs. E. S. Edwards.

The home department of the Woman's Club will meet at 1 P. M. tomorrow at 451 Alder street, and all club members are invited.

Eugene Soldiers Will Take Part.
EUGENE, Sept. 10.—Company A, Fourth Regiment, U. S. N. G., has decided to enter several of the competitive events in the Military Campaign, which will be held here on September 10, 11 and 12. Captain Huston, commanding the company, has begun preparations for the contest.

CHECK SIGNED BY M'KINLEY
It Was Not Honored and Wardell Was Arrested.

A man who gave his name as J. E. Wardell and who could not state where he lived, was arrested yesterday and taken to the police station, in order that his mental condition might be ascertained. Last Monday he walked into the First National Bank and presented a check for \$500 signed "Major William McKinley," and said offhand to the teller: "I'll take it in gold." The bank cashier was so incoherent and the check he presented for payment was so extraordinary that he was given an evasive answer, and the police notified. In the meantime, Wardell, seeing trouble, walked away, and he was not located until yesterday.

Chief McLaughlin examined the prisoner, and the latter insisted that the check was an advance on his salary. When he was taken to the police station, he was found to be a rambling talker. He was sent to the county jail.

PERSONAL MENTION.
Dr. Harry Little, of Oakland, Or., is at the Hotel Little.

Miss C. L. Huggins has returned from her summer's outing at Pacific Grove, Cal.

Miss Valentine Prichard has returned to Portland after her summer's work in pedagogy in Southern California.

George U. Piper and Fred W. Piper, of Seattle, returned yesterday from Seaside, where they were attending the Puget Sound regatta.

W. B. Dennis, of Spokane, is at the Portland. He reports the customary activity in the cinnamon mines of Black Butte district, Lane County, where he is operating.

Miss Wynn Coman left yesterday for a day's visit with friends at Salem. She and her sister, Miss Martha Coman, find it necessary to leave Portland for New York sooner than was expected, their stay ending here next Monday.

John Wood, superintendent of the Columbia Engineering Works, and Mrs. Wood have returned from a two weeks' outing at Trout Lake, and that vicinity. They are both much improved by the trip, which was thoroughly enjoyable. Mr. Wood is telling his friends tales of bear and other large game that fell before his trusty rifle, and of the strings of the current trout he ever caught that he has hooked. Of course, these stories are taken with the usual grain of allowance.

NEW YORK, Sept. 10.—Northwestern people registered at New York hotels today as follows:

From Portland—A. C. Mohle, D. B. Smith, at the Imperial.

From Seattle—J. I. Adams, at the Herald Square; W. J. Kearney, at the Criterion; T. H. Graham, at the Astor; W. E. Gurin, at the Gilead.

NEW YORK, Sept. 10.—Miss Margaret Thompson, of Portland, who has been visiting in New York for the past month, left for home last Tuesday.

NEW YORK, Sept. 10.—W. E. Grace, of Baker City, called at the Eastern head-quarters of The Oregonian yesterday. Mr. Grace took a prominent part in "shiners" day at Buffalo. He will go from New York to Philadelphia, from there to Wash-

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ington, and will then return to Buffalo. He will leave for home September 20. George S. Shepherd, of Shepherd & Cellars, attorneys at law, also called today. Mr. Shepherd expects to leave for home tonight.

NEW YORK, Sept. 10.—James G. Stowe, ex-United States Consul-General at Cape Town, South Africa, arrived here today on board the steamer Koenigstein Luise, from Bremen and Southampton. Other passengers by the same steamer were Rev. C. C. Tifft, Baron Wrangel, Hamilton W. Mable and Victor P. Lawson, of Chicago.

DAILY CITY STATISTICS.
Marriage Licenses.
William Bates, Ella Laubach.
Paul F. Uhlig, Cora C. Clow.

Building Permits.
E. Corbett, two-story dwelling, Twelfth street, between Alder and Washington; \$400.
Julia A. Murphy, two-story dwelling, Everett street, between Park and Ninth; \$270.

Deaths.
Kate Porter, two-story dwelling, East Ankeny, between East Seventeenth and East Eighteenth; \$100.

Contagious Diseases.
Four-year-old son of L. L. Carter, 656 Lovejoy street, diphtheria.
Robert, son of J. J. Carter, 821 Porter street, scarlet fever.

Death Returns.
September 8—Emma Aumacher, aged 4 years, 825 East Salmon street; diphtheria.
September 8—Lucinda Jane Roberts, aged 40, 455 East Ankeny street; liver complaint.

September 8—Margaret R. Schneider, aged 2 months, 688 Thurman street; infantile colic.
September 8—Max Leo Roebber, aged 3 months, 655 Quincy street; exhaustion.

September 8—John B. Cabell, aged 50 years, Portland Sanitarium; liver complaint.
September 7—Irene J. Burnell, aged 12, Good Samaritan Hospital; appendicitis.

September 7—Lillie Marie Grove, aged 6 years, 825 East Salmon street; diphtheria.
September 7—Edna A. Spangier, aged 7 months, 54 East Pine street; cholera infantum.

September 8—Mary A. Sloper, aged 20 years, corner East Fifteenth and Tremont street; diphtheria.
September 7—Dorothy Sandys, aged 4 months, 124 Fourteenth street; cholera infantum.

September 8—Wheeler, aged 2 months, 511 Mill street; indigestion.
September 8—J. W. Dittmer, aged 34 years, 104 North Fourteenth street; consumption.

Real Estate Transfers.
Allie M. Hudson to Maud G. Hudson, lots 1 and 2, block 15, Columbia 100.
Christina McIntyre Smith and husband to J. H. Smith, lots 1 and 2, block 15, Columbia 100.

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MELLIN'S FOOD

Is the baby happy and contented? If not, send for a sample of Mellin's Food.

Mellin's Food is good for babies of all ages because it adapts itself to the different conditions and requirements. Mellin's Food makes babies happy.

Send for our book, "Mellin's Food Babies." You will find it interesting. We will send it free.

MELLIN'S FOOD COMPANY, BOSTON, MASS.

RED HOT COOLERS
HAZELWOOD ICE CREAMS and SHERBETS
Put up in all shapes and flavors

Hazelwood Cream Co.
BOTH PHONES 154 352 WASHINGTON STREET

his side of the case, and in conclusion said: "One thing more, now about Cunningham leaving town. I would like to state that it would have been a very good thing for the community if Hinchings had gone along with him."

Hinchings jumped from his seat, threw both hands in the air and kicked his feet together, and in so doing, uttered: "It would have been a good thing for the community if Hinchings had never entered it, as the court records will show."

Judge Sears interjected at this juncture that he had no objection to it as it was time to proceed with the case.

A PREVIOUS PLOT.
Anarchist Went to San Francisco to Kill the President.

NEW YORK, Sept. 10.—Details of a previous plot against the life of President McKinley are given out on authority. It is said, by Senator T. E. Ellsworth, according to a special to the Tribune from Lockport, N. Y. He is credited with the statement that the plot was hatched in the summer of 1900, by the first of May, and Emma Goldman, Louis Binestein and other prominent anarchists are said to have been concerned in it.

Michael Ananui, it is said, was the one to whose lot it fell to do the deed. At that time the President was on his tour of the West, and Ananui left for San Francisco, where he expected McKinley would be by the time he reached there. But he arrived several days ahead, and attended several anarchist meetings, where he met young men to whom he told his purpose. The young man was none other than a Secret Service detective, and Ananui was promptly arrested, but upon lack of evidence and certain affidavits to the contrary, he was released.

Why Cannot Portland's School Children Each Give 10 Cents?

The fund for the free swimming bath for boys and girls has dragged along slowly the past three days, and it requires a fresh lease of life to reach the \$500 mark. Why cannot the public school children raise the balance of the money between them? If every school child in Portland would personally contribute something, the whole of the money would be raised this month. The school board Monday.

Which school will be the first to start a fund for the free swimming bath? Let every child give, say,