OX-TEAM WON THE PRIZE

COMEDY ELEMENT AT LAST NIGHT'S HORSE SHOW.

Captain Nicol's Horses Win All the Honors in Tandem Team Event -Four-in-Hands.

Interest in the Carnival horse show is increasing daily and there was a larg crowd on Multnoman field last night. Tw classes were judged and the cowbo band and Mrs. Austin furnished plent of amusement with their daring rough riding. The comedy element of the even-ing's programme was the "Ridiculous Class," in which the best original makehorses, vehicles and drivers. The first prize was awarded to Emil Beck, of Big Sandy, and his team of oxen, Tom and Dick. Just before the winners were driven in front of the grandstand to receive the purple ribbon, denoting first bonors, General Summers and Captain E. S. Edwards got aboard. and the general handled the reins with a dash and daring that evoked much ad-miration. When the previous record of the team is taken into consideration a mile in three bours, 35 minutes—it will be seen that the general took a long nce in piloting the fiery steeds around the track.

Two classes were judged last night, o for the best four-in-hand, and one for the best tandem team. In the first named event there were five entries, as follows Anderson Bros., United Carriage Com-pany, two entries, Misner & Hayden and James Nicol. According to the rules, the apearance and abilities of the horses were to count 75 per cent, and the appoint its the remaining 25 per cent. Beyone doubt the most admired vehicle was the smart trap exhibited as one of the entries of the United Carriage Company, but the horses were not up to the standard of the prize-winners and the blue ribbon elsewhere. The winning teams were splendid specimens of horsefiesh, spirited and with the carriage and general behavior of unusually well bred animals. The prizes were distributed as follows: First prize, \$25-Misner & Hayden,

Second prize, \$16-Anderson Bros. Third prize, \$5-United Carriage Com pany.

In the special class for the best tandem team there were five entries and Captain Nicol's horses won all three of the prizes. The ownership of the teams was not known to the judges and there can be no charge of favoritism made, as the owner did not drive any of the teams. The drivers of the winning teams were a

First prize, Miss Rockwell. Second prize, George Reed. Third prize, E. T. Strain. The ridiculous class excited much mer

ent and considerable curiosity in that the names of the different entries were not published on the programmes. As before stated, the ox team driven by Emile Beck and General Summers won the first prize. Other wagons had been fantastically decorated, and the drivers were masked or made up, but Beck needed no flummery. The oxen were hitched wit home-made harness, with hames of bent tree limbs, and the other parts of scrap leather, old beiting and odds and end renerally. Beck drove in from Big Sandy esterday, but the oxen showed no signs of fatigue and almost trotted while be ing paraded around the track. The secon prize was won by A. McLeod, with hi ourro Caesar, hitched to a sulkey Caesar, with the wisdom of his kind, alternately went along on a rapid trot of topped absolutely still. He is an intelligent little beast with a habit of letting provocation and with less warning. Third honors were awarded to R. F. Love, who drove a blind horse of 29 years, who has assed beyond the period of his usefulness The wagon was filled with farm produ-and the driver and his companion mato represent the type of country folk that the city-bred person is familiar with through the medium of the comic week-

Mrs. Minnie Austin, the daring woman exhibition, and the "pick up" act and ride for a bride by the cowboys were also given. The burdling caught the crowd, and they vigorously applauded the daring horsewoman as she urged the animals ahead at racing speed.

Hermann's sensational ride for life down the dangerous incline of stars has made a hit that has resulted in the manage-ment re-engaging him for the remainder of the Carnival. He made the ride last night in safety and was enthusiastically when he rode in front of th grandstand to dismount. An elaborate programme of fireworks closed the entertainment on the field, and the set pieces were in keeping with horse show week. One of the displays represented the well-known picture of three horses' heads, and another design was an automobile in red, green and yellow fire. In addi-tion, there was the usual generous display of rockets, bombs and other pyrotechnic

The judges in last night's events were. Messre, Ira F. Powers, A. M. Cronin and L L Hawkins

Following is the programme arranged for tonight Class 11-Best pair saddle horses, ridden

by lady and gentleman. First prize, \$30; second, \$10; third, \$5. Class 12-Best saddle horse, ridden by gentleman. First prize, \$15; second, \$10

third, \$5. 15-Best saddle horse, ridden by

lady. First prize, \$15, second, \$20; third, \$5. Class 14—Best pony, ridden by boy, Class 15—Young lady's saddle pony and rider (not over 16 years old); pony to count 60 per cent, riding 40 per cent. First prize, \$10; second, \$5; third, \$3.50. First prize, \$10; second, \$5; third, \$2.50. Class 15-Best trotting stallion (standard bred), First prize, \$5; second, \$10;

Class 17-Best draft stallion. First prize, \$20; second, \$10; third, \$5.

COMING ATTRACTIONS.

Tivoli Company at Cordray's. The Tivoli Opera Company and Ferris Hartman will play a return engagement of one week at Cordray's Theater, con mencing next Sunday. They will present while here two operas and a musical ex travaganza. Both of the operas are the work of the best composers and libret-tists. "The Toy Maker" was put on at this theater, and turned people away at each performance, and ran for eight weeks at the Tivoli, San Francisco, and was withdrawn only to make way for the grand opera season. The Wedding Day" will also be given again. "The Babes in the Wood" will be the third presented. It is a jolly extravaganga, constructed by Mr. Hartman for laughing purposes only. "The Toy Maker" will be given Sunday, Monday, Tuesday and at the matinee Saturday each child will be presented with a handsome toy free. Wednesday and Thursday, "The free. Wednesday and Inursuay, Wedding Day," and Friday and Saturday inights, "The Babes in the Wood."

"Sporting Life."

The famous English melodrams, "Sporting Life," will open its engagement of three nights at the Marquam Grand The-Monday, October 7, Alan Dale the New York Journal, goes so far as to declare that "Drury Lane has at last been out-Drury-Laned' in America. As historic old Drury has long been noted for the great magnitude of its productions, our theater-goers may safely look forward to a startier in "Sporting Life." he piece is given in five acts and 12 cenes. The sale of seats opened yesterday (Friday) morning.

"A Honolulu Coon."

day, for the peer of colored shows, Mc-Carver and Hogan's "A Honolulu Coon, that "If the proof of the pudding is in the eating thereof," the reopening of the Metropolitan, under the able and popular mahagement of George L. Baker, Sunday evening, October 6, is going to be a brilliant success. The company comprises the pick from the cream of colored art ists. "A Honolulu Coon" is a musica comedy, and it is said to be given with a vim, enthusiasm and merriment thor-oughly characteristic of coon shows, with this exception, it is not to be classed with the ordinary colored show, in that this is and Hogan's first tour to the Coast, following nine very successful seasons through various Eastern cities.

OFFICERS ARE CHOSEN.

Photographers' Association Electr Executive Board for Next Year.

The Photographers' Association of the Pacific Northwest, which has been in ses ion here since Thursday, yesterday elect ed the following officers for the ensuing

President, A. L. Jackson, Tacoma, Vice-president, A. D. Rogers, Olympia. Secretary-treasurer, F. C. Plummer, Se-

In addition to the foregoing officers three honorary vice-presidents, one for each state represented in the association, were chosen. These were:

Oregon-Charles Butterworth, Portland, Washington-E. L. Meyer, Seattle. Idaho-Henry Erickson, Moscow. One of the features of the session yes erday afternoon was the presentation of a valuable gold watch and chain to Charles Butterworth, of Portland, the re-

tiring secretary-treasurer of the associahalf of the association by a representative of a photographic supply house who is it attendance upon the convention. Mr. Butterworth made a feeling response to the At 7 o'clock this morning the entire

ship of the convention will leave on the Bailey Gatzert for The Dalles, the vessel having been placed at the conven-tion's disposal by the White Collar Line Sessions of the convention and photo demonstrations will be held aboard the boat. The party will remain over night at The Dalles, and will return to Portland Sunday morning.

The following is the list of awards: Foreign class-First prize, gold medal, to Moore & Stephenson, Atlanta, Ga. Second prize, silver medal, Proctor, Wheeling, W. Va. Third prize, diploma, Steadman, Pueblo, Mcx.

Grand portrait class-First prize, gold medal to C. A. Krauch, Portland. Second prize, silver medal, E. W. Moore, Portland. Third prize, diploma, Brans, Seattle. Genre class-Diploma to Aerne & Nordstrom Portland.

Class A-No entries. Class B-J. L. Phelps, Spokane, diploma. Class C-No entry. Class D, for Washington-Diploma to A. D. Class D, for Oregon-Diploma to H. H. Mer

Landscape class-Diploma to J. W. Tollman, Portland. Miniature class - Diploma to Breas, of

HAVE BEGUN GRAVELING.

Railroad Right of Way on Hawthorne Avenue.

The Portland City & Oregon Railway Company has really commenced the work of graveling their right of way on Haw thorne avenue, and will continue the work until it is completed. The beginning o and some time ago Manager Huribut told the city officials that if they could get it done any quicker or better or cheaper then he could, to go ahead and do it and the company would pay the bill. It has taken time to get screens for the gravel and plant for handling it ready, but now this has all been accomplished and the company's right of way will be put in

prevented the company from forgetting about the job, as was proper, for Hawthorn avenue and other streets over which the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company's line rups are in a deadler of the company of th the company's line runs are in a dreadful condition. When the company has finished improving its right of way, the greater portion of these streets will re-main in the same dreadful condition, and the property-owners will then have to con sider what they shall do to make the streets passable. It will hardly be possible for all the travel on the streets to use the railway company's right of way but as soon as Winter sets in there be no other place on the streets to travel on. Perhaps the railway company may take a notion to improve these streets full width.

GOLF SEASON OPENS.

Knockout Competition on the Way erly Club Links Today.

The drawings for the gentlmen's knockout golf competition, match play, com-mencing at the Waverly links this after-

noon are as follows: J. W. Ladd vs. A. T. Huggin R. W. Lingley vs. P. F. Du Flon. D. C. Lewis vs. T. Kerr. Dr. Cobb vs. R. S. Howard, Jr. A. A. Wright, a bye. W. M. Whidden, a bye. W. W. Cotton vs. G. Voorhees. Dr. Henry E. Jones vs. S. B. Linthieum R. L. Macleay, a bye.
J. F. McLean, a bye.
W. B. McKay vs. T. Scott Brooke. W. Lawrence vs. R. R. Hoge. C. Langfitt vs. H. C. Cabel

J. Burns, a bye.
A. Morrison, a bye.
Bourne vs. C. E. Ladd.
W. Pendieton vs. Captain Gordin. J. W. Bankin vs. George Taylor, Jr. Zera Snow vs. A. C. Berry. Peter Kerr vs. H. B. Dickson. P. B. Gifford, a bye. J. K. Kollock vs. W. Alltson.

F. G. Wheeler, a bye.
Wirt Minor vs. J. D. Wilcox.
A. L. Mills vs. J. McI. Wood.
Thomas Strong vs. R. Livingstone. J. E. Young vs. H. B. Tronson. C. S. Walker, a bye. W. Alvord, a bye. George Goode vs. S. W. McMaster, C. A. Winslow vs. J. D. Carson. E. Cawston, a bye.

MATINEES TODAY.

Good Bills at the Marquam and Cordray's.

At the Marquam this afternoon, Thomas Q. Seabrooke will be seen in Sydney Ros-enfeld's new comedy, "A Modern Crusoe," which was welcomed by a packed house inst night.

"A Female Drummer," with Johnston Bennett in the title role, will be the attraction at Cordray's. The comedy has packed the house all the week, and as the advance sale has been very large, it is expected that a crowd will see it this The last performance will be given tonight.

Hold-Up That Failed.

A highwayman attempted to hold up Edward Smith, of Belmont street, near Nineteenth, last night, near his own Nineteenth, last night, near his own home, but in the confusion Smith does not know whether or not the robber was armed with a revolver. Smith was on his way home at the time when a strange man rushed up, saying: "Hold up your hands." Smith waited to hear no more and he turned to run the robbed said: "Stop, or I'll shoot." Smith ran all the harder and succeeded in escaping. The footpad did not shoot, as he had threat-

INDULGED IN ACERBITIES

PORT OF PORTLAND COMMISSION HAS A LOVE FEAST.

Members Discuss the Auditing of Bills and the Employment of a Dredge Expert.

The Port of Portland Commissioners met yesterday to audit bills and to in-dulge in some spicy comment on the af-fairs of the commission. A batch of bills was passed to Commiser C. F. Swigert for his inspection and approval.

him to supervise the construction dredge pump on his designs."
"I want this strictly understood," con tinued Mr. Hughes, "and I want It to go on the record. A lot of things that we do understand have a way of getting misunderstood again. That was the way with some of the members, who agreed that the fact of our sending Mr. Lockwood East did not bind us to employ hir when he returned, but, nevertheless, argued when he returned that we were morally bound to employ him for the reason that we had sent him East.

"Mr. Hughes, you are deliberately per-verting the facts," came like a shot out of a gun from Mr. Adams. "No one of us made such an argument. You are perverting the facts." "You want to learn to keep a civil tongue in your head, Adams, for one thing," retorted Hughes. "That argu-

ment was made, and Mr. Rellly repeated "I am here to make my regular monthly kick, gentlemen," remarked Mr. Swigert, tossing aside the bunch that had been handed over to him. "I take

******************************* TELEGRAM HARVEST CARNIVAL ANNUAL,

The Harvest Carnival annual of the Evening Telegram will be issued today, October 5. It will be one of the best special numbers ever issued by an evening paper on the Pacific Coast. All of the illustrations will be new, and in addition to the usual write-up of the state's resources and industries and Portland's superior advantages as the chief city of the Pacific Northwest, this issue will contain a number of special articles of interest, each also embellished with appropriate illustrations. A special article is devoted to the Lewis and Clark Centennial and American Pacific Exposition to be held in Portland in 1906. To the Portland Carnival, now in progress, considerable space is also devoted. Each subject is treated comprehensively, though without waste of words, and the number will possess the merit of compactness. Typographically 1; will be all that can be desired. A large number of extra copies will be printed for Eastern distribution, and as the demand will be heavy, those desiring extra copies to send to friends are advised to get their orders in early. The price will be 5 cents per copy. Extra copies of this special edition may be obtained at the Telegram's business

office or of the following agents: Albany-H. L. Vierick. Arlington-H. C. Mason. Astoria-Fred Brown. Ashland-H. L. Sayles. Baker City-E. A. McDaniels. Canby-J. H. Graham. Courtney-Julius Broetje. Cornelius-Robbie Fairchild. Carlton-D, L, Hudson, Clatskanie-C. L. Conyers, Cottage Grove-C. B. Clement Chehalls, Wash.-D. Staeger. Cathlamet, Wash,-Wm. Stone. Colfaz, Wash.-A. E. King. Charleston-H L. Ward. Dayton-G. L. Dorsey,. Dallas-W. Williams Dalles, The-B. H. Grant. Dayton, Wash.-W. C. Godard. Condon-Weldon Darling. Eugene-E. Schwartzschild Forest Grove-C. Carr. Gervais-C. J. Hayes. Granite-Granite Drug Co. Gold Hill-News Printing Co. Grant's Pass-W. F. Kraemer. Gresham-Eugene Thorpe. Hubbard-Rulph Martin. Highland-Hiram Darrah. Heppner-B. R. Patterson. Hillsboro-W. Hawkins. Hot Lake-G, W. Tate. Ilwaco-J. W. Howerton.

Jefferson-Earl Homyer.

Jefferson-Ed Jones.

Junction City-Bertha Nichols.

Kalama, Wash.-Geo. E. Houtz,

La Fayette-Carl Hubbard. Marshfield-F. P. Norton. Medford-Whitman & Harrison. McMinnville-G, L. Williams. Mt. Tabor-W. Dorfer. Milwaukie-L. Farnsworth. Marion-W. J. Hadley. North Yamhill-Roy Glandon. Newberg-W. C. Woodward. Oregon City-Charles W. Love or L. Barry. Oak Grove-N. O. Cederson. Pendleton-Charles Konasek. Peninsular-Charles George. Roseburg-G. Langenberg. Rainier-A. L. Clarke. Seaside-A. Ewing. Salem-A. J. Edwards. Sellwood-A. W. Reufner. Sunnyside-C. Kramer or A. Campbell. St. Johns-Richard Harrold, Sherwood-Dr. A. L. Saylor. Silverton-Brooks Drug Co. Seattle-Eastern News Co. Skamokawa, Wash.-Eggmon Bros. Tualatin-R. F. Potto. Tillamook-Tillamook News Co. Turner-Rex May. S. Portland-Ed Rowe. University-Stanley Arnold, Union-N. J. Schwanberg. Umatilla-J. W. Duncar Springbrook-C. E. Newhouse Vancouver-J. E. Harris. Woodburn-L. Zimerle. Woodlawn-J. E. Miller. Weiser, Idaho-J. H. Harris. Whiteson-E. W. Minor. Waitsburg, Wash .- J. B. Caldwell Walla Walla-William Keeler.

this position, and I will stick to it, that this system of passing bills does not amount to anything. I would rather not see any bills than to finger them over see any bills than to finger them over the substitute of the substit this way, and make a motion to allow them. We ought to have some system of auditing the bills, and not let them stack The property-owners interested and the clinton Kelly Sub-Board of Trade have nothing about them." his proviso, It was dec

La Grande-H. C. Ball or Jay Van Buren. Warrenton-Mrs. F. A. Harmon,

maybe one of the others can inform him." suggest that we have a committee, aid Mr. Swigert, "whose duty it shall be to look over the bills in detail."

"We want to get the best possible way," answered Chairman Hughes. "I thought

it the best plan for every one to go over the bills. There is no doubt that we, as a commission, must vote on these bills, but if you prefer to have a committee to prepare a special report on the bills every month, that will be perfectly satis-

The members then drifted into a discussion of the way in which supplies were purchased for the commission. Mr. Reilly delicately insinuated that they were wasting the taxpayers' money by not making contracts for supplies. This brought down on his head the vials of wrath of some of the other members and it was learned that Mr. Kelly, i charge of the dredge, simply O. K'd the bills with reference to the fact that he received the goods and that the commission had ordered Mr. Stevens, the

clerk, to protect its interests in the way of watching prices and buying supplies. "It might not be a bad idea," inter-posed Mr. Hughes, "if we would refer all bills relating to some particular subject to some member of the commission having a special knowledge of the matter, For instance, we could refer all bills on iron and machinery to Mr. Swigert, those for slabwood to Mr. Banfield and Mr. Rellly here is a good judge of meat, we could refer all the meat bills to him." The chairman smiled blandly.

"No! no!" modestly expostulated Mr. Reilly.

The commission went to auditing bills, and a few minutes later discussed the renting of the scows of the commission to Hale & Kern, from whom an offer had come. It was decided to rent the two new scows for \$50 a month each, and the old ones for \$40 a month each.

Chairman Hughes then outlined plans for a waterwheel which would determine the rate of the current flowing out of the dredge, and be of advantage in com-puting the work of the dredge. His plan was to have a paddle-wheel with a pedometer attached. He submitted no esti-mate of the expense. "Perhaps it would be better, Mr.

Hughes, if we waited until there were submitted more definite estimates as to the cost of this device," suggested Mr. Adams and the matter was dropped. Mr. Adams then continued: last meeting and the philippic Mr. Hughes delivered us on the occasion, I wrote a letter asking Engineer Lockwood as to his ideas on the construction of a dredge pump. He replied to me, and said that he would be willing to appear before the commission to explain his ideas." Mr. Adams then read his letter, which covered the dredge pump construction question, as

imparatively few, but to my mind very essential. They are as follows: First—The pump must be capable of being kept in repair. Second—It must be so built that these re-pairs can be made quickly and well.

Third—The passages through the runner and casing must be large enough so that anything which can get into the pump will go through without getting jammed.

Fourth—It must be as efficient as possible

while fulfilling these requirements.

Fifth—It must be fairly efficient at any head or length of pipe line that it may be called upon to pump against. Since Mr. Adams anounced his inten-tion of making a trip to San Francisco, it was decided to settle the matter of inviting Mr. Lockwood to a conference. Mr. Banfield moved that Mr. Lockwood

be invited to a conference with the Port of Portland Commission. "It being understood," interposed Mr. So propitious was the advance sale of Beets at the Metropolitan Theater yester- Awarded first prize, Paris Exposition, 1900 Commission shall not be bound to employ

"Hear! hear!" came from the other members, and the commission then passed the motion as Mr. Hughes desired with his proviso, "distinctly understood."

It was decided to advertise for bids for

The sceretary and treasurer were ordered to report a plan for auditing the monthly A communication was read from Captain W. P. Day, U. S. N., Litghthouse Inspector, on the damage done to the buoys in the river by the log rafts towed up and down. He urged the commission to assist in making some regulation of the number of boats towing and the length of rafts. This was well received, and an answer will be made that Captain Kelly, of the dredge, will assist in replace

WHERE OREGON SHINES.

Captain Day.

buoys, if that is aggreeable to

Walderf-Asteria Willing to Pay 87 65 Per Box for Our Apples

In a recent letter to Secretary Lamber son, of the Oregon Board of Horticulture, Superintendent H. E. Dosch, of the Ore-gon exhibit at the Buffalo Exposition, gives two examples of the way the fame of Oregon and Oregon products is spreading by reason of the display made at that

ing by reason of the display made at that fair. Mr. Dosch cays:

A few days ago I took out of cold storage the last four boxes of Hood River apples. Strangely enough, they came out the finest of any, and I was just when I needed fine apples, too. I was arranging these apples on plates on our counters when several gentlemen stepped up and asked some questions about them. The air was heavy with their fragrance, and they looked perfection. One gentleman handed me his card—Mr. Ludwig von Arnim, the Waidorf-Astoria. He asked me if I would sell him the apples, and where others like them could be obtained. I told him that these apples cost obtained. I told him that these apples cost us, laid down here, \$7 65 per box, rather a high price for apples. 'All right,' said he, 'T'll take 20 boxes today; price is no object, "I'll take 20 boxes today; price is no object, so long as I get such apples as these for our hotel." The gentlemen went into ecstasies over the size, color and flavor of the fruit. I referred them to the Hood River people to get a supply, but I fear the season was too late for delivering more of those apples in New York. Before leaving, the hotel man said he had been scouring the country for apples and was willing to pay any price for apples that keep their color and flavor, as these did.

Yesterday I was busy at my deak when a man approached and handed me a card bearing the name of Mons. Alajos Palkert, Royal Hunter of the said of the same of Mons. Alajos Palkert, Royal Hun-

the name of Mons. Alajos Palkert, Royal Hun garian Agricultural Commissioner, Washington, D. C. He said he had come to study the ton, D. C. He said he had come to study the agricultural resources of the various states as represented here. He could not talk much English, so we carried on our conversation first in French and then in German, which he preferred. He said he had been here a week, and that our exhibit suited him best of all. He expressed the conviction that a country that could grow such feetlesses. try that could grow such fruits, grains and grasses must be a wonderful country. "I never saw such fine grain or so many forage plants," said he. "When you close here I should like very much to have them for an exhibit for our Royal Hungarian Department Agriculture, at Budspesth. I was requested by my government to come up here for the express purpose of selecting some good state for our emigrants to go to. Of course, we do for our emigrants to go to. Of course, we do not encourage emigration, but you know people will seek other countries, and, this being the case, my department wishes to assist them to locate on the most suitable farming lands we can find. We particularly desire to keep them out of the mining regions of the Eastern and of this country. My investigations and part of this country. My investigations and deliberations have led me to the belief that your State of Oregon is the best for my peo-ple, for farming, fruit-culture or stock-rais-

I promised him all he wanted, and will cer tainly give him a fine collection of our agri-cultural products for the display at Buda-pesth.

A WILD INDIAN'S OVERCOAT.

A Pendleton Indian robe, a wild Indian's overcoat, made from Indian designs from Oregon fleece wool, will be sent to any eddress by express, charges paid, on receipt of \$6, by the Indian Robe & Picture Company, Pendleton, Oregon, See display of Indian robes and photographs at Portland Carnival

BOTH WIVES IN THE CASE

MRS. DURPHY NO. 1 TESTIFIED IN FAVOR OF HER HUSBAND.

She Went on the Stand to Say That She Deserted Him 10 Years Ago-Motion of Defense Overruled.

Both wives testified yesterday at the trial of B. F. Durphy, on a charge of polygamy. The first wife, Sadie S. Bos-worth Durphy, testified in favor of the defendant, stating that she deserted him. and the second wife, Margaret E. Ryan Durphy, testified against him. She is the complainant in the case.

Mrs. Durphy No. 2 testified concerning her marriage to Durphy in Chicago, July

 1887, and said they came to Portland to live two years subsequently, and did live as husband and wife. Mr. Idleman, attorney for the defense, objected to this testimony. He said the statute of Illinois provides that when a

man and wife have lived apart for five years, then another marriage is legal. The assumption was that they were husband and wife, and she could not testify against him.
District Attorney Chamberlain stated. in response: "I presume the defense will attempt to show the first marriage was yold from lapse of time, but until they

do, the presumption of the first marriage ought to hold good." Judge Sears held the evidence to be ad-The witness testified that she lived with Durphy as his wife until August 15, 1898

On cross-examination, the witness testified that she came here from Eureka Cal., and that she engaged George H. Durham here as her attorney in July 1900, and that he arranged a settlemen with Durphy, but that it was not carried out, since she did not agree to its terms. She further admitted that she sued Durphy for \$50,000 in California, and brought two criminal charges against him. The suit was still pending, and the court dis-

missed the criminal proceedings.
In explaining a question a little later on, Mr. Mays remarked: "Our contention is that this prosecution is not in good faith. That when Mrs. Durphy found the settlement could not be carried out she brought this prosecution.' The District Attorney denied somewhat

warmly that he was acting in the case from anything but proper motives, and a tilt followed.

Mr. Idleman then took up the cross

examination, and a number of papers con-cerning the settlement were attempted to be introduced. "Our theory is," said Mr. Mays, "if we can introduce evidence tending to show that a person had taken certain unusual steps in this case, and whose name ap-pears with another party who was influen tial in having her bring this action, it will prove the incredibility of the witness.

The court sustained an objection Mr. Idieman next sought to elicit from the witness that she knew of Durphy's prior marriage for a long time, and had admitted such knowledge to Mildred Dur-phy at San Francisco, and H. L. Ford, at Eureka, but she denied it. She stated that she was first informed of the former marriage by Durphy at Chicago, in July,

Later on she testified that at the time of her marriage to Durphy, he informed her that he went through a mock mar-riage ceremony when he was only 13 years old, but was always ashamed of it afterwards and desisted from speaking of it. The state rested with the understanding that Alexander Bernstein may called to testify that Durphy and Margaret Ryan lived together in Portland as husband and wife.

At the opening of the afternoon session of the court attorneys for the defense asked the court to instruct the jury to return a verdict of not guilty, on the ground that the prosecution had not made out a case against the defendant, and also urging insufficiency of the indictment. After arguments consuming two hours had been made the court denied the mo-

tificates introduced to show the first marriage were not enough, as there was only evidence of the religious ceremony, and none tending to show the performance of the civil contract. The certificates intro-duced were to the effect that B. F. Durphy and Sadle E. Bosworth were married a certain minister.

Another point made was that Durphy's first wife deserted him in 1881, that he married Margaret E. Ryan in 1887, and had a right to under the Illinois statute, not having heard from her for over five years. In Oregon a similar statute pertaining to polygamy provides for 7 years' lapse of time.

The last point urged was that the state

had offered in evidence the complaint filed by Durphy in his divorce suit against his first wife, containing his sworn statement that she had abandoned him in 1881, and he had not heard from her for more than 18 years past. The state was bound by this evidence, it was argued, and prosecution was barred, as at the time fixed in the indict-

ment, the statute concerning polygamy provided that it shall not apply where there has been desertion by a former husband or wife covering a period of more than seven years.

Judge Sears said that would be sufficient if there was no other evidence, but re-ierred to the Lucas letter, which referred

to Durphy having left his wife instead of the contrary having occurred.
The last point was that the indictment failed to charge that the defendant knew his first wife was alive when he contracted the second alliance, and unless he knew

she was alive there was no crime.

The court considered the arguments of both sides carefully before overruling the Mrs. Durphy, No. 1, was the first wit-

ness called by the defense, and her ap-pearance created somewhat of a stir. There is quite a disparity between the ages of the two wives, the first being about 60 years old and the second a com-

A PLUMP FIGURE Makes a First-Class, Telling Argu-

"About a year ago a doctor and his wife came to board with us. We aiready had Miss G., who was at that time thin and yellow and considerably out of

health. "The first morning the new boarders came to the table as guests, the young lady remarked, as she set her cup down, "This is coffee!" while the doctor added. 'Not at all like the poor coffee they have been giving us at the hotel.' I smiled behind my napkin and asked if either of them ever used Postum Food Coffee, The loctor said he had tasted it, but it weak, miserable stuff. Miss G. had heard

of it and wished she could try it. "I said nothing, but at the end of three months, when Miss G. was ready to leave us for a new field of labor, said, 'I have been giving you Postum Food Coffee all the time you have been here. 'What, is that coffee Postum?' she said. I remarked that I had noticed with great pleasure her daily gain in health, and now that she was leaving us after only three months at our table, she had rosy cheeks and a plump figure, which was all the argument anyone needed to prove the fact that she had been well cared for, and the reason for her gain in health was other change had been made of any ac-

count, in her food,
"The doctor was very much delighted with the experiment, and discovered that where he had tried Postum before, he had been unfortunate in having it under-boiled. Postum must be boiled 15 or 20 minutes to bring out the delic ious flavor, and then it will suit the taste of anyone." Mrs Florence Dougherty, Placerville, Idaho

paratively young woman. The defendant about 42, and his daugnter is attractive In answer to the usual preliminary que ion, the witness said her name was Sadi-B. Durphy, and that she lives in Brockton, Mass. She was born there. She became acquainted with the defendant when he was a young man, and lived with him from the year of their marriage in 1874 until 1881. They separated in 1881. She left him. It was a permanent separation. She took the child. They never lived to-gether after that, and she only heard of him through others, the first time directly

three years ago.
On cross-examination by Mr. Durham the witness said she had not seen the de-fendant since 1881, until four weeks ago at San Francisco. She came there on the invitation of her daughter Mildred. Since 1881 she had resided within 30 or 40 miles of Brockton, where she left Durphy. She admitted that she sold the house in Brockton where she lived, and that the defendant must have joined with her in making a deed, but she could not remember when she made the sale. The cross-examination will be finished this morning.

Court Notes.

Yesterday was a busy day in the State Circuit Court. There were altogether 10 trials on. Seven cases were disposed of and the remaining cases will be taken up again this morning for further proceed ings. There were five jury cases

divorce suits were heard and disposed of. Rachel Murray was granted a divorce from Edward Murray on the ground of desertion. The court will grant a decree in each of the following cases after the findings have been prepared and submitted by the attorneys: Frances Rivears vs. Fred Rivears, Maggie Hollen beck vs. Charles Hollenbeck, Lillian Doty vs. H. E. Doty, and Theresa Lebestre vs. Armond Lebastre. The evidence in each case showed willful abandonment

In the damage suit of John Wells, minor, by his guardian, against Henry Meister, for false arrest, the jury returned a verdict against the defendant for \$1

The amount sued for was \$2500.

Max Ruhle was placed on trial before Judge Cleland and a jury late yesterday afternoon on a charge of selling liquor without a license. The case will be concluded foday.

James Lyons, colored, was tried and convicted in the State Circuit Court yes-terday of having cut Leslie Travers, a negro, with a knife because of a gambling row. The affair happened several weeks ego in a Whitechapel resort. The jury recommended Lyons to the mercy of the Deputy District Attorney John

Manning conducted the case
A decision will be announced this morning in joint session in the case of J. T trustee, vs. the City of Portland on the demurrer to the complaint.

The will of Herman Bories, deceased

was filed in the County Clerk's office yes terday. The estate is valued at about \$25,-Isaac E. Bories, a son of the testator, two lots in Bartsch's Park, which the deceased held in trust for his son; to the children, Emil, Alfred, Isaac E. and Leon Bories and Ida Frauenthal, & each; to Rosa Bor les, the wife, the resi and residue of the estate, to be equally distributed among the children at her death. She is named as executrix without bonds.

D. Appleton & Company's

NEW BOOKS.

The PrivateLife of the Sultan By GEORGES DORYS, son of the late Prince of Sames. Translated by Arthur Hornblow. Uniform with Private Life of King Edward VII." Illustrated. 12mo. Cloth, \$1.20 net; postage, 10 cents additional.

This remarkable and timely book is written by Georges Dorys, son of the late Prince of Samos, a former Minister of the Sultan, and Governor of Crete. The author has left the domain of the Sultan of Turkey, and is now a resident of Paris. He has been recently condemned to death by the Sultan on Account of this book and will an on Account of this book and will tan on account of this book, and will be 'executed should he return to Constantinople.

Shacklett

A Story of American Politics. WALTER BARR, 12mo, Cloth, \$1.50. Mr. Barr has written a novel of politics in the West which shows the richness of a field comparatively undeveloped. The evolution of his central figure, who passes through various stages as clerk lobbyist, legislator, and Governor, is sketched with a graphic realism which is absolutely convincing.

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This charming romance is in the veln the author developed so happily in "The Jessamy Bride," and it is in many re-spects a more mature and important work. The story is exceedingly happy in its delicate reproduction of eigh-teenth-century atmosphere.

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DAILY METEOROLOGICAL REPORT.

PORTLAND, Oct. 4. - 8 P. M. - Maximum temperature, 63; minimum temperature, 62; river reading at 11 A. M., 1.9 feet; change in the past 24 hours, -0.9 foot; total precipita-tion, 5 P. M. to 5 P. M., 0.00; total precipitaion since Sept. 1, 1901, 3.57 inches precipitation since Sept. 1, 1961, 2.15 inches; excess, 1.42 inches; total sunshine Oct. 3, 0:00; ine Oct. 3, 11:38. PACIFIC COAST WEATHER.

Wind. STATIONS. 20 70,0,000 0,8 Cloud 52 ** ', W Cloud 040,000 0; W Cloud 080,000 * W Cloud 000,000 * NW Cloud 70,0,00 * SW Cloud Walla Walla

*Light. **Trace. WEATHER CONDITIONS Although the weather is cloudy and threa-ming in California, Nevada, Oregon an

n these states during the last 12 hours.

The changes in temperature since yesterday have been slight, and the weather is season able at most stations. The indications are for generally fair weather in this district Saturday, except in Southern Oregon and Southern Idaho, where showers are probable WEATHER FORECASTS

Washington, no rain of consequence hus fallen.

Forecasts made at Portland for the 28 hours ending at midnight Saturday, October 5: Portland and vicinity—Generally fair, south-west to northwest winds. Oregon—Fair in north, showers in south por-

ion; southwest to northwest winds.
Washington and Northern Idaho-Fair, with
finds mostly northerly. Southern Idaho - Showers; variable winds mostly westerly EDWARD A. BEALS, Forestast Official

AMESENGATS.

Marquam Grand Theater—Calvin Heilig, Mge.
Friday and Saturday sights, Oct. 4 and 5,
with Matines Saturday at 2.15 o'clock, Mr.
Melville Stoltz presents THOMAS Q. SELBROOKE, in "A MODERN CRUSOF.
Evening prices—Lower floor, except last 3
rows, \$1.50; last 3 rows, \$1. Balcony, first 3
rows, \$1.50; last 3 rows, \$2. Balcony, first 3
rows, \$1.50; last 6 rows, 30c.
Gallery, first 2 rows, 35c; last 6 rows, 30c.
Gallery, first 2 rows, 35c; all cents in rear of
first 2 rows, 25c. House and loges, \$1.5
Maifines prices—Enline paxquette, \$1. Enline
parquette circle, 75c. Balcony, first 6 rows,
50c; last 6 rows, 25c. Boxes and loges, \$7.50;
Advance sale now open. Phone Main 808.

MARQUAM GRAND THEATER-CALVIN HEILIG, Manager.

Monday, Tussday and Wednesday nights, Oct. 7, 8, 9,
The Gigantic English Success, "SPORTING LIFE."
"SPORTING LIFE." "SPORTING LIFE."
"SPORTING LIFE."
"Prices-Entire lower floor, \$1. Balcony, first 6 rows, 15c; last 6 rows, 50c. Gallery, first 2 rows, 15c; all rows in rear of first 2, 25c, Boxes and loges, \$7.50.
Seats on role. Phone Main 868.

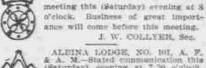
CORDRAY'S THEATER-ONE WEEK, COMMENCING SUNDAY,
SEPTEMBER 25.
MATINEE SATURDAY.
"A FEMALE DRUMMER,"
"A FEMALE DRUMMER,"
"A FEMALE DRUMMER,"
"A FEMALE DRUMMER,"

CORDRAY'S THEATER. FREE TOY MATINES SATURDAY, THE TIVOLI OPERA COMPANY THE TIVOLI OPERA COMPANY AND FERRIS HARTMAN. AND FERRIS HARTMAN AND FERRIS HARTMAN AND FERRIS HARTMAN

Sunday, Monday, Tuesday and Saturday Mat-lace, "THE TOY MAKER," Wednesday and Thursday, "WEDDING DAY," Friday and Saturday nights, "THE BABES IN THE WOOD." FREDERICKSBURG MUSIC HALL— SEVENTH AND ALDER STREETS

REOPENED. REOPENED., HENELLA, London's Greatest Toe Dancer, PEARL WARD, a Coming Favorite. THE TWO LA MONTS, the World's Great Society Actists. HATTIE WARD, Portland's Favorite. STANLEY AND SCANLON, Comedy Musical Artists. ALLISON, World's Champion Bag Puncher. Richard & Fox, of The Police Gazette. offers 55000 to produce his equal.

MEETING NOTICES.



ALBINA LODGE, NO. 101, A. F. & A. M.—Stated communication this (Saturday) evening at 7.30 o'clock. By order W. M.
A. J. HANDLAN, Sec. DIED. DUNCAN-In this city, Oct. 4, 1961, at St., Vincent's Hospital, Mrs. Emma Duncan, aged 40 years. Funeral notice later.

M. E. B. A., NO. 41.-Regular

J. W. COLLYER, Sec.

DUESENBERY-Infant daughter of Mr. and Mrs. Duesenberg, 287 Baker st.

PUNERAL NOTICES. BARR—The funeral services of Grace S. Barr, who died at Los Angeles, Cal., June 17, 1901, will be held at Finley, Kimball & Co.'s chapel, cor. Third and fefferson six, today at 19:30 A. M. Friends invited. Interment at Riverview cometery. Services at grave private.

private.

GUNDEL.—The funeral services of Elian J.

Gundel, widow of the late Andrew Gundel,
will be held at the residence of her sister,
Mrs. J. Rabyor, 754 Lovajoy st., Sunday,
Oct. 6, 1901, at 11 A. M. Friends invited.

Interment at Greenwood cemetery.

EDWARD HOLMAN, Undertaker, 4th and Yambill sts. Rena Stinson, lady assistant, Both phones No. 507. Finley, Kimball & Co., Undertakers.

Lady assistant. 275 Third at. Tel. 0.

NEW TODAY. WELLINGTON COAL Cargo just received. Price \$8 ton. Pacific loast Co., Wholesale and Retail Com Deal-rs, 249 Washington st.

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