DECISION NOT FAR OFF

PRIMARY LAW WILL COME UP OCTOBER 31.

Three Verdicts Reached Yesterday, One of Them Involving Sales of Land for Taxes.

SALEM, Oct. 14.—The Supreme Court has advanced the primary election law case and set it for trial on October 31. This was done by stipulation of the parties. Three decisions were rendered by the Supreme Court today, the most important being a tax sale case from Multnomah County. The principal rules of law laid down in the decisions are:

That where a property-owner's land is assessed in a lump sum, and land not owned by him is included in the description, the assessment is wholly void, and a sale of such property for taxes is illegal.

That it is the duty of a traveler on the public road to look and listen for a train before he crosses a railroad track, and whether he has been negligent in the extent of his care in this respect is a question for the jury.

That it is proper for a material man to sue a Government contractor in the name of the United States upon his bond given to secure fulfillment of his contract.

That it is improper for a witness to give his opinion of the amount of damages suffered by a failure to fulfill a contract.

The first opinion is, in brief, as follows:

The Title Guarantee & Trust Company, appellant, vs. Caleb A. Aylsworth, respondent, from Multnomah County, J. B. Cleland, Judge, reversed. Opinion by Justice Wolverton.

This was a suit to remove a cloud from a title to land. The plaintiff was the owner of a tract of land containing 41 acres, and this was assessed, together with 10 acres of another tract owned by other persons. The whole tract of 51 acres was sold for taxes, and was purchased by defendant, to whom a certificate of sale was issued. Plaintiff then brought this suit, alleging the illegal assessment of its property with that owned by others, and, further, that prior to the sale it filed with the County Court a statement of the facts in the case, and tendered a stated sum in payment of the taxes due upon its property, which tender the County Court acted upon favorably after the sale had been made, and thereby the taxes were paid in full. To this the defendant interposed a defense by plea in abatement. He alleged that plaintiff owned 41-51 of the land, and, before having the relief demanded, should be required to repay this proportion of the purchase price to the defendant, together with the statutory 20 per cent penalty. The plaintiff demurred to this defense, but the court overruled the demurrer and dismissed plaintiff's suit. The plaintiff appealed to the Supreme Court where a reversal has been secured, together with a decree that the demurrer be sustained, and the case sent back to the Circuit Court for such further proceedings as may be proper.

The only objection to the legality of the assessment that is considered by the Supreme Court is "that the land, together with other realty, not the property of plaintiff, is embraced in one description, and all assessed at a lump sum." It was sought to obviate this objection by showing that the property was assessed as acreage lands, and of equal value per acre, by reason whereof the defendant argued that it was competent for the court to abate all but 41-51 of the taxes, and require the payment of the balance, with penalty. Upon this the opinion says:

"That the assessment was not made in obedience to statutory requirement there can be no question, and it is not contended that it was. But it us urged that the defect may be characterized as an irregularity merely . . . and does not affect the assessment fundamentally . . . A person so assessed by a lump sum with land of his own and others, by a common description, has no means of knowing what part of the burden he should bear, and consequently is afforded no opportunity of discharging his property from the lien imposed and protecting his title, except by payment of a demand, an undefined and undefinable portion of which is neither in equity nor in law a proper charge against him. The statute requires that the Assessor, in making up the roll, shall put down in separate columns: (1) The names of taxable persons in the county; (2) a description of each tract or parcel of land to be taxed; (3) the number of acres and parts of an acre, as near as the same can be ascertained, unless divided into blocks and lots; and (4) the full cash value of each parcel of land taxed. (Hill's Laws, section 2770.) And where the lands of another in any considerable proportion are included, and the whole are valued in a lump sum, the individual sought to be charged is in reality not assessed at all, because no value has been placed upon the land and extended upon the roll, and he cannot contribute his proper share of the public revenue, as he has not been advised by the roll touching the amount required of him. Such an attempted assessment is an absolute nullity. . . . The Assessor is the only officer vested with authority to fix and place values upon the roll, and these cannot be changed, except by the Board of Equalization. No other tribunal, not even a court of equity, has any authority in the premises."

It is held that no penalty can be awarded to defendant, under section 2823 of the code, because the assessment is a nullity, and for the same reason it cannot be required that plaintiff tender payment of the taxes equitably due from him.

J. J. Hecker, respondent, vs. The Oregon Railroad & Navigation Company, appellant, from Wasco County; W. L. Bradshaw, Judge; affirmed; opinion by Chief Justice Bean.

Plaintiff recovered a judgment against defendant for injuries sustained while crossing the O. R. & N. track in a wagon, while driving along the public highway. It appears that before crossing the track the plaintiff slowed down his team, so that the noise of the wagon did not interfere with his hearing, and looked in both directions for a coming train. Not seeing a train, he drove upon the track, and was struck by a train consisting of an engine and caboose, running backward at the rate of 40 to 50 miles an hour, without ringing a bell. On the appeal to the Supreme Court, the defendant raised objections to various rulings of the Circuit Court, all of which are held not to be error: The principal points of law laid down in the opinion are as follows:

"The law requires a traveler about to cross a railway track to look and listen for an approaching train, and a failure in that respect, without reasonable excuse, is considered negligence as a matter of law. . . . Although it is negligence for a traveler not to look and listen for approaching trains before attempting to cross a railway track, the law does not undertake to determine whether he shall do so at any particular place or given distance from the crossing. It is only required that he shall look and listen at the time and place necessary in the exercise of ordinary care, and this is generally a question for the jury, under all the circumstances of the particular case."

United States of America, appellant, vs. John McCann, James Bulger, Augustus C. Fisher and John Fox, respondents, from Clatsop County; T. A. McBride, Judge; reversed; opinion by Chief Justice Bean.

This suit was brought for the benefit of the Clatsop Mill Company to recover upon a bond given by the defendants in favor of the United States. McCann and Bulger had a contract to furnish materials and labor for buildings at the buoy station, near Astoria, and Fisher and Fox were sureties on their bond. The United States statutes require that Government contractors must give a bond providing, among other things that the contractors will promptly pay for all labor and materials, and upon their failure to do so, persons furnishing labor and materials may sue upon the bond in the name of the Government.

The defense of the contractors in this case was that the mill company had failed to deliver lumber at the times agreed, nor in the manner agreed, by which failure the contractors suffered damages exceeding the demand of plaintiff. It was also contended that the suit could not be maintained in the name of the United States alone.

The Supreme Court holds that the suit was properly brought in the name of the United States, but reverses the case because one of the contractors, McCann, was permitted to give his opinion of the amount of the damage sustained. The opinion says: "It is an elementary rule of evidence that, except in cases where expert opinions or testimony is competent, a witness must state facts, and not draw conclusions from them or give opinions. In actions of this character, therefore, while a witness may state the facts upon which the damage is predicated, he cannot give his opinion concerning the amount of damages resulting from any given act, because it is the exclusive province of the jury to assess damages, under the rules of law declared by the court."

Supreme Court Orders.

Waller, Murray, Stitt and Venable, respondents, vs. Police Commissioners of Portland, appellants; respondents allowed until November 15 to file briefs and additional abstracts, which may be printed under one cover.

William M. Ladd et al., appellants, vs. Hanley H. Holmes, clerk, respondent; ordered that this cause be advanced out of its order and set for hearing October 31, 1901, at 12 M.

United States Mortgage & Trust Company, respondent, vs. P. A. Marquam et al., appellants, on order for confirmation; motion to dismiss overruled.

Oregon & California Railroad Company, respondents, vs. Jackson County et al., appellants; motion to correct decree overruled.

F. P. Morgan, permanently admitted to practice in the courts of this state as an attorney.

Eight New Lawyers.

The eight candidates for admission to the bar, who took the examination before the Supreme Court last Tuesday, successfully stood the test of their knowledge of law, and were formally admitted today. They are: H. H. Ware, D. A. Elkins, J. C. Uglow, M. Van aVlkenburg, E. L. C. Farrin, A. H. King, Carl Haberlach, Charles A. Lucas.

CIRCUIT COURT AT UNION.

Adjournment Until October 17—Two More Cases of Cattle-Stealing.

UNION, Or., Oct. 14.—Owing to illness in Judge Ellis' family, the Circuit Court of the Eighth Judicial District adjourned Saturday evening until October 17, in order that Judge Eakin could relieve Judge Ellis, of the Sixth Judicial District, during his enforced absence. The fact that the greater part of the criminal cases in Union County have been disposed of and the majority of civil cases are not ready for trial permitted Judge Eakin's absence. Conviction has resulted in all criminal cases tried. P. H. Murray and Luther Smith pleaded guilty of larceny of horses and were sentenced to the state penitentiary for one and three years, respectively.

Two other cases of great importance to the stockraisers of this and adjoining counties, were those against Tom Haynes and R. W. Deal for larceny of horses; Haynes, although a young man, is the leader of an organized gang of horse and cattle thieves, who have been stealing and running stock into Idaho and Montana and there disposing of them. Deal has rather an unenviable reputation as a stock rustler, having been arrested and tried on that charge on several occasions, but conviction was never had until this time. In both cases the prisoners were represented by able counsel, and conviction was chiefly due to the able manner in which the prosecution was conducted by Samuel White, District Attorney.

ON THE FOOTBALL GRIDIRON.

Multnomah Clubmen and College Students Will Play.

FOREST GROVE, Or., Oct. 14.—Arrangements were finished this morning with the Multnomah Club whereby the clubmen will meet the 'varsity eleven on the campus gridiron next Wednesday, October 16. This contest marks the city team's debut on the field this season, and a hard, fast game is expected. The 'varsity will probably present the same lineup as that which faced the Indians last Saturday. Wednesday is Founders' day in the University, and in addition to an elaborate programme, in charge of the senior class, addresses will be made in the morning by H. W. Scott and others, on the general subject of the University in the early days. The holiday is the annual feature in student affairs, and much enthusiasm and class rivalry is displayed. The football game will be called at 1:30 o'clock.

New College Paper.

Volume 1, Number 1, of the Weekly Index, made its appearance today. The publication is to take the place of the old monthly publication, which was deemed to have reached the limit of its usefulness, and the change meets the approval of the students. The paper is conceded on all sides to be fully up to the standard of the U. of O. Weekly of 1900-1901. W. A. Dimick, '02, is editor-in-chief, and is assisted by an able corps of student-editors.

ROGERS WILL NOT COME.

Engagements Previously Made Prevent His Going to Portland.

SALEM, Oct. 14.—Governor Geer recently sent Governor Rogers, of Washington, an invitation to attend the Portland Carnival October 16, the day set apart as "Tacoma and Seattle day." The following reply was received today by Governor Geer:

I have your kind invitation of October 10, to attend the Carnival now being held in Portland, on next Wednesday, the 16th inst., which you tell me has been set apart as Tacoma and Seattle day.

In reply allow me to thank you for your cordial invitation, which I assure you I appreciate. I think, however, that I shall be obliged to decline, because of the number of previous engagements. To be in Portland on Wednesday I should be obliged to leave here at noon on Tuesday, and could not return until the afternoon of Thursday, thus occupying the better part of three days on a trip which no doubt would be a pleasant one. And yet, with the almost numberless demands upon my time, I feel that I shall be unable to attend.

With the kindest regards to yourself personally, and to the Carnival committee, I remain, Yours very truly,

J. R. ROGERS.

Oregon Mining Stock Exchange.

Yesterday's quotations on the Oregon Mining Stock Exchange were:

	Bid.	Asked.
Adams Mountain	1¼	2¾
Astoria-Melbourne (guaranteed)	...	26
Buffalo	1¼	2½
Copperopolis	9¼	11
Champion	25	50
Caribou	1⅞	2¼
Gold Hill & Bohemia	8	10¼
Goldstone Consolidated	1	2
Huronian	5	6
Izabella	...	1
Lost Horse	5½	7
Oregon-Colorado M. M. & D.	24	25½
Oregon Ex. & Dev. Co.	005	3½
Riverside	4¼	5
SALES.		
Caribou, 500 shares at		2
Copperopolis, 1000 shares at		10

SPOKANE, Oct. 14.—The closing quotations of mining stocks today were:

	Bid.	Ask.		Bid.	Ask.
Amer. Boy	9	9¾	Morrison	1¾	2½
Blacktail	9½	9¾	Prin. Maud	1¾	2½
Butte & Bos.	½	1½	Quilp	20½	23¾
Crystal	10	11	Ramb. Car	50	51¾
Conjecture	¾	2	Republic	1¾	2½
Deer Trail	2¾	2¾	Reservation	5¾	6
Gold Ledge	1	1½	Ross. Giant	2¾	3¾
L. P. Surp.	3¾	4½	Sullivan	9½	10
L. Dreyfus	2¼	4	Tom Thumb	13	13½
Mtn. Lion	23¾	25¾	Wonderful	1¾	2½
Morn. Glory	2¼	3	Winnipeg	7¼	8½

SAN FRANCISCO, Oct. 14.—Official closing quotations of mining stocks today were:

Alta	$0 02	Mexican	$0 16
Andes	4	Occidental Con	4
Belcher	7	Ophir	71
Best & Belcher	14	Overman	3
Caledonia	28	Potosi	6
Challenge Con	11	Savage	11
Chollar	5	Seg. Belcher	2
Confidence	69	Sierra Nevada	13
Con. Cal. & Va.	1 65	Silver Hill	28
Crown Point	6	Standard	3 80
Gould & Curry	4	Union Con	14
Hale & Norcross	15	Utah Con	2
Justice	2	Yellow Jacket	5

NEW YORK, Oct. 14.—Mining stocks today closed as follows:

Adams Con	$0 15	Little Chief	$0 11
Alice	40	Ontario	10 50
Breece	1 40	Ophir	69
Brunswick Con	7	Phoenix	6
Comstock Tunnel	6	Potosi	4
Con. Cal. & Va.	1 00	Savage	3
Deadwood Terra	50	Sierra Nevada	12
Horn Silver	1 85	Small Hopes	40
Iron Silver	60	Standard	3 75
Leadville Con	5		

BOSTON, Oct. 14.—Closing quotations:

Adventure	$ 25 00	Osceola	$102 00
Bing. Min. Co.	31 00	Parrott	40 00
Amal. Copper	88 75	Quincy	160 00
Atlantic	39 50	Santa Fe Cop.	4 50
Cal. & Hecla	680 00	Tamarack	295 00
Centennial	21 00	Utah Mining	24 00
Franklin	17 50	Wolverines	61 00
Humboldt	10 00		

Old Race Track.

WALLA WALLA, Oct. 14.—For many years races were held on a mile track east of the city; county fair were also held on the same grounds. Of late years neither races nor fairs have been held there, but the track has been kept up by farmers and others, and it has been used as a training ground for young horses. Since the last successful Fruit Fair an effort is being made to revive the old annual "agricultural hoss trot," the idea being to combine it with the Fruit Fair. One proposal is to have the county buy and maintain the race track and fair grounds. In view of the necessity of increasing the tax levy to meet the other expenses of the county, it is hardly probable the County Commissioners would make the purchase even if they legally could do so. Experience has taught managers of fair in Walla Walla that unless it is possible to have the fair open and easily accessible at night it will not pay.

Salmon in Siletz River.

ASTORIA, Or., Oct. 14.—The gasoline schooner Anita arrived this morning from the Siletz River with 1400 cases of salmon from the Kiernan cannery. Captain Tahell, her master, reports that there is an unusually large run of fish this year in the Southern Oregon Coast rivers.

FARMERS ARE SELLING

LARGE QUANTITIES OF WHEAT GO FOR FORTY CENTS.

The Total Amount of Sales in Whitman County Yesterday Was Probably 1,000,000 Bushels.

COLFAX, Wash., Oct. 14. — Wheat reached 40 cents at a late hour this evening, and heavy sales were made. It is impossible to get the full amount of wheat sold, but it will probably reach 250,000 bushels. Aaron Kuhn bought 130,000 bushels in small lots. This wheat had been left in his hands to sell when the price reached 40 cents. If the price holds tomorrow fully 75 per cent of the crop will be sold. Heavy sales are reported from all parts of the Palouse country. In fact, the sales made here this evening were of wheat stored in warehouses in various parts of the country. The total for Whitman County will probably reach 1,000,000 bushels, making the heaviest day's business in many years. All the sales were made after 5 o'clock, when the buyers began offering 40 cents.

ON HIS OWN HOOK.

Assessor of Clackamas County Engages Two Deputies.

OREGON CITY, Oct. 14.—County Assessor Eli Williams this morning added two deputies to his office force and his action has created much comment in political circles. Last September the Board of County Commissioners passed an order cutting off two deputies from the Assessor's office, one deputy from the Clerk's and one from the Sheriff's office. The order went into effect the first day of October and was complied with by the Assessor. The Clerk and Sheriff did not discharge their additional deputies until the Commissioners refused to allow their bills for more than one deputy for the first three days of October. Today the Assessor reinstated his deputies without authorization of the board, and believes they will be paid by the Commissioners. He said today that he is willing to take his chances. The board will meet in a few days and it is doubtful if they will sanction the action of the Assessor in view of their recent order and in the face of their refusal to allow additional help in the offices of the Sheriff and Clerk.

The military list of the 1901 assessment roll of Clackamas County has been completed, and contains 2367 names, an increase of about 1000 over last year.

The sale of property to which the county had acquired title from the delinquent tax roll of the year's 1892, 1893, 1894 and 1897 has been completed and shows the total amount received to be $4219 47, apportioned to the following years: 1897, $3016 50; 1894, $450 80; 1893, $405 42; 1892, $337 75.

YAKIMA TAX LEVY.

County Commissioners Fix It at 20 Mills.

NORTH YAKIMA, Wash., Oct. 14.—The County Commissioners have fixed the tax levy for state and county purposes at 20 mills. They estimate that the cost of county government for the year 1902 will be $80,401. The state requires of Yakima County $49,693 34. The total amount of taxes to be raised in Yakima County, not including the proceeds of levies for road district, special school and school bond interest purposes, is $110,693 34. Of the state taxes, $15,548 30 is for the state general fund, and $31,477 is for the state school fund. The levy of 20 mills is 2 mills in excess of last year's levy, the increase being due to the increase in the state taxes. The Commissioners will raise $3825 for interest on county bonds, $6888 for old county fund indebtedness, and a like amount for old road and bridge indebtedness. The prospect is that taxes in this county will be practically all paid, as they have been in recent years. So small is the delinquent tax list of the county to be printed this year that it will cost only about $75 for publication.

The quarterly statement of County Treasurer W. B. Dudley shows that the total receipts for the quarter amounted to $23,649 32. The disbursements were $42,558 46. Mr. Dudley reports cash on hand, October 1, 1901, as $27,591 74.

TAKEN TO THE DALLES.

Two Men Accused of Theft—Bound Over to the Grand Jury.

THE DALLES, Or., Oct. 14.—Detectives Snow and Kerrigan, of Portland, arrived here this afternoon, having in custody Fred Frye, who, with other confederates, is charged with stealing a quantity of samples, consisting of men's clothing, from a sample-room of the Cosmopolitan Hotel in this city about 10 days ago. The goods were the property of W. S. Maison, of San Francisco. At the time of the theft Sheriff Kelly, suspecting that the thieves had escaped to Portland, notified the police of that city, with the result that Gus Erickson and George Webber were captured, in whose possession were found pieces of the stolen property. Erickson and Webber were brought here last night and are now lodged with Frye in the County Jail. At their preliminary trial this afternoon they were bound over to await the action of the Grand Jury.

IN ANNUAL SESSION.

Rebekah State Assembly of Idaho—Large Attendance.

BOISE, Idaho, Oct. 14.—The Rebekah State Assembly of Idaho opened in annual session this morning. A large number of delegates are present, very nearly every lodge in the state being represented.

The report of President Minnie Otto was read. It shows the order to be in first-class shape, with all lodges stronger than they were a year ago. In her report she said:

"It has in many ways been a year upon which memory will love to dwell. It is with regret that I lay my bundle of sheaves at your feet; regret that poor health prevented me from doing more, so as to fully and completely merit your 'well done.' If I have made mistakes they have not been of the heart. I will lay down the work at the close of this season with the most kindly feeling toward every member in this jurisdiction, and will return to the ranks with the determination to fail not, falter not, in well-doing for the cause of Odd Fellowship."

Secretary Minnie Priest Dunton's report was also presented to the grand assembly. She said:

"We have cause for congratulation. Nine years ago our assembly entered upon its career of usefulness and helpfulness. Seven years ago our treasurer, Sister Mary Green, of Moscow, reported no money received during the year, none paid out, none in the treasury. Today our balance, over and above all expenses, is $2134 82, of which $1614 49 is in the general and $453 33 in the home fund.

"Few that are here this morning realize how this prosperity that has come to us has been brought about. It has come by continued effort, careful management, devotion to duty and labor unceasing on the part of the officers in whose keeping the affairs of this assembly have been placed."

There are 37 Rebekah lodges in the state, with a membership of 1022 sisters and 669 brothers.

HINT TO PORTLAND.

Business With Coos County May Be Increased.

COQUILLE, Or., Oct. 14.—There is a condition here that may carry with it a hint to the business men of Portland. In all the years preceding the recent strike at San Francisco the bulk of the business of Coos County was done with San Francisco. When the strike was declared and supplies could not be shipped from San Francisco, orders began to go into Portland. The payment of the bills for supplies are now falling due, and one of our local banks reports that it has sold more exchange on Portland in the last three weeks than it had in the eight months preceding the strike. The volume of the business of Coos County is small, but it will assist in swelling that of Portland if it can be prevented from again going to San Francisco.

SOLD LIQUOR TO MINORS.

Such Is the Offense Charged Against Two Woodburn Men.

SALEM, Or., Oct. 14.—Informations were filed today by District Attorney Hart, charging John Gow and Louis Durenberher, of Woodburn, with selling liquor to a minor.

Arthur and Bert Watters, of Stayton, have been arrested on a charge of robbing A. H. Smith, whom they beat over the head with a heavy stone.

County Judge Scott today committed to the custody of the Boys' and Girls' Aid Society the four minor daughters of William Sullivan, of Mill City.

John F. Cordray, proprietor of the new Grand Opera-House, scored a great success tonight with the Tivoli Company's comic opera, "The Toy Maker." The attendance tonight was probably the largest since the opening night nearly a year ago.

FOUR CASES OF SMALLPOX.

City Authorities Have Patients Under Surveillance.

CHEHALIS, Wash., Oct. 14.—Four cases of smallpox have developed at Chehalis within the past few days. The authorities took the matter in hand promptly and quarantined three houses. The disease was brought here from Ellensburg. There is no general alarm or disturbance of business, as nearly every one was vaccinated when the scare first came, two years ago. New cases that may develop will be promptly quarantined by the city authorities. Smallpox, in a mild form, was prevalent in several parts of the county for a long time after its first appearance in 1899, but there has been none in Chehalis for over a year until now, and no cases are known to exist in any other part of the county.

ACCIDENT TO A STAGE.

Horses Rolled Down a Precipice—Three Passengers Injured.

VANCOUVER, B. C., Oct. 14.—News has been received here of a serious accident to one of the stages of the famous Cariboo road. The stage was proceeding from Clinton to Ashcroft, making fast time. When rounding a steep precipice one of the horses plunged and fell. The other three horses also fell, and the stage was upset. The horses rolled over the precipice, taking with them the front wheels and the pole of the stage. The passengers all made a wild scramble for safety. All were shaken up and bruised. Three were seriously injured. The injured are: R. L. Reid, hurt internally; George A. Stewart Potts, leg bruised; D. A. McIntyre, face cut.

GANG OF THIEVES.

Committed Robberies in Several Towns—Stole From Postoffice.

CHEHALIS, Wash., Oct. 14.—A gang of thieves passed over the Chehalis-South Bend line, Saturday night, and made hauls in several of the mill towns. At Pe Ell they broke into a tailor shop and stole some goods. At McCormick, two miles west of Pe Ell, they took $17 worth of postage stamps from the postoffice, and secured about $4 in money. At Reynolds, a half mile west of McCormick, $115 in money and a small check were secured. The store of the Rock Creek mill, a half mile west of Reynolds, was visited, but no goods were missed.

FIRE AT CHEHALIS.

Property Suffered Damage to the Extent of $1500.

CHEHALIS, Wash., Oct. 14.—A fire, believed to be of incendiary origin, was started last night in the old marble works building, on Main street. The Sheane and Goethe buildings, which adjoin, were also burned. The loss is $1500, and there is some insurance on the Goethe and marble works buildings. When the fire alarm sounded a minstrel show in the Opera House was about to commence, and there was almost a stampede in the audience.

COURT WILL CONVENE.

Two Important Civil Suits Will Come Up in Columbia County.

ST. HELENS, Oct. 14.—Circuit Court will convene here tomorrow morning. The most important cases are the foreclosure suits against the Goble & Nehalem Railway, and a suit to set aside a Sheriff's deed. This suit was instituted by the owner to clear up title. His patent for the land was not filed until the year 1897, in which year it was sold for taxes. The lands were reported by the United States Land Office at Oregon City as having been proven upon, and were assessed by the County Assessor in a regular manner. When the lands were sold the county bid them in, and in July last, under the new law for the sale of lands bid in by the county, the Sheriff sold this piece of land and made a deed according to this law.

The new United Evangelical Church, just completed at Warren, will be dedicated Sunday, October 20. The Rev. C. C. Poling, Ph. D., will officiate. The new edifice is a credit to the community, and adds much to the appearance of the town.

DATES OF TRIALS APPOINTED.

Circuit Court Is in Session in Marion County.

SALEM, Oct. 14.—Judge Bennett convened the regular October term of the Circuit Court of Marion County today. The following cases have been set for trial:

October 14, Tilmon Ford, executor, vs. M. A. Plamondon.

October 15, State vs. A. T. Zumwalt and Olivia Kitchen vs. W. H. Holmes.

October 16, E. J. Connell vs. G. W. Pearman, and State vs. A. Jette, William Lambert and A. Murphy.

October 17, State vs. Peter Adams and W. E. Mitchell vs. Oregon Women's Flax Fiber Association.

October 18, John Kline vs. Frank Evans, and Goodale Lumber Company vs. W. A. Shaw.

October 19, F. R. Anson vs. Salem Light & Traction Company.

SUIT FOR $10,000.

This Price Asked for Alienation of a Wife's Affections.

ALBANY, Oct. 14.—A sensational suit was begun in the Circuit Court of Linn County, at this city today, in which A. W. Blackburn is plaintiff and G. L. Rees is defendant. The plaintiff is a son of Attorney-General Blackburn, of Salem, and is a clerk in his office. The defendant is a former member of the State Board of Agriculture, and last year was a candidate for Representative on the Republican ticket in this county. The plaintiff charges the defendant with alienating the affections of his wife, resulting in separation and divorce, and asks for $10,000 damages. It is said the case will be warmly defended.

DESPERADO CAUGHT.

Charged With Many Crimes of Robbery at Puget Sound.

EVERETT, Wash., Oct. 14.—Harry Ferguson, known far and wide as "Puget Sound Pirate," was captured yesterday by Sheriff Zimmerman's deputies, in his lair on Whidby Island. He had a companion named Turpin. Ferguson one year ago successfully stood off the Sheriff's forces, drove them back to a tug and narrowly missed killing an officer. He was wanted for numerous thefts committed in this locality. He always employed a naphtha launch, which was captured with him. A quantity of firearms was also seized.

NORTHWEST DEAD.

J. M. Wallace.

SALEM, Oct. 14.—J. M. Wallace, president of the Salem Water Company, died at his home at "The Willows," in Polk County, today. Deceased was born in Fairview, Guernsey County, O., December 6, 1828. In early manhood he went to New York City, and was engaged in the seed commission business in that city and in Brooklyn, Philadelphia and Chicago. In 1883 he moved to Greeley, Colo., where he engaged in banking. In 1891 he came to Salem to take charge of the affairs of his brother, R. S. Wallace, now deceased, who was then proprietor of the Salem Water Works and of the famous Wallace orchard, in Polk County.

During his 10 years' residence in Salem, Mr. Wallace had proved himself a public-spirited man, conservative in business and successful in his undertakings. He was a prominent member and supporter of the Presbyterian Church, and was identified with various charitable enterprises. Sixteen months ago he suffered a stroke of apoplexy, from which he had not fully recovered. His death today was the result of a severe stroke of the same malady.

Mr. Wallace left only one immediate relative, his daughter, Mrs. Charles A. Park, of this city. A brother, the Rev. H. F. Wallace, resides at Ireton, Ia. The Rev. Mac Wallace, of Eugene, and J. M. Kyle, of Salem, are nephews of the deceased.

Dr. B. H. Bradshaw.

SALEM, Or., Oct. 14.—Dr. B. H. Bradshaw, of this city, died at the Florence Sanitarium today of blood poisoning. Deceased was born in Barnesville, O., September 27, 1834. At the outbreak of the Civil War, he enlisted as a private in the Forty-sixth Illinois Volunteers, and was appointed a surgeon. Since the war he has followed the practice of his profession. He came to Oregon in 1890, where he has since resided. His wife died four years ago. He leaves a son, George T. Bradshaw, a mail clerk on the Southern Pacific, between Salem and Ashland, and a daughter, Miss Carrie Bradshaw, a school teacher.

Dr. Bradshaw was a consistent member of the Methodist Episcopal Church, and was highly regarded by his wide circle of acquaintances. He was a member of the G. A. R. and of the Masonic fraternity.

Philip Mullen.

ASHLAND, Or., Oct. 14.—Philip Mullen, one of the best-known miners, prospectors and assayers of Southern Oregon and Northern California, died suddenly at his mine, near Cole Station, at the boundary line, this morning, aged 62 years. For more than 25 years he had been engaged in the exploration and development of the mineral resources of Southern Oregon. His explorations extended over a wide area, and many valuable quartz and placer discoveries in this section can be traced to him. His remains will be brought here for burial Wednesday.

Crushed Beneath a Wagon.

THE DALLES, Or., Oct. 14.—Wenceslaus Paschek, a well-known and highly respected farmer of this neighborhood, was killed today, about 12 miles from this city, in a runaway accident. Mr. Paschek was driving his four-horse team towards Dufur. The horses took fright at a passing pack train and became unmanageable. The unfortunate man was thrown from the driver's seat under the wagon, and dragged about a quarter of a mile. His body was crushed shockingly. Mr. Paschek left a wife and seven children.

Mrs. Ellen Samson.

OREGON CITY, Oct. 14.—The burial of Mrs. Ellen Samson, who died Saturday night at Needy, will take place at 11 o'clock tomorrow morning at Rock Creek cemetery. Mrs. Samson was one of the best-known settlers in Clackamas County, and came to Oregon in 1852. Her maiden name was Ellen Boyle, and she was a native of Pennsylvania. Of her 11 children, six are living. She was the mother of ex-Sheriff W. H. H. Samson, of this county.

Thomas A. Farley.

SALEM, Oct. 14.—Thomas A. Farley, a life-long resident of Polk County, died in this city last night of typhoid fever, at the age of 40 years. He was formerly a farmer in the vicinity of Dallas and Independence, but had been following the occupation of a timber cruiser in recent years. He left a wife and two young children. The funeral will be conducted tomorrow at Dallas.

Mrs. G. W. Miller.

EUGENE, Or., Oct. 14.—Mrs. G. W. Miller, one of the respected pioneer women of this county, died Sunday, at the home of her daughter, Mrs. J. W. Cherry. She was 71 years of age, and had resided in Oregon since 1853. Funeral services will be held tomorrow, and remains will be buried in Odd Fellows cemetery.

Mrs. A. T. Twing.

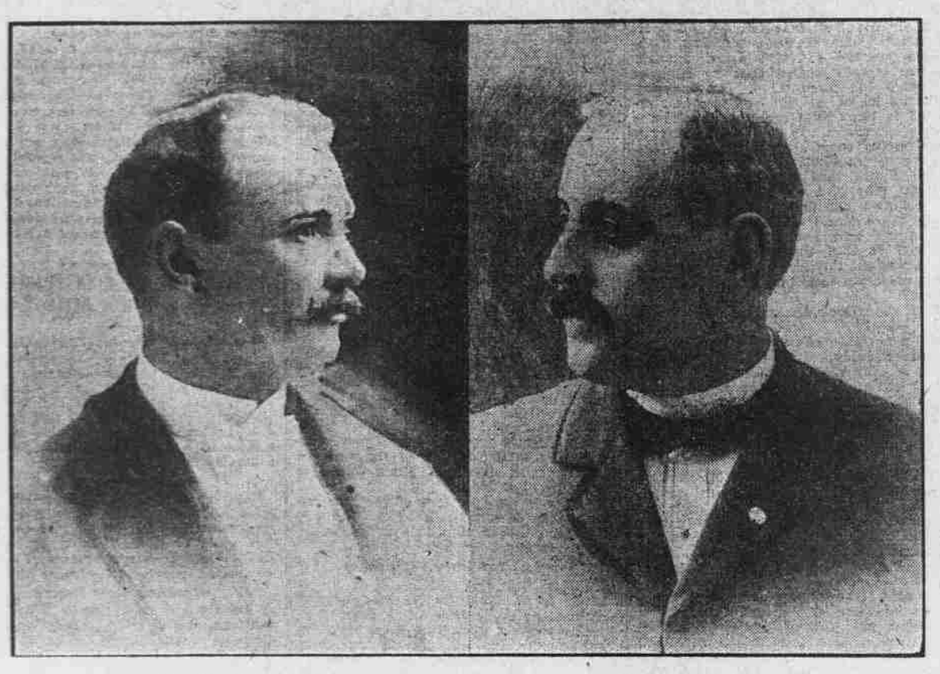
SAN FRANCISCO, Oct. 14.—Mrs. A. T. Twing, of New York, honorary secretary of the Woman's Auxiliary, died at St. Luke's Hospital tonight. Pneumonia was the cause of death. Mrs. Twing was in attendance on the triennial convention of the Episcopal Church.

Robbed by Boys.

STAYTON, Or., Oct. 14.—Bert Watters, son of Postmaster Watters, of this city, and his cousin, Arthur Watters, held up A. H. Smith early Sunday morning and relieved him of $2 50.

Mr. Smith works in the electric light plant, and was on his way home when the assault was made. He was knocked down with a rock and terribly bruised. The boys had been drinking. A warrant has been issued for their arrest.

ONE OF THESE MEN WILL SOON GET A CHOICE FEDERAL PLUM.



Charles B. Hopkins. Clarence W. Ide.

TACOMA, Oct. 14.—Senator Foster will make an effort to have the United States Marshalship tangle straightened out within the next few weeks. The Senator and Congressman Jones have indorsed Charles B. Hopkins, of Spokane, for the place, while Congressman Cushman, backed by the Wilson faction, is pulling hard for the retention of Marshal Clarence W. Ide. Attorney-General Knox has taken up Ide's side of the fight, and is urging his reappointment. Senator Foster and Congressman Jones have the support of a majority of the Republican State Central Committee, and of all of the four Presidential Electors for Washington. The lines have been sharply drawn between the Ankeny-Foster combine and its enemies over this appointment, and each side expects victory. The fact that President Roosevelt is favorable to the retention of good officials has raised the spirits of the Ide men, and dampened those of the Hopkins men. Ide's good record in office is conceded on every hand, but at the same time Hopkins' qualifications are not questioned. It is simply a political fight, in which Ide apparently has the best of it, by reason of President Roosevelt's attitude. The Hopkins supporters profess to believe, however, that the President will ultimately defer to the wishes of the state organization.

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Malt Breakfast Food

Produces Energy and Good Health.

A wholesome and pure food such as Malt Breakfast Food produces the highest and best energy of body and gives to the daily toiler a stronger intellect and more brilliant ideas. This marvelous "health food" consisting of choicest wheat and purest malt is scientifically predigested, therefore suited for the weakest as well as the strongest stomachs. No other food used on the breakfast table can afford such nourishment, vitality, and strength.

An observing man will find that a breakfast of Malt Breakfast Food fits him better for his morning's work than a meat breakfast.

ALL THE VIRTUES OF MALT.
ALL THE STRENGTH OF WHEAT.

No Other For Years.

"Our family use SOZODONT for the teeth, and have not used any other powder or liquid for years." 25c.

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TEETH & BREATH

By mail, 25c. and 75c. Hall & Ruckel, N. Y. City.

SORES AND ULCERS.

Sores and Ulcers never become chronic unless the blood is in poor condition—is sluggish, weak and unable to throw off the poisons that accumulate in it. The system must be relieved of the unhealthy matter through the sore, and great danger to life would follow should it heal before the blood has been made pure and healthy and all impurities eliminated from the system. S.S.S. begins the cure by first cleansing and invigorating the blood, building up the general health and removing from the system all morbid, effete matter. A CONSTANT DRAIN UPON THE SYSTEM. When this has been accomplished the discharge gradually ceases, and the sore or ulcer heals. It is the tendency of these old indolent sores to grow worse and worse, and eventually to destroy the bones. Local applications, while soothing and to some extent alleviate pain, cannot reach the seat of the trouble. S. S. S. does, and no matter how apparently hopeless your condition, even though your constitution has broken down, it will bring relief when nothing else can. It supplies the rich, pure blood necessary to heal the sore and nourish the debilitated, diseased body.

Mr. J. B. Talbert, Lock Box 242, Winona, Miss., says: "Six years ago my leg from the knee to the foot was one solid sore. Several physicians treated me and I made two trips to Hot Springs, but found no relief. I was induced to try S. S. S., and it made a complete cure. I have been a perfectly well man ever since."

SSS is the only purely vegetable blood purifier known—contains no poisonous minerals to ruin the digestion and add to, rather than relieve your sufferings. If your flesh does not heal readily when scratched, bruised or cut, your blood is in bad condition, and any ordinary sore is apt to become chronic.

Send for our free book and write our physicians about your case. We make no charge for this service.

THE SWIFT SPECIFIC CO., ATLANTA, GA.

Pure Blood

We wish you would ask your doctor what makes you so nervous, why you are so easily tired, and what makes your digestion so weak. See if he doesn't say, "Impure blood." He will probably speak about Ayer's Sarsaparilla, too.

"For two years I suffered greatly from dyspepsia and depression of spirits. I then tried Ayer's Sarsaparilla, and in one week I was a new man."

John McDonald, Philadelphia, Pa.

$1. All druggists. J. C. AYER CO., Lowell, Mass.

HERPICIDE

TO HAVE THICK, LUXURIANT HAIR

is the most longed-for desire of every woman. She knows what a powerful aid to beauty it is, and endeavors to make her own as soft, glossy and thick as possible. Comparatively few of them are aware as yet that Newbro's Herpicide, a recent scientific discovery, will enable them to possess hair as thick and luxuriant as anyone could desire.

It works on a new theory of destroying the germ that feeds upon the hair root, and thus making dandruff and falling hair impossible. It then proceeds to produce a growth of thick, glossy hair that soon becomes the pride of its owner.

One trial will convince you of its virtues.

FOR SALE AT ALL FIRST-CLASS DRUG STORES.