PANHANDLE IS LEGALLY JOINED TO BAKER.

Supreme Court Holds That Annexation Act of Last Legislature Accords With Constitution.

SALEM, Dec. 2.—Baker County today won out in the Supreme Court in the celebrated panhandle case. Judgment of the lower court was affirmed in an opinion rendered by Associate Justice Moore The annexation to Baker County of a strip of territory by legislative enactment at the 1901 session was declared legal. The case was hotly contested. District Attorney Samuel White and C. A. Johns appeared for Baker County, and T. H. Crawford, J. M. Carrell and C. E. Cochran argued for Union County.

The case was entitled Baker County, a municipal corporation, respondent, va. George W. Benson, County Clerk and exofficio Clerk of the Circuit Court of Union County, appellant; from Union County, W. R. Ellis, Judge; affirmed. Opinion by

This is a mandamus proceeding to com-pel the defendant, as County Clerk and ex-officio Clerk of the Circuit Court of Union County, to perform an act which it is alleged the law specially enjoins upon him. By legislative action, which took effect March 1, 1981, purporting to annex a part of Union County to the County of Baker, the Clerk of Union County was make out and deliver to the Clerk of Baker County certain transcripts and also to deliver certain original pa-pers on file in his office. An alternative writ, averring that the defendant refused and still refuses to discharge the duty so enjoined upon him, having been commanding him to perform the duty of show cause why he had not done so for return thereto he denied the materia averments contained therein, and alieged

the following separate defenses: First-That he was entitled to 10 cent per folio for making all transcripts: that the plaintiff refused to agree to payment of such fee and he refused to make out and deliver said transcript.

and deliver said transcript.

Second—That the territory to be annexed includes taxable property of the value of about \$150,000; that the taxes levied thereon by Union County for the year 1901 amounted to about \$12,000, and that the delinquent taxes due thereon are about \$1100, which constitutes a part of a fund out of which Union County must pay its current expenses and state taxes; and that the county cannot be deprived of it by the Legislative Assembly.

Third-That by the new assessment and taxation law state taxes for the succeeding five years are apportioned among the several counties on a pro rata based on the average for the past five years; that the County for state purposes is \$.0302, while that required of Baker County is only \$.0155; that in the attempt to annex said territory no provision was made for re-imbursing Union County for any part of said taxes, and that in the operation of the law Union County would be obliged to pay annually about \$3000 more than its pro rata share of state tax. This would e unequal and unjust taxation. Fourth-That boundary lines of the ter

ritory proposed to be annexed to Baker do not meet or intersect. This ren-Fifth-That the act proposing to change the boundaries of Union County is local and special, and, not having been submitted to the electors for their consideration, is in violation of the state constitution.

Sixth—That the change in boundaries would interfere and handleap Union County's representation in the State Legisia

ture as apportioned by the Legislative Assembly in 1899. A demurrer to each of the defenses, on the ground that the facts were not sufficlent to constitute a defense, having been sustained, defendant declined further to plead or answer, whereupon the court awarded a peremptory mandamus, from which the defendant appealed.

# Opinion of the Court.

Justice Moore's opinion is as follows: transcripts required without payment by Baker County. His counsel contends that the statute prescribes his salary, which is Snake River. Where the description in lieu of all fees or other compensation for his services (Laws Or. 1886, p. 77). except for furnishing to private persons copies of the records and files of his of-fice, for which he is entitled to charge them 10 cents a folio (Laws Or., 1901, p. 285); that Baker County is a private party within the meaning of said act, and is obliged to pay the fees prescribed for the performance of the duty enjoined; that not having done so upon a demand therefor, the court erred in issuing the peremptory writ.

Plaintiff's counsel maintain, however that the act requiring the defendant to presere and deliver the transcripts and papers did not provide for the payment of any fees, and that, therefore, the work required is a part of his official duty. The rule is well settled that the right of a public officer to compensation results from the constitution or statute, and unless fees or salary are so attached to his of-fice, he is entitled to none. When the compensation of a public officer is not lim-ited by the constitution, he takes his of-fice subject to such additional burdens as the Legislative Assembly may Impose, and must discharge the attached duties with out remuneration, unless the law provides for the payment thereof. The constitution makes no provision for the payment to a County Clerk of any compensation. His duties are subject to legislative control and the question arises, Has the stat-ute under consideration imposed upon him the burden of preparing the transcripts required without providing any fees there-for? The law is inflexible that a public officer can demand only such fees as the law has prescribed for the performance of his official duties. Jackson va. Siglin, 10 Or., 93; Pugh vs. Good, 12 Or., 85; Houser vs. Umatilla County, 30 Or., 466. The statute having provided for the payment of 10 cents per folio for copies of the rec-ords and flies in a County Clerk's office furnished to a private party, it remains to be seen, when viewed in the light of the rules announced, whether Baker County is such a party in respect to the Clerk of Union County. . . . In the case at bar, the defendant, as the Clerk of Union County, was not the agent of Baker County, and owed the latter no duties, except such as he was obliged to perform for private parties. The statute prescribed that he might charge such parties a fee of 10 cents per folio for copies of the records and

titled to recover from Baker County such sum therefor. The court denies the right of the defendant to demand from Baker County his fees in advance and says: "The authority to audit and allow cinims against a county is vested in the County Court, and, while the rate of compensation to which the defendant is entitled for the per-formance of his official duty is prescribed by law, the number of follos necessarily uired to complete the transcript cannot well be ascertained until the work has been completed. . . The compen-sation for the performance of the work is fixed, and the law imposes upon Baker County the obligation to pay the fees so prescribed; but such comrecovered until the work has been com-

files of his office. We think he is en-

#### its bill therefor, as a claim against the county, presented and filed." Not a Question at Issue.

pleted, the transcripts, etc., delivered, and

On the second defense the court holds that it is unnecessary to consider whether Union County has a vested right to the taxes which it has levied upon the propsume and pay to the former such a part special act to the electors interested for yesterday. The floor, with a of its indebtedness, existing when the act their determination by a majority vote rock, broke down with him.

UNION COUNTY HAS LOST took effect, less the cost of county buildings, furniture and natures, as the assensed value for the fiscal year of 1900, of the territory so annexed, bears to the total assessed value of all the property in Union County for that year. It must be assumed that the territory so annexed to Baker County had been benefited to the extent of the pro rata share of the Union County indebtedness, if any existed, and when the Legislative Assembly provided that this obligation should be discharged by Baker County, no rule of court could suggest a more equitable method of deter-mining the measure of compensation than

> "Whether the act annexing the territory in dispute to Buker County contravener the organic law of the state in respect to imposing upon Union County an un-equal part of the state taxes, it is also unnecessary to inquire, for this proceeding is not instituted to collect such tax and the rule is quite uniform that a couri will not, in a collateral proceeding, declare a statute unconstitutional. Stevens va

#### As to Boundary Lines.

In the fourth question, concerning the alleged uncertainty of the boundary lines of the annexed territory, the court quotes the boundary lines as described in the Legislative act, and says: "The southern boundary of Wallowa County from the source of the Minum River is in an easterly direction along the summit of the Powder River Mountains to a point about 2) miles due west from Snake River; thence due east to what is known as Limestone Point, on the east line of the State of Oregon. Hill's Ann. Laws Or., Sec. 252. From an examination of the map of the state, it would appear that the line of Baker County, as described in the act under consideration, in the call extending cast between townships five and six south, does not intersect, but runsouth of the summit of the Powder River Mountains, and it is contended by defend ant's counsel that this fact renders the act describing the territory in dispute void for uncertainty.

"In order to ascertain where the power lies to assess property and collect taxes therefrom; to determine the jurisdiction of courts over the subject-matter of civil and criminal actions, of probate matters, and to determine the right of a citizen to vote for county officers, the boundaries of a county ought to be reasonably certain. In describing a rule of evidence for constructing doubtful descriptions in a onveyance of real property, our statute contains the following provision: When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement either of lines, an with the measurement ettner of lines, angles or surfaces, the boundaries or monuments are paramount. Hill's Ann. Laws, Or., Sec. S5, Subd. 2. In Hale vs. Cottle, 21 Or. S80, it was held that the rule that monuments control courses and distance in construing descriptions of land is not an inflexible one; and if it appear from the face of a conveyance, in the light of surrounding circumstances, that the courses and distances as given correctly describe the land intended to be conveyed, they will, of course, prevail.
"It is possible that the line, commencing

at the point indicated and extending east between townships five and six south, would intersect the south boundary of Wallowa County, but if such is not the case, it would be extremely difficult to locate the line with any degree of certainty, for no point in the south boundary of said county having been indicated, to which the line from the center of the orth boundary of township 42 east, range south, was extended, it follows that as un from the center of said township as there are separate points on the south boundary of Wallowa County, the length of which is about 40 miles. Under these reumstances we cannot disregard the dicated. In Pratt vs. Woodward, 22 Cai, 219, it is held that the law will presume a straight line was intended in a description of land in a deed, when the call is simply from one monument to another; but when the call is from a monument to a creek, without naming a given point, the creek is not a monument in the sense of

that rule.
"In the case at bar, no point having bee: designated in the south boundary of Watextended, the summit of the Powder Rive Mountains, which constitutes said bound-ary, is not a monument and it must be dis-The first question to be considered is regarded, unless it should be discovered whether the defendant, as Clerk of Union terrects the south boundary of Wall County at any point from which the line necessarily follows and boundary to deed is true in part, but not in every par-ticular, so much of the description as a false is rejected, and the instrument will take effect if a sufficient description re-mains to ascertain its application, 1 Greeni, on Ev., Sec. 301. Applying the rule to Baker County, as indicated by the act under consideration, we think the Les islative Assembly intended the line to run on a due east course from the cent of the boundary of said township 42 eas to the Snake River, unless it intersecte the south boundary of Wallowa County by disregarding which the description

#### sufficiently certain. Pleblacite Not Required.

It is contended by defendant's cou sel that the act attempting to annex th disputed territory of Baker County is local and special law; that more than t registered electors reside in said territe who are interested in the question of a nexation, and that no provision have been made by the Legislative Assemb that the act should be submitted to the to be operative or not in accordance wi their vote, it contravenes section 21, ar

cle 1, of the constitution of the state.
"It is argued that the clause of the constitution that 'local and special laws may take effect or not upon the vote of the electors interested is a limitation of power and prohibits the Legislative Assembly from making the act annexing said ter-ritory to Baker County to take effect. except upon the authority of their votes,

in favor thereof." "In Maxwell vs. Tiliamook County, 19 Or., 455, Justice Lord, in defining the terms 'local' and 'special,' as applicable to and qualifying statutes, says: 'In gen-eral language, a local statute may be said to be one that is operative only withsaid to be one that is operative only with-in a portion of the state, and a special statute is one that is applicable to par-ticular individuals or things. According to this definition, the act attempting to annex a part of Union County to Baker County is evidently local and special, and to remains to be seen whether the conit remains to be seen whether the con-stitution of the state requires the act to be submitted to the electors interested before it could become operative. If the word 'may,' as used in section 21, article , of the organic law of the state, be construed as 'must,' making it obligatory upon the Legislative Assembly to submit all local and special laws to a vote of the electors interested, such a conclusion would necessarily render nugatory many acts of the Legislative Assembly that have been regarded as valid. "It will be conceded, we think, by disinterested persons, that such a construction of local and special statutes should be avoided, unless the constitution clearly and in unmistakable terms commands that such acts should be submitted to the electors interested for their approval before they become operative. The clause 'provided that laws locating the capital of the state, locating county scats and submitting town and corporate acts and other local and special laws, may take effect or not, upon a vote of the electors interested (constitution of Gregon, section 21, article 1), is in our opingon, section 21, article 1), is in our opin-ion neither a grant nor a limitation of power, but qualifies the preceding clause, and excerpts therefrom the particular acts enumerated in the qualifying clause,

which the Legislative Assembly, in its discretion, may submit to the electors interested for their approval or rejection. We do not think the constitution of this state makes it obligatory upon the Legislative Assembly in any instance, exerty situated in the territory purporting cept in the original selection or subse-to have been annexed to Baker County. quent relocation of the seat of govern-Section 7, of the act under consideration, ment (constitution of Oregon, sections 1 provides that the latter county shall as-sume and pay to the former such a part special act to the electors interested for

before such an act can become operative; but it may, in its discretion, so submit local and special laws, and when it does

so, the manner prescribed must be pur-sued before the act can become operative. "We do not wish to be understood as intimating that if the Legislative Assembly, in its discretion, had seen fit to submit the question of annexation of the disputed territory to Baker County, that the electors residing in the territory affected by the change were the only ones interested therein. The Legislative Assembly is vested with plenary power, and may divide counties at its pleasure, apportioning the common property and common burdens in such manner as to it may seem reason-able and equitable (Morrow County vs. Hendryx, 14 Or., 257; Templeton vs. Linn County, 22 Or., 313), provided no county shall be reduced to an area of less than 160 source wiles (Constitution of Oreson 400 square miles. (Constitution of Oregon, section 6, article 15)."

The Question of Representation. On the sixth defense offered by Union County, that of representation in the State Legislature, Justice Moore holds that the transferring of a part of one county in one Senatorial district to another coun-ty in a different Senatorial district does not constitute a change in those districts. "They are composed of the same counties as before. Counties, not territory or inhabitants, are the constituents of the

"No error having been committed by the court in sustaining the demurrer, it follows that the judgment is affirmed,"

#### NORTHWEST DEAD. Dr. H. V. V. Johnson, Pioneer of Mc-

Minnville. M'MINNVILLE, Or., Dec. 2.—Dr. H. V. V. Johnson, one of the oldest and best-known ploneer citizens of McMinnville. died at his home in this city this mornling. He had been confined to the house with paralysis for a number of years. Dr. Johnson was born at Dryden, N. Y., February 8, 1823. In his early boyhood he went to Ohio, where he attended Ken-yon College. On finishing his course he returned to his native state to pursue the study of medicine. He first practiced in Broad Ripple (new Indianapolis). Indiana. December 5, 1850, Mr. Johnson mar-ried Miss Mary Bushnell, of Granville, O. and in 1852 they crossed the plains to Oregon and settled at Stringtown (now Middleton), on the Willamette. Dr. Johnson homesteaded a tract of land, and resolved to become a farmer, but soon resumed the practice of his profession. In 1863 he moved to McMinnville, when that city comprised but a grist mill and two dwelling-houses. He was an influential man in politics. While a resident of Wash-ington County he was elected to the State Legislature on the Whig ticket, and served from 1855 to 1858. Dr. Johnson was a member of the Republican State Central Committee from Yamhill County during 1866-68. He was president of the National Republican State Convention of 1859, and a member of the State Convention of the Inion party in 1865 and 1868.

Dr. Johnson was one of the progressive,

enterprising citizens of McMinaville, and was influential in the erection of churches and public schools, alding such enterprises with magnificent gifts of land and money. He is survived by a wife and two daugh-ters, Mrs. Judge W. M. Ramsey, of Sa-lem, and Mrs. Frank Martin, of Scattle.

#### Charles McDonald.

ASTORIA, Or., Dec. 2.—Charles Mc-conald, ex-postmaster of Astoria, died this evening of consumption, aged about 29 years. He was a native of Canada, unmarried and had a sister in Seattle and a brother in San Francisco.

THE DALLES, Dec. 2.—Louis Sandoz, a well-known resident of the Mill Creek neighborhood, died this afternoon at his emption. He was a native of Switzerland.

#### ASYLUM STATISTICS.

Number of Patients Last Month Was

1232-Total Cost. \$6327 61. SALEM, Dec. 1.-The monthly meeting of the asylum board was held today. Super-intendent Calbreath's report for November shows 1232 patients at the institution of whom 866 are males. The total cost of running the asylum for the month was \$837 81. The number of deaths during the menth was 12. Eleven patients were discharged, and 29 were received. Grace Keeler, aged 18, of this city, and Effle Vanderpool, aged 28 years, of Mc-Minnville, were received at the Insane

Asylum, today Oregon Mining Stock Exchange

	Bid.	A
Adams Mountain	************* 41/2	
Astoria-Melbourne (		
Buffalo		
Champion		
Caribou		
Gold Hill & Bobernh	407	
Huronian	751	
Lost Horse	996	
Gregon-Colorado M.	M. & D 24 W	
Divernide	917	
Sumpter Consolidate	d 2%	
Bronze Monarch Sales:	12%	
2500 Adams Mountai	m	00
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mining stocks today		
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BAN FRANCISCO, Dec. 2.-Official closing ...\$0 04 Justice

04 Justice
1 Mexican
2 Cecidental Con
9 Ophir
2 Goverman
2 Potosi
11 Savage
4 Sierra Nevada
60 Silver Hill
160 Standard
11 Union Con NEW YORK, Dec. 2.-Mining stocks today .. \$0 14 Little Clitef .... Adams Con ... 45 Ontario 75 Ophir 13 Phoenix BOSTON, Dec. 2.-Closing quotation

Fied From Penitentiary.

WALLA WALLA, Dec. 2.—The peniten-tiary authorities are looking for Charles Webber, who was supposed to serve a six-year sentence for the crime of rob-bery. The man was released on parole Saturday, and at once left the country. He came here from Seattle in 1898.

Captain of Next Year's Eleven. FOREST GROVE, Or., Dec. 2.-The Parific University foobtall squad today inanimously chose John C. Bryant captain of next year's football eleven.

# Miner Killed.

WALLACE, Idaho, Dec. 2.-Daniel Dandron, a miner, was killed in Hunter mine esterday. The floor, with a big load of

# **NEW GOVERNMENT CHOSEN**

OREGON CITY HELD ANNUAL ELEC-TION OF OFFICERS.

Dimick Again Mayor-Contests at Salem, Albany, Eugene and Other Oregon Towns.

OREGON CITY, Dec. 2.—The city elec-tion passed off quietly today. The total vote was 588, which is 36 less than the vote of last year. Mayor Grant B. Dimick is re-elected by a majority of 255 over J. Eugene Hedges, who received 197 votes, or less than Dimick's majority. Fred J. Meyer is elected Treasurer by a majority of 51 over John R. Humphreys, who was booked by the wise ones to win. In the Third Ward, E. D. Kelly beat Jacob Cassell for Councilman by 55 majority, the former having received 128 votes, and the latter 84. William Sheahan was elected Councilman to the Second Ward without Councilman in the Second Ward without opposition. He received 181 votes of 234 E. F. Story was re-elected Councilman in the First Ward without oppo-siuon, with 114 votes out of 136.

sluon, with 114 votes out of 136.

The vote for Mayor was: First Ward—
Dimick, 151; Hedges, 35. Second ward—
Dimick, 144; Hedges, 29. Third Ward—
Dimick, 157; Hedges, 72. Total, Dimick, 403; Hedges, 197. Following is the vote for Treasurer: First Ward—Meyer, 32; Humphreys, 39. Second ward—Meyer, 115; Humphreys, 115. Third Ward—Meyer, 108; Humphreys, 115. Third Ward—Meyer, 108; Humphreys, 115. Meyer's majority in the Humphreys' 111. Meyer's majority in the First Ward was 54, and Humphreys had a majority of three in the Third Ward. The vote for Treasurer in the Second Ward was a tie. Dimick has a majority of 66 in the First Ward, 54 in the Second Ward and 65 in the Titled Ward. and 85 in the Third Ward.

At Grant's Pass. GRANT'S PASS, Or., Dec. 2.—The first election under the new charter was held

in this city today. Little interest was taken and the vote was small. There was only one nominee for Mayor and one for Treasurer. The following is the result of the election: Mayor, W. F. Kremer; Treasurer, Colonel Johnson; Councilmen— First Ward, R. C. Hough and G. H. Binns, Second Ward, J. H. Williams and C. E. Harmon: Third Ward, J. A. Rehkopf and Harry Lewis; Fourth Ward, Herbert Smith and F. H. Schmidt. The new officers take up their respective duties Janu-

#### At Albany.

ALBANY, Or., Dec. 2.-The city election today resulted as follows: Mayor-W. H. Davis, Rep. 411; F. P. Nutting, Dem. 220. Recorder-J. S. Van Winkie, Rep. 408; C. G. Burkhart, Dem. 225. Marshal-W. A. McClain, Dem. 294; L. O. Coates, Rep. 229. Treasurer-H. B. Cusick, Rep. 403; J. R. Ream Dem. 230. R. Ream, Dem. 230. Councilmen elected were: C. H. Stewart, Dem; J. M. Raiston, who was nominated by both Democrats and Republicans, and P. B. Marshall, Rep. The total vote cast

WES 544.

#### At Newport.

NEWPORT, Or., Dec. 2.—The annual city election was held today. The follow-ing ticket was elected: City Recorder, John Simpson; Treasurer, Oscar Oisen; Marshal, Ira Miller; Street Commissioner, J. P. Byerley; Councilmen-First Ward, George Sylvester: Second Ward, J. A. Ol-sen, William Neal; Third Ward-R. I. Ren-sell, B. F. Young, C. H. Williams, F. H. McDonald, W. S. Whitten, S. G. Irvine and J. F. Delaney polled a tie vote in the Second Ward.

#### At Tillemook.

TILLAMOOK, Dec. 2.-The city election today resulted as follows: Mayor J. L. Briggs; Recorder, Thomas Coates; Treas-urer, Joseph Bromley; Marshal Clyde Clements; Councilmen-First Ward, F. L. Sappington; Second Ward, George Gray-son; Third Ward, S. A. Brodhead; Fourth Ward, R. M. Watson; Fifth Ward, W. H. Reynolds. This was the only ticket nom-

which the non-partisan candidates for Aldermen received 102, the other 12 votes being scattered. The Aldermen-elect, Thomas Burrows, H. Pohle, G. Stolz and P. J. Larsen, will serve for two years, assuming their places in the Council on the first Tuesday in January.

# At Heppner.

HEPPNER, Or., Dec. 2.- The city election held here today was quiet, with only one ticket in the field. The election was non-partisan. About 67 votes were polled Frank Gilliam was re-elected Mayor and O. E. Farnsworth, Phil Cohn and George Noble were chosen Councilmen. J. P. Williams was re-elected Recorder and W. Briggs was re-elected Treasurer.

# At Union.

UNION, Or., Dec. 2.—The annual city election was held here today, The following officers were chosen: Mayor, E. W. Da. vis; Councilmen-Tom Brasher, J. R. Blize, S. I. Benson; Recorder, George Bei-dieman; Marshai, William Porter; Treasurer, Will Wright; Street Commissioner, Fred A. Allen

# Warming Up for Election.

ELMA, Wash., Dec. 2.—Much interest is taken in the coming election in this city. All parties met in a caucus last Monday. The saloon people had named their ticket and the Independent or Reform party have done the same. The Independents succeeded in nominating their man for Mayor and one Councilman, The others nominated three Councilmen, This did not satisfy either party, so each nominated a straight ticket by petition. Both parties are wide awake and even-ly divided. The Citizens' ticket is: Mayor, J. R. O'Donald; Councilmen, W. H. Lowell, C. K. Craig, R. J. Stone, M. M. Wake-field. The Independent or Reform ticket supported by the church and temperance people is: Mayor, I. N. Harding, Council-mer, W. H. Ruddell, F. L. Lewis, Charles Rasmussen and Hugh Fictning, L. I. Wakefield is the nominae for Treasures. I. Wakefield is the nominee for Treasurer

# WATERWAY IS WANTED,

Molalia River May Be Used to Transport Lumber.

OREGON CITY, Dec. 2.—In the County Clerk's office this afternoon Stephen A. D. Hungate filed a plat of the Molalla River from a point in section 14, town ship 2 south, range 3 east, to its mouth, where the stream flows into the Willamette, a distance of about 25 mile The point of beginning is 15 miles south-east of Wilholt Springs. Hungate, who is a surveyor and has done considerable work for the Government, declares his purpose to secure to himself and his successors in interest the right to regulate, manage and con-trol the floating, transportation and booming of logs, lumber, timber, piling and wood upon the Molalia River in Clackamas County, which is declared to an unnavigable stream for commercial

It is his purpose to proceed within the terms of the law to improve the river by erection, construction and maintainance of such dams as may be necessary to the clearing out of the river and removing of drifts and obstructions which may interfere with its use for the purpose in-tended, by straightening, widening and deepening the channel wherever it is necessary; by construction and main-tenance of such booms as may be neces-sary or convenient; and by doing such other work and maintaining such other structures and erections on or in the river as may be necessary to put and keep the same in such condition that lumber and timber as well as wood and piling may be freely floated. Negotiations are now in progress to in-

# the Moialia. The falls of the Moialia are at the mouth of Pine Creek. They are eight feet high and would supply a

large amount of water power. The width of the stream at this place is 100 feet and the depth four feet. Receipts of County Offices. The receipts of the County Recorder's office last month were \$22 65 as against

office last month were 123 to as against \$165.35 in November, 1900. The County Clerk's receipts for November were \$77.35. For the same month last year the receipts were \$65 in, exceeding the receipts of any one month since the establishment of the fee system. Hays Cases Continued. The Hays cases came up in the United States Land Office this morning and it was stipulated that the testimony in one

of the cases be duplicated in another. This order was made and the cases were continued until Wednesday. Light Punishment for Larceny. Bert Barclay, who was arrested last week on a charge of larceny by ballee, was this morning allowed to plead guilty to the charge of simple larceny and was sentenced to a term of 22 days in the County Jail by Justice of the Peace Mc-

# Anulty. Barclay was given a watch to raffle by an employe of one of the paper mills and after raffling the watch he pocketed the money and started for San Francisco but was overtaken at Albany. IN MEMORY OF ELKS. Exercises Held in Honor of Departed

Brethren. EUGENE, Dec. 2.—Eugene lodge of Elks held its annual memorial services yester-day afternoon. The exercises were held in the large drill hall of the Armory in order to accommodate the large audience. The principal address was delivered by John M. Gearin of Portland, and was an eloquent tribute to the memory of de-ceased members of the order. The musical part of the programme was rendered the ladies octet and was of a high order.

At The Dalles. THE DALLES, Or., Dec. 2.—Members and invited guests of the local Order of Elks crowded its hall in this city yesterday. A musical programme of appropriate say. A musical programme of appropriate selections was rendered by Albert Baldwin and a male quartet. Miss Myrtle Michell, the soloist of the occasion, sang "The Garden of Eden," John F. Cradlebaugh regited "Thanatopsis." A brilliant memorial address was delivered by Fred W. Wilson who raid a touching tribute to Wilson, who paid a touching tribute to the memory of the three departed brothers of the lodge-O. S. Waud, Owen Williams and George Catching.

LA GRANDE, Or., Dec. 2.-The Elks' odge of this city held its second annual nemorial service last night. Appropriate nusical and literary exercises were rendered. Addresses were given by C. E. Cochran, of Union, and the Rev. J. R. N. Bell, of Baker City.

#### MANY GOLD MEDALS.

Washington Won More at Buffalo Than Any State Except New York. EVERETT, Wash., Dec. 2.-Pan-Amer ican Commissioner Elmer E. Johnston has returned from Buffalo. He says Washington received more gold medals for horticultural exhibits than any other state except New York. He says the exposition has been of great value to the Pacific Northwest as an advertising

#### Charged With Forgery.

EVERETT, Wash., Dec. 1-D. G. Graham, with many allases, has been brought back from Spokane by Sheriff Zhumer-man, of this county, charged with passing fraudulent checks. He is alleged to have victimized five business houses at Everett. It is said that he has worked his forgery same from the Atlantic to the

# Mrs. Philena Fowler.

SALEM, Dec. 2.—The city election here today was quiet. Only lit votes were cast, of which the non-partiagn capacitation of the control of the control of the capacitant of the with her parents, Mr. and Mrs. Vander-pool, in 1848, and settled in Benton County. She was aged 76 years and 4 months. She was a sister of Cam Vanderpool, of Soap Creek, and left nine children.

# New Y. M. C. A. Quarters.

SALEM, Or., Dec. 2-At a meeting of the board of directors of the Salem Y. M. C. A. tonight, it was decided formally to open to the public the association's new home in the State Insurance block Friday evening. December 13. A programme of vocal and instrumental

# corporate a company to utilize the river, which runs through immense bodies of fine timber. Tributary to it are Pudding River, Milk Creek, Gawley Creek, Pine Creek and the middle and north forks of TROUBLES.

New York's Most Successful Specialist in Woman's Diseases Says: "Nearly Every Case of So-Called Female Weakness and Painful Periods is Due to Kidney or Bladder Disease of Some Form,"

Any of Your Family in This or the Past Generations Have Been Troubled With Kidney Disease Make a Test of Your Urine and Satisfy Yourself,

When you arise in the morning put some urine in a glass or bottle; let it at and for twenty-four hours; if there is a reddish sediment in the bottom of the glass, or if the urine is cloudy or milky, or if you see particles or germs floating about in it, your kidneys are diseased and you should lose no time, but get a bottle of Warner's Safe Cure, as it is dangerous to neglect your kidneys for even one day.

In the doctor prescribed Warner's Safe Cure. Three bottles made a permanent cure. She has no more of her old troubles, and enjoys perfect health. All her complications were caused by diseases of the kidneys. Had my mother taken Warner's Safe Cure in the house, and if every poor, suffering woman knew the merits of Warner's Safe Cure, she might be restored to perfect health."

#### FREE SAMPLE BOTTLE.

To convince every sufferer from diseases of the kidney, liver, bladder and blood that Warner's Safe Cure will cure them, a sample bottle will be sent absolutely free to any one who will write Warner's Safe Cure Company, Rochester, N. Y., and mention having seen this liberal offer in this paper. The genuineness of this offer is fully guaranteed by the publisher. Our doctor will send medical booklet, containing symptoms and treatment of each disease, and many convincing testimonials, free, to any one.

# WARNER'S SAFE CURE

I is put up in two regular sizes and sold by all druggists.

#### 50c and \$1.00 a Bottle.

Miss Lillian Ramsey, president of the Denver Quincy Club, of Denver, Colo., says: "I was all run down, had no appetite, was troubled with indigestion, pains in my back, and suffered untold misery during my monthly periods, until I used Warner's Safe Cure. Thanks to it I am now as strong and healthy as any woman could be. My mother suffered for over two years with what our doctor called 'weskness peculiar to women.' She Refuse substitutes. There is none "just as good as" Warner's Safe Cure. It has cured all forms of kidney disease during the last thirty years. It is prescribed by all doctors and used in the leading hospitals as the only absolute cure for all forms of disease of the kidney, liver, blad-

explanations.

Requested by School Superintendent SALEM, Dec. 2.-State Superintendent Ackerman today addressed circular letters to the presidents of the State University, the State Agricultural College and the several state normal schools, requesting the making out of a list of books suitable for school libraries, to be returned by February 1, 1962. The preparation of these

lists is required annually of college pres-idents by the new school low. Depot Under Construction. LA GHANDE, Or., Dec. 2.—Work began oday on the O. R. & N. depot at Hot ake. The station will be of unique de-

The terms are not made known. A meet- though it rained constantly,

sign and finely finished in keeping with the improvements at the Mountain Sani-The Japanese section-house at Union station was robbed last night by two tramps. The thieves were captured near

Lake.

MISS LILLIAN RAMSEY.

# ' Finances of Marion County.

SALEM, Or., Dec. 2.-Treasurer Downing's monthly statement of the financial dition of Marion County for the month of November shows a cash balance of \$30,-989 56, which is more than sufficient to reall outstanding warrants and to place the county on a cash basis.

# Railroad Subsidy Proposed.

DALLAS, Or., Dec. 2.-Mr. Gerlinger's

music and several short addresses by ing of the board will be held tomorrow local association workers will be arranged evening, at which time Mr. Coovert, chief engineer of the road, will present it with

#### Minister Called to New York. NEW YORK, Dec. 2.-The Rutgers Riv-

erside Presbyterian Church, this city, has called the Rev. Dr. Robert Mackenzie, of San Francisco, to its pastorate. He expects to reach New York on Thursday and preach his first sermon here next Sunday morning. The formal installa-Sunday morning. The formal installa-tion will take place probably December II.

# Bridge Nearly Built.

ST. HELENS, Or., Dec. 2-The last span of the new bridge across Fox Creek in Rainler is being put in place. The bridge will probably be finished the first of next week. The new structure will cost about \$2000,

Prunes Shipped on Consignment, DALLAS, Dec. 2.-Two hundred thousand pounds of prunes remain in growers' hands at Dallas. The fruit sold has been consigned mostly to the East, Good ad-

#### vances have generally been received. Circuit Court Convened.

DALLAS, Or., Dec. 2.—Circuit Court, Department No. 1, convened today, Judge George H. Burnett presiding. The docket is light and without a criminal case. There will be no grand jury this term.

# Live Bird Shoot.

LA GRANDE, Or., Dec. 2.-The La proposition with reference to the railroad subsidy is now in the hands of the executive committee of the Board of Trade. Shoot today. Good scores were made, ar-

