THAT DAVIS DEFALCATION

DID EX-STATE LAND BOARD SEE THAT THE LAW WAS OBEYED?

Judge Boise's Decision Shows Where Moral Responsibility for This Costly Experience Lies.

SALEM, Dec. 12.—The State of Oregon has been defeated in every effort to recover the $30,000 stolen by George W. Davis from the state school funds. Davis was clerk of the State Land Board, and when he went out of office July 21, 1895, he failed to turn over to his successor nearly $30,000 of the amount collected by him in his official capacity. The State Land Board under which Davis was appointed fixed his bond at $5000. The board was composed of Governor Pennoyer, Secretary of State McBride, and Treasurer Metschan. The bond was furnished by Davis, with George G. Bingham and E. P. McCornack as sureties.

The embezzlement of funds by Davis was not discovered until February, 1901, nearly six years after Davis went out of office. A few months later Attorney-General Blackburn began an action against the bondsmen to recover the $5000, which was all of the sum the bondsmen were liable for. Before the case came to trial a stipulation of facts was entered into between the Attorney-General and the bondsmen, wherein it was agreed among other things that the defalcation occurred prior to December 31, 1894. This would be more than six years prior to the commencement of the action. This stipulation precluded any question as to whether the defalcation dated from the time Davis went out of office and left only one question to be decided—whether the bond outlawed in six years. This question was presented before Judge George H. Burnett and was decided in favor of the defendants, Bingham and McCornack. The decision could not have been otherwise, for the Supreme Court had recently decided that such a bond or undertaking is an instrument against which the statute of limitations runs out in six years. The case against Bingham and Davis was practically decided when the stipulation of facts was filed, for the decision of the Supreme Court in the case of Multnomah County vs. Kelly, 37 Oregon, 1, governed the legal status of the bond.

Suit Against Pennoyer Board.

Late last August Attorney-General Blackburn began a suit against Pennoyer, McBride and Metschan, as members of the State Land Board in charge of the school funds at the time the defalcation occurred, to recover from them the full amount of the defalcation. This suit was based upon the theory that the constitution of the state makes the Governor, Secretary of State and State Treasurer trustees of the school funds; that the clerk appointed by them is their agent, and that they are responsible for his maladministration of his office. The complaint against the Pennoyer board charged that the board was negligent in not requiring the clerk to pay money into the state treasury promptly, as required by law.

As this suit was not commenced until six years after Davis went out of office it is probable that the state's claim, if any, would have been outlawed. But the case did not get far enough along to test it on this point. The defendants Pennoyer and Metschan filed motions asking the court to strike out of the complaint all those allegations which made Davis the agent of the board or that made the board liable for his misdeeds in office. Their contention was that since the Legislature had authorized the appointment of a clerk whose duty it should be to collect moneys due the school fund and pay the same to the Treasurer, the board had no further responsibility for this work. In other words, they contended that the clerk was the agent of the state and not their agent, and that any allegations to the contrary were sham and frivolous and should, therefore, be stricken from the complaint. As the liability of the board for Davis' acts was the sole ground upon which the state based its claim, these allegations were of vital importance and a decision upon the motion would virtually decide the case. The motion was argued before Judge Boise and a decision was rendered yesterday in favor of the members of the Pennoyer board. In rendering the decision Judge Boise said:

Board Not Liable.

"The only question presented is whether Davis was the agent of the board, and the board was responsible for his acts. The constitution makes the three officers the Board of Commissioners for the sale of school and university lands and for the investment of funds arising therefrom, and provides that they shall administer the trust as shall be provided by the Legislature. There is no question here in the pleadings whether the law creating the clerk of the board is in accordance with the constitution. The proceedings here assume the legal appointment of the clerk, so the constitutionality of that law is not involved.

"The Legislature passed laws at various times, providing for the performance of the functions of the state officers. Though the board has authority to watch over the office of the clerk, the board must act in accordance with the laws provided by the Legislature. The Legislature provided for a clerk of the board, and he was appointed according to statute. That statute provides that the clerk shall collect all moneys, receipt for them, and pay them to the State Treasurer. They are not to be paid to the board, or the commissioners, but direct to the State Treasurer. The funds, if the law is obeyed, never go to the board, the law providing that they be paid to the Treasurer. The clerk is responsible directly to the state and not to the State Land Board. The members of the board should look after the clerk to see that the law is obeyed, but they are not responsible for the collection of the money."

This decision, while relieving the members of the board from financial liability for a defalcation made possible by their failure to "see that the law is obeyed," leaves room for question whether the law creating the office is not unconstitutional. As this question was not presented, Judge Boise did not decide it.

The Moral Responsibility.

The statement by Judge Boise that it is the duty of the board to see that the clerk performs his duty shows where the moral responsibility for the Davis defalcation lies. The clerk of the Land Board has never been required to comply with the law, even in important particulars. Until the discovery of this defalcation the bond of the clerk was fixed at only $5000, though he could have embezzled 20 times that sum under such methods as were pursued at that time. The clerk made his payments to the State Treasurer as "promptly" as he pleased, and no one took the pains to inquire whether he ever turned over all the money. Since the discovery of the Davis defalcation the clerk's bond has been increased to $20,000, and a monthly settlement with the State Treasurer is required. Still the law is not and never has been complied with, so far as concerns the requirement that "all" the money due the school funds shall be collected by the clerk. The clerk never collects a dollar of the money due on loans, though the law expressly says that he must do so. Such moneys are paid directly to the State Treasurer. That the practice in vogue is the only proper one there can be no doubt, but that it is in violation of law is also unquestionable.

Incompetent Legislative Clerks.

The termination of this suit, thus determining that the state cannot recover a single dollar of the sum stolen from the school funds, leaves the state somewhat wiser, though at a considerable cost for the experience. If the special clerks employed by the Legislature to inspect the books of the Land Department had performed their duties faithfully, this defalcation would have been discovered in 1895, when the state could at least have recovered the $5000 due on the bond. The employment of incompetent clerks who are permitted to draw pay without working is a practice that has already been abandoned to a great extent and the lesson learned by this loss to the school fund should lead to a radical and complete reform in this regard.

LETTER TO HOPGROWERS.

Oregon Association on the London Shipment of Pooled Hops.

SALEM, Or., Dec. 12.—The executive committee of the Oregon Hopgrowers' Association today issued a statement which shows, among other things, the relations existing between the association and Mr. Durst. The letter is signed by W. H. Egan, president; James Winstanley, secretary, and M. L. Jones, constituting the executive committee, and will be of particular interest since Mr. Durst has denied having any relations with the association. The letter follows:

Lest certain items disseminated by the press may be misleading, we desire to state that the proceedings in the formation of the London shipment of pooled hops have been entirely harmonious and unanimously acquiesced in. Of the hops in the pool, more than five-sixths have been secured from stockholders of the Oregon Hopgrowers' Association. These growers are not worrying, believing their interests to be well protected by their contract formulated and agreed upon by the Oregon Hopgrowers' Association and Mr. Durst, who has advanced 9 cents per pound without recourse to each individual grower having hops in pool; also by having one of their number, Francis Feller, who is one of the directors and the treasurer of the Oregon Hopgrowers' Association, associated with Mr. Durst in the sale of the hops in London. Mr. Feller is a pioneer farmer and hopgrower, and one of the heavy taxpayers of Marion County. The growers in the pool have the utmost confidence that Mr. Feller will spare no pains to make this shipment a success and see that every grower is treated fairly and impartially. We also believe that it is the fullest intention and the highest interest of Mr. Durst to get the best market price for these hops so as to make good returns on the entire lot. Many growers think the results of this pool will be so satisfying that a much larger shipment will be made next season on a similar plan.

FUNERAL OF OREGON VOLUNTEER.

Harry Rogers, Who Died at Manila, Buried at Corvallis.

CORVALLIS, Dec. 12.—The funeral occurred here today of Harry Rogers, late member of Company M, Second Regiment, Oregon Volunteers, who died in the Philippines May 9, 1901. The body arrived on the afternoon train, and the interment followed at once in Crystal Lake cemetery.

The deceased enlisted with a number of Corvallis boys at Woodburn, July 2, 1898, and two days afterward left with the regiment for San Francisco. The 23d day of October following he sailed for the Philippines, and on Thanksgiving day landed at Manila. He was with the Oregon Regiment in all its campaigns, passing through the Paraj campaign, and took part in the battle of Malabon. When the time came to return home he elected to accept the $400 travel pay allowed by the Government in lieu of coming home, and remained in Manila to accept a position in the Government printing office, where he remained until he died. His death was from dysentery. He was aged 32 years 11 months and 12 days, and most of his life was spent in Corvallis.

WILL SPEND FIFTEEN MILLIONS.

Western Syndicate to Develop Its Copper Mines in California.

SAN FRANCISCO, Dec. 12.—It is announced that an Eastern syndicate, which has acquired extensive iron mines in Madera County, in this state, proposes to expend about $15,000,000 in their development and the erection of smelters and a steel plant. A shipyard for the construction of steel vessels may also be established. In addition, a railroad, to be called the California Midland, is to be built from the mines to some point on San Francisco Bay. This will cost $5,000,000, and the work of construction will begin early next year. This information is given to the Chronicle by General W. H. H. Hart, a prominent attorney, who represents the syndicate, the members of which are not named.

Oregon Mining Stock Exchange.

Yesterday's quotations:

	Bid.	Asked.
Adams Mountain	4½	5
Astoria-Melbourne	15	49
Bronze Monarch	12½	15
Buffalo	1½	3
Copperopolis	16½	....
Champion	14½	50
Carilou	1½	2½
Gold Hill & Bohemia	9½	12
Hurouian	5½	6½
Last Horse	2½	3½
Oregon-Colorado M. M. & D.	2½	2½
Riverside	2½	4
Sumpter Consolidated	2½	4½

Sales:

1000 Riverside 3

SPOKANE, Dec. 12.—The closing quotations of mining stocks today were:

	Bid.	Ask.		Bid.	Ask.
Amer. Boy	8½	10	Morrison	2¾	4½
Blacktail	10¼	10½	Prin. Maud	2	2½
Crystal	....	6¾	Quilp	25	28
Deer Trail	2¾	2½	Rumb. Car.	61	65
Gold Ledge	2	2½	Republic	4	4½
L. P. Surp.	5¾	5½	Reservation	3¾	3¾
L. Dreyfus	3½	4	Sullivan	9½	10½
Mtn. Lion	26½	27	Tom Thumb	16½	16¾
Morn. Glory	1¾	2¾	Trade Dollar	....	6

SAN FRANCISCO, Dec. 12.—Official closing quotations of mining stocks:

Alta	$0 6	Mexican	$0 13
Belcher	12	Occidental Con	3
Best & Belcher	12	Ophir	96
Bullion	2	Overman	2
Caledonia	15	Potosi	5
Challenge Con	8	Savage	3
Confidence	50	Sierra Nevada	2
Con. Cal. & Va	1 60	Silver Hill	20
Crown Point	1	Standard	3 50
Gould & Curry	4	Union Con	9
Hale & Norcross	13	Utah Con	5
Justice	1	Yellow Jacket	5

NEW YORK, Dec. 12.—Mining stocks today closed as follows:

Adams Con	$0 20	Little Chief	$0 12
Alice	45	Ontario	8 50
Breece	15	Ophir	69
Brunswick Con	75	Phoenix	7
Comstock Tunnel	6	Potosi	2
Con. Cal. & Va	1 50	Savage	2
Deadwood Terra	50	Sierra Nevada	6
Horn Silver	1 90	Small Hopes	40
Iron Silver	60	Standard	3 50
Leadville Con	6		

BOSTON, Dec. 12.—Closing quotations:

Adventure	$ 21	Old Dominion	$ 23 75
Allouez	4 50	Osceola	87 00
Amalgamated	67 87	Parrott	31 25
Baltic	35 00	Quincy	150 00
Bingham	27 50	Santa Fe Cop.	2 25
Cal. & Hecla	640 00	Tamarack	208 00
Centennial	14 00	Trinity	14 75
Copper Range	57 50	United States	14 12
Dominion Coal	46 62	Utah	19 75
Franklin	14 50	Victoria	5 87
Isle Royale	29 50	Winona	2 00
Mohawk	56 25	Wolverines	53 50

Golden Standard Bought Back.

GRANT'S PASS, Dec. 12.—It is reported on good authority that the Golden Standard mine in the Ward Creek district, which was purchased a few months ago by Seattle capitalists for $40,000, has been bought back by Kubli brothers, the former owners. The consideration of the re-purchase is not known.

Farmers Welcome the Snow.

LA GRANDE, Or., Dec. 12.—The Grand Ronde Valley is now covered with snow to the depth of about four inches. The snow is welcomed by all farmers, as it will be of great benefit to next season's crops. It will also prove of benefit to stockmen, though it has caused them to alter their plans. Up to December 10 no feeding had been necessary. Now, however, it is necessary to feed a limited amount. In the mountains the snow is not yet deep enough to be of value to the logging interests.

The poultry breeders of Union County will meet here Saturday to organize an association.

Everett Brevities.

EVERETT, Wash., Dec. 12.—The State Convention of the Y. M. C. A. meets here tomorrow.

Charles and A. O. Cato, brothers, met in Everett today after a separation of 20 years, during which time they had not heard of one another. Both resided here for a year without knowing of the other's presence, A. O. supposing Charles still in Sweden.

IMPROVING UMPQUA RIVER

NEW BOOM COMPANY GETTING READY TO RUN LOGS.

Erection of Several Large Sawmills Is Contemplated—Eastern Capitalists Are Interested.

ROSEBURG, Dec. 12.—The Oregon Boom & Timber Company, recently incorporated here, has had the Umpqua River and its branches thoroughly surveyed, and the work of clearing out obstructions is now under way. A force of men is at work blasting out such rocks as would interfere with the successful floating of logs. The work will be continued until the river gets too high, and resumed again in the Spring.

The company, which is backed by Eastern capitalists, contemplates erecting several large sawmills at different points along the Umpqua River. Timber will also be handled for other men or companies. The plans of the company are the most comprehensive of any yet undertaken for the development of the timber resources of this portion of the state, and considerable money having already been expended, gives good foundation for the belief that extensive operations will be put under way early the coming year.

OREGON LAND DECISION.

Tract of Land Affected Is in the Oregon City District.

OREGON CITY, Dec. 12.—The local land officer today received notice that the Secretary of the Interior had reversed the decision of the Commissioner in canceling the entry of J. A. Everest in a contest brought by Mrs. Leon S. Heacock. This was a case in which the tract in question was formerly embraced in the homestead entry of Leon S. Heacock, the divorced husband of the contestant. Heacock made entry of the tract June 21, 1898, which was canceled by relinquishment May 9, 1900, the same day it was entered by Everest. Sadie Heacock then filed a contest against Everest's entry, alleging in substance that she, with her five minor children, has lived on the land since the date of her divorced husband's entry, and has improved and occupied it continuously, to the date of the filing of the contest, except during five months, because she believed that her life on the claim was in peril; that the contestee confederated and conspired with her husband to prevent her from acquiring any right to any portion of said claim, and procured from the said Heacock a relinquishment of the land. The local officers divided in opinion. Register Moorn recommended that the contest be dismissed and Receiver Galloway recommended that the entry be canceled and that the protestant be awarded the preference right of entry. Commissioner Hermann, of the General Land Office, affirmed the action of the Receiver, and the defendant appealed.

In his decision Secretary Hitchcock says: "The evidence shows beyond question that the contestant was not a settler on the land and had no residence upon it, either actual or constructive, at the time that Heacock's entry was canceled, and when Everest made his entry. She was not prevented from settling upon the land from anything that was done by Everest in the purchase of her husband's relinquishment, or from asserting any right which she may have acquired by reason of her status as the deserted wife of Leon S. Heacock. No reason being shown why the entry of Everest should be canceled, the decision of the Commissioner is reversed."

CONVICTED OF HORSE-STEALING.

It Is Believed a Noted Gang of Stock-Rustlers Is Being Broken Up.

BAKER CITY, Or., Dec. 12.—Alexander Meldrum, who was indicted jointly with Manny Howard, the noted cattle-rustler, who was convicted at the last term of court, was today convicted of horse-stealing in the Circuit Court of Baker County. Meldrum has always borne a good reputation until he began to associate with Howard, a year or so ago, and he is quite prominent in stock circles in this part of the state. He was tried and escaped conviction at the last term of court because the jury failed to agree. The jury in the case just concluded was out almost 24 hours. Howard, who was convicted for stealing the same horse for which Meldrum was today convicted of stealing, is out on bail pending the determination of his appeal to the Supreme Court. Meldrum will be sentenced tomorrow.

The stock interests of Eastern Oregon have suffered heavily from stock-rustlers during the past 10 years. Thousands of head of cattle and horses have been taken. The conviction of Howard and Meldrum, it is said, will break up the most noted gang of stock-rustlers in the West.

Alleged Train-Wreckers Held.

THE DALLES, Or., Dec. 12.—William Cole, Frank Coyne, James Page, Fred Grant and Harris Williams, suspected of wrecking an O. R. & N. train at Celilo last week, have been held for action of the grand jury, by order of Prosecuting Attorney Menefee, without a preliminary hearing. Three of them were taken to Portland today by Deputy Wood for further examination in that city.

Murder Charge Dismissed.

HILLSBORO, Or., Dec. 12.—The case of A. Hinman and other citizens of Forest Grove, asking for a permanent injunction against that city contracting with E. W. Haines for city water and light was today dismissed, with costs assessed to the plaintiffs.

CORNER-STONE LAID.

Girls' Dormitory at Chemawa Will Be Known as McBride Hall.

SALEM, Dec. 12.—The corner-stone of the girls' dormitory at the Indian Training School at Chemawa was laid this morning. The Indian School's uniformed band, a battalion of cadets and girl students were formed about the site of the new building and an appropriate programme was rendered. Addresses were delivered by Superintendent T. W. Potter and Assistant Superintendent W. P. Campbell, patriotic airs were played by the band, the assembly sang "America" and at the conclusion of the exercises three hearty cheers for the Government were given. The formal laying of the corner-stone was done by Superintendent Potter.

The corner-stone bears the inscription: "McBride Hall. December 12, 1901." There was placed in the usual receptacle copies of The Oregonian, Telegram, Chemawa American and other publications, a complete official roster of the school and numerous other mementos. The building was named after ex-United States Senator McBride, through whose efforts the appropriation of $20,000 for the hall was secured.

Formal laying of corner-stones for the laundry and industrial buildings has been dispensed with, construction work having progressed beyond that stage.

Senator Mitchell informs Superintendent Potter that he is working hard to secure an appropriation of $20,000, recommended by Superintendent Potter, for the construction of a boys' dormitory, that is much needed for the accommodation of the constantly increasing number of pupils. Senator Mitchell in a letter says he thinks he will be successful in getting the appropriation.

The enrollment at the Chemawa School is now 575, and Superintendent Potter reports new arrivals daily. He predicts the enrollment will reach the 700 mark before the close of the school year next Summer.

Humane Society at The Dalles.

THE DALLES, Dec. 12.—A mass meeting of citizens was held last night for the purpose of organizing a humane society in The Dalles, Mayor Farley presiding. In the absence of certain necessary information regaruing the organization of the society, a committee was appointed by the Mayor to ascertain the necessary facts, when another meeting will be called.

When you feel bad, take Hood's Sarsaparilla. It will make you decidedly better.

PUSHED THE BUTTON

PRESIDENT OPENS WOODMEN CONVENTION AT SPOKANE.

Head Consul Falkenberg's Message to the Chief Executive, and His Response.

WASHINGTON, Dec. 12.—President Roosevelt today pushed the button that opened the convention of the society of Woodmen of the World at Spokane, Wash. The following telegrams were exchanged:

"Spokane, Wash., Dec. 12.—To His Excellency the President, Washington, D. C.: On behalf of the Woodmen of the World, comprising a quarter of a million of your fellow-citizens, I officially tender our deep appreciation of your kindness in thus recognizing one of the largest humanitarian institutions of the Republic, with profound respect.

"F. A. FALKENBERG, Head Consul."

"Washington, D. C., Dec. 12.—F. A. Falkenberg, Head Consul, Spokane: In opening the grand encampment of the Woodmen of the World, it is a pleasure to me to send hearty congratulations and good wishes.

"THEODORE ROOSEVELT."

MONOPOLY ON CITY WATER.

Supply of Vancouver Is Now Controlled by One Company.

VANCOUVER, Wash., Dec. 12.—The Vancouver Water Works Company, which recently purchased the water system of the Columbia Land & Improvement Company, in this city, this week purchased the plant of the Vancouver Water Company, and now owns all of the water systems of the city. The company has opened an office in the Hotel Columbia block, and has announced that a readjustment of water rates will be made the first of the new year. The price paid for the Vancouver Water Company's plant and franchise was $40,000.

Vancouver Barracks Improvement.

Ground has been broken at Vancouver Barracks for two large barns to be used for quartering the 250 or more horses belonging to the two batteries of artillery stationed here. One of the barns will be 500 feet long and nearly 100 feet wide. The other will be an addition, 150 feet long, to the big cavalry barn erected some years ago on the east side of the military reserve.

IN EUGENE TRAIN HOLD-UP?

Man Under Arrest in California—Another Charge Against Him.

GRANT'S PASS, Dec. 12.—George Vernon, a traveling violinist, who stole a horse and saddle in this city a few days ago and passed several fraudulent checks, has been caught and lodged in jail in Siskiyou County, California, charged not only with the offenses named, but also with being implicated in the train hold-up at Walkers, near Eugene. In Grant's Pass Vernon hired a horse and saddle to go to Watkins, giving the owner of the horse a power of attorney to collect some money that would arrive in a few days. The money failed to turn up. An inquiry sent to Watkins elicited the fact that the man had left for Happy Camp, Cal. The borrowed horse and saddle were found by the roadside near Watkins. Word was sent to the Sheriff of Siskiyou County, who captured the man and promptly landed him in jail.

A TERRIBLE EXPERIENCE.

Two Shipwrecked Japanese Without Food or Shelter for Days.

VANCOUVER, B. C., Dec. 12.—Wrecked near Porter Island and forced to remain for five days without food, fire or shelter, was the terrible experience of two Japanese. One of them, Etsujiro Sunada, was brought to Port Essington, where his legs were amputated as a result of frozen feet. From his story it appears that he and his companion were out fishing and were caught in a gale. In the heavy seas their boat was overturned. They were not very far from the shore of Porter Island, but they found great difficulty in making it in the rough sea, and when they did at last get on land they found themselves on a rocky point without means of lighting a fire. The sufferings of the Japanese were intense.

LOST IN THE WOODS.

Timber Cruisers Become Separated, and One Has Not Found Way Out.

VANCOUVER, B. C., Dec. 12.—A story of three men lost in the woods on the northern coast of British Columbia was brought here today by a lumberman named George Logan, who was brought down in a small tug. With two companions Logan left here three weeks ago in a small boat to cruise out timber. Their boat was capsized while they were beating up a river near Shoal Bay. They tried to beat their way back to the coast, and became separated and lost. After undergoing great hardships, Logan reached the coast, and a second member of the party was found, almost dead from cold and hunger. The third man has not been found, and Logan left here again tonight with a searching party to discover him if possible.

Damage Suit Against Farmer.

WALLA WALLA, Dec. 12.—While driving on Second street on the 12th of last October, Patrick Lyons, a wealthy farmer, and Mollie, the 22-year-old wife of William Sauer, who lives in the city, collided in such a manner that Mrs. Sauer was thrown on the dashboard of her buggy and so severely injured that she was confined to the hospital for six weeks and is now unable to perform any of her household duties. Believing Mr. Lyons to blame for her injured condition, Mrs. Sauer has commenced suit against him in the Superior Court of Walla Walla County for damages to the amount of $15,000.

In the Supreme Court.

SALEM, Dec. 12.—Clerk J. J. Murphy, of the Supreme Court, today set two cases for hearing, as follows:

December 23—Hiram S. Stone, appellant, vs. William M. Ladd, as sole surviving executor of the will of Hannah M. Smith, deceased, respondent.

December 24—Linn County, respondent, vs. P. G. Morris, et al., appellants.

The case of the City of Salem, appellant, vs. F. R. Anson, et al., respondents, was argued and submitted today. This is a case wherein the city seeks to recover on the bond of $5000 given by Anson for the installation of an electric light plant in Salem, a contract he failed to perform. A demurrer to the complaint was sustained in the lower court, and from this judgment the city appealed.

Indorses McHargue's Certificate.

HILLSBORO, Or., Dec. 12.—School Superintendent Ball has obeyed the order of Judge McBride and has indorsed the Clackamas County certificate of U. S. McHargue. A petition was filed yesterday with the County Board of Examiners asking that the certificate be revoked, so far as Washington County is concerned, on the ground that the State Board of Education had found McHargue guilty of unprofessional conduct. The case is also going to the Supreme Court.

Mrs. Winkler Granted a Divorce.

SALEM, Dec. 12.—Circuit Judge Boise today granted Catherine Winkler a divorce from Professor Emil L. Winkler. The plaintiff was awarded the custody of their only child and $10 per month alimony. The case has attracted more than passing attention by reason of the prominence of the parties. The defendant was formerly a musical instructor in this city. He is now employed in a similar capacity in an Eastern seminary.

Captain Richardson Promoted.

OLYMPIA, Wash., Dec. 12.—An order was issued by Adjutant-General Drain today in which the promotion is announced of Captain M. M. Richardson, of Company H, of Spokane, to be Major of the Third Battalion, First Infantry, vice Ortis Hamilton, who was promoted to be Lieutenant-Colonel some time ago.

Will Build Two Log Rafts.

ASTORIA, Dec. 12.—Captain Robertson, president of the Robertson Raft Company, was in Astoria today, and announced that his company was making preparations to build two log rafts at Westport during the coming Summer. The rafts will be towed to San Francisco.

Man Crushed Between Two Cars.

TACOMA, Dec. 12.—John McKeown, head ore-sampler at the Tacoma Smelter, was crushed between two cars while crossing a track at the smelter at 11 o'clock this morning, and died shortly afterward. He had been employed at the smelter 12 years, and was a member of the Elks.

Salem Felt an Earthquake.

SALEM, Or., Dec. 13.—At 12:50 this morning a distinct earthquake shock was felt at the Insane Asylum and other points in this city. The shock lasted three seconds and the vibrations were from north to south. Windows shook, lamps rocked and dishes were rattled by the force of the disturbance.

FILIPINO MURDERS.

Death Sentence Passed on the Leader of a Band of Ladrones.

WASHINGTON, Dec. 12.—A military commission in the Philippines, headed by Major Henry S. Turrill, surgeon, sentenced Juan Olivar, a Filipino, to be hanged. Olivar was the leader of a band of ladrones which made an attack upon the house of Theodore Labrador, president of Minea, Panay, and captured him, his brother, wife, grandmother, godmother, small daughter and a policeman. The grandmother, godmother and daughter were shot to death in the vicinity of the capture; Labrador, his wife and the policeman were taken to an isolated spot and killed with bolos. The brother made his escape. Incidentally Olivar and his band robbed Labrador of 78 carts, 800 pesos and other articles.

General Chaffee criticised the proceedings on the ground that the accused was charged solely with the murder of Labrador, assault upon him with intent to kill, and robbery, while the murder of three women, one small girl and the policeman was not included in the charges.

A band of Tulisanes, armed with bolos, rifles and daggers, killed 11 members of the Echevarra family at Naro, Masbate, on August 14, 1900, for the sole reason that the victims were Spaniards. Two members of the band were brought to trial and were sentenced to be hanged. But in view of the fact that the more responsible participants in this crime already had paid the death penalty, the sentences were commuted by General Chaffee to life imprisonment.

Ygnacio Siaoting, an insurgent leader operating against the American Government after having taken the oath of allegiance, was sentenced to be hanged for murdering a woman suspected of friendliness to the United States.

Trade With Samar Reopened.

MANILA, Dec. 12.—Owing to General Smith having affairs well in hand in the Island of Leyte, communication with the Island of Samar is now possible. Trade restrictions have been taken off the west coast. Boats trading there are not required to show signals. General Bell reports that large quantities of rice, milled and sacked, have been captured, the sacks bearing the marks of the Smith & Bell mills. He says the rice was unquestionably purchased in Manila with insurgent funds and shipped wholesale to the mountains, by way of Calamba and Pagsanjan, Laguna Province, and other by ports, showing the necessity for the closing of those ports.

Transports at Manila.

WASHINGTON, Dec. 12.—General Chaffee at Manila, reports that the transport Grant arrived yesterday. The Kilpatrick sailed yesterday with 950 discharged and short-term men.

Cigar Factories to Combine.

NEW YORK, Dec. 12.—According to the Tribune the cigar-manufacturing firms of Kerbs, Wertheim & Schiffer, Stratton & Storm Company, and Hirschorn, Mack & Co. will consolidate on January 1. The concern will be known as the Union Cigar Manufacturers. It will have a capitalization of $7,500,000, and will operate 11 factories, four of which are situated in this city. The purpose of the consolidation is to lessen the cost of importing raw material from Cuba and Porto Rico.

Hard Colds

Hard colds nearly always lead to something serious. They run into chronic bronchitis, pneumonia, consumption. Doctors know this. That's why they so generally approve of Ayer's Cherry Pectoral. They tell us they cannot prescribe anything that cures coughs so quickly.

"Ayer's Cherry Pectoral cured my daughter of a very bad cough after we had tried about everything else without relief."—E. B. Davis, Providence, R. I.

25c. 50c. $1.00. J. C. AYER CO., Lowell, Mass.

CRIME OF A WOMAN.

Theory of Washington Police in the Dennis Case.

WASHINGTON, Dec. 12.—The mystery of the assault upon Mrs. Ada Gilbert Dennis, the fashionable modiste, Tuesday morning, is still baffling the police. No tangible clew has yet been found, and no motive for the crime has been discovered. At the hospital it was stated today that if no complications set in Mrs. Dennis will recover. She is conscious at intervals, but so far has not talked rationally.

A man's overcoat, bearing many stains on the front and sleeves, and a woman's apron were found this afternoon in a sewer about four blocks from the Dennis house. Both articles were submitted to the district chemist for microscopical examination to detect blood stains. The straps bearing the name of the coatmaker are missing. The police have found blood stains on the floor of the balcony in front of the first floor of Mrs. Dennis house, and many blood stains on the sidewalk on Eleventh street, around the corner from the scene of the attack. The stains on the balcony are taken to indicate that the one who committed the assault had stepped over the balcony falling on to the front steps. The police are inclined to believe that the attack was made by a woman.

KILPATRICK CONFESSED.

Sentenced to 15 Years' Imprisonment for Forgery.

ST. LOUIS, Dec. 12.—In the United States District Court today Ben Kilpatrick, the Montana train robber suspect, was sentenced by Judge Adams to 15 years' imprisonment in the State Penitentiary at Jefferson City, Mo. Previous to this action by the court Kilpatrick made a confession, in which he stated that he had forged the names of Helena National Bank officials to notes of that bank stolen in the Great Northern express robbery, near Wagner, Mont., last July, and that he afterwards disposed of a number of them. The sentence followed a jury verdict finding the prisoner guilty on one of the 17 counts in the indictment against him.

Laura Bullion, indicted jointly with Kilpatrick, was also found guilty on one count, but was not sentenced. Judge Adams announced that he did not wish to send the two prisoners to the same penitentiary, and would defer sentence on the woman until he ascertained whether it was within his jurisdiction to send her to some penitentiary outside Missouri.

Girl Acquitted of Murder Charge.

CREEDE, Colo., Dec. 12.—Gertrude Simpson, 15 years of age, who shot and killed her father, Dr. A. N. Simpson, Coroner of Mineral County, November 15, was acquitted today after her trial on the charge of murder. The girl's defense was that her father abused her and threatened to kill her.

The Bonine Trial.

WASHINGTON, Dec. 12.—The concluding arguments in the trial of Mrs. Lola Ida Bonine, charged with killing young Census Clerk Ayres, were continued today. The case probably will go to the jury tomorrow.

CARNEGIE'S OFFER.

As the Gift Is to Be in Bonds, the Administration Hesitates.

WASHINGTON, Dec. 12.—It transpires that the gift of $10,000,000 which Andrew Carnegie tendered to President Roosevelt for the founding of a great institution for higher education was not an offer of $10,000,000 in cash, but the par value of that amount in bonds of the United States Steel Corporation. The offer of these bonds is embarrassing to the Administration, owing to the complications which might arise if the Government accepted them, and the President, it is understood, is now in correspondence with Mr. Carnegie about the matter. It is understood to be his desire that the bonds be converted into cash. If this is done, the only obstacle in the path of the acceptance of the generous gift of Mr. Cargenie will be removed. Pending the result of this correspondence Mr. Carnegie's offer is being withheld from Congress.

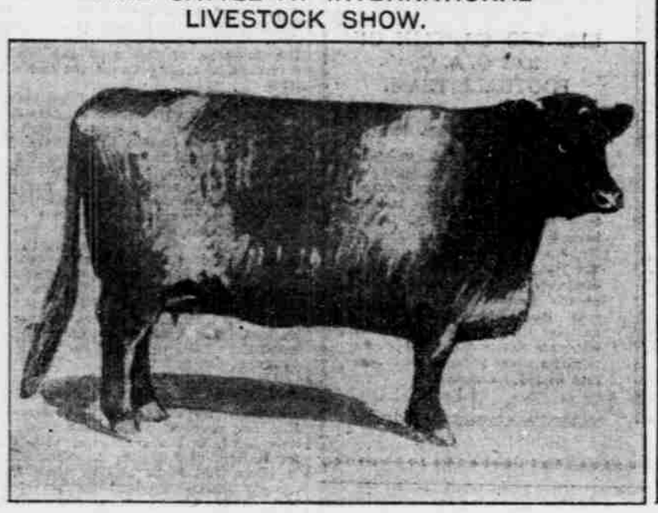
Goebel Lost Valuable Papers.

CINCINNATI, Dec. 12.—By the burning of the store of Lowery & Goebel today, Arthur Goebel lost the papers relating to the death of his brother, William Goebel, and the trials of Secretary of State Caleb Powers, James Howard, Henry Youtsey and others who have been tried or indicted in Kentucky for the tragedy at Frankfort. These papers included affidavits, confessions, and volumes of testimony. Since the death of his brother Arthur Goebel has given most of his time to securing evidence for the attorneys in the prosecution in these cases.

Boer Agent Called on Roosevelt.

WASHINGTON, Dec. 12.—General Samuel Pearson, the Boer representative in this country, called upon President Roosevelt today. The President suggested nothing that would lead to a discussion of affairs in South Africa.

FINE CATTLE AT INTERNATIONAL LIVESTOCK SHOW.

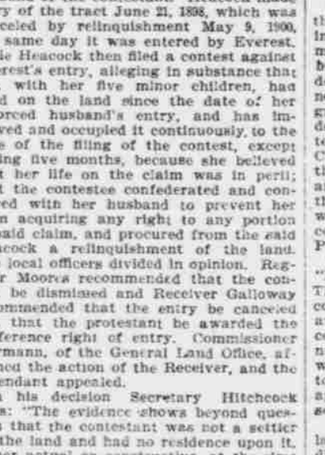


THOROUGHBRED SHORTHORN, CICELY, FROM QUEEN VICTORIA'S FARM.

PROTECTION, CHAMPION HEREFORD BULL.

Cicely is a thoroughbred Shorthorn cow, bred at Queen Victoria's farm at Windsor, England. She was imported by W. D. Flatt, of Ontario, Canada, and exhibited at the recent International Livestock Exhibition at Chicago, where she was sold to J. G. Robins & Son, of Horace, Ind., the price being $5000. She is one of the best cows ever brought to America, and had no difficulty in winning the first prize at the Chicago show. She was one of Queen Victoria's pets, and was admired by many English stock breeders.

Wood's champion Hereford bull, Protector, was also one of the attractions at the show, selling at the rate of 50 cents a pound.



Newly-Elected Mayor of Astoria.

JOSEPH W. SURPRENANT.

ASTORIA, Dec. 12.—Joseph W. Surprenant, who was elected Mayor of Astoria yesterday, was born in New York State in 1849. He came to this city 25 years ago, and engaged in contracting and building, which he has followed since that time. He erected the quarantine buildings at the Columbia River station, and has also had during the past few years several large contracts at the various ports around the mouth of the river. Mr. Surprenant is a stanch Republican, though he has not been an active politician, and has never before been a candidate for office. He is a most successful business man, and has extensive holdings here, as well as interests in Alaska.

RISING BREAST And many other painful and serious ailments from which most mothers suffer, can be avoided by the use of "Mother's Friend." This great remedy is a God-send to women, carrying them through their most critical ordeal with safety and no pain. No woman who uses "Mother's Friend" need fear the suffering and danger incident to birth; for it robs the ordeal of its horror and insures safety to life of mother and child, and leaves her in a condition more favorable to speedy recovery. The child is also healthy, strong and good natured. Our book "Motherhood," is worth its weight in gold to every woman, and will be sent free in plain envelope by addressing application to Bradfield Regulator Co. Atlanta, Ga. **MOTHER'S FRIEND**