- 4

WHO GETS THE REWARD?

SHERIFF OF WASCO COUNTY LAYS CLAIM TO IT.

His Deputy Arrested Kidd, the Train

Wrecker-His Competitor Is a Portland Detective.

THE DALLES, Or., Dec. 16 -- Specula tion is rife in this city as to who will re-ceive the \$1000 reward offered by the Oregon Railroad & Navigation Company for the arrest and conviction of the person or persons who wrecked the train near Cellio, December 6. Kidd, the self-confessed wrecker, was brought to this city shortly after the accident by the rail-road employes on the special train conveying the veying the injured engineer and fireman. Upon their arrival here, Kidd was arrested and lodged in the County Jail by Deputy Wood and Charles Allsky. Subse-quent examination by Detective Reilly, of Portland, elicited Kidd's confession The reward is now claimed by Reilly and



Addison Kidd.

the Sheriff of Wasco County. Papers filed against Kidd hold him for murder in the first degree. He now claims to have confessed Friday night to another prisoner in the County Juil.

BOUGHT BY A SYNDICATE.

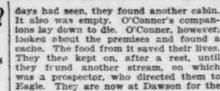
Mining Properties in Cow Creek District Purchased for \$25,000.

GRANT'S PASS, Or., Dec. 16.-A syndi-cate of mining men has purchased mining properties on Upper Cow Creek, formerly owned by the Victory Mining Company The new syndicate will be known as the Oregon Consolidated Mining Company. price of the sale is reported to be 00. The principal members of the company are: Judge Thomas Carroll, of Tacoma; W. J. Morphy, of Chleago; George A. Cole, of Missouri, and Freder-ick Eldomuller, D. Phelps, F. H. Miller ind A. N. Mills, of Oregon. There are 30 claims in the property,

chief among which is the noted Vic-tory hydraulic mine. A 3½-mile ditch brings water to the mining grounds and supplies two big giants, which are kept at work night and day for six or eight months in the year. The giants were started up a few days ago. The banks of this mine are a loose gray gravel, rich in coarse gold.

Braden Mines to Resume Work. The Braden quartz mines, a few miles ast of here, which have been closed down for some time, will resume operations soon, in much better condition for work than ever before. Colonel Ray and Dr. Ray, both of New York, are the ownrd managers of the Braden proper-The mines had been working for

several years up to the time of the fail-ure of the Seventh National Bank, in New York, in which the owners had



NO DECISION YET.

Noyes Contempt Cases Still Hanging Fire-Next Week May Be the End.

SAN FRANCISCO, Dec. 16 .- It was expected that the Circuit Court of Appeals would render a decision today in the Nome contempt cases, and all the interested parties, including Judge Noyes, were on hand when Judges Morrow and Dehaven entered court. A few motions regarding other cases were made, but there was no reference to the contempt proceedings. The court ordered an adjournment until next Monday, and in some quarters this action is taken as an indication that a decision may be rendered at that time.

Sentence Has Expired.

SAN FRANCISCO, Dec. 16 -- Judge Dud-ley C. Dubose, who has been serving a sentence of six months' imprisonment in the Alameda County Jail for contempt of the United States Circuit Court in the Name cases, will probably be released tomorrow. He received word late today from his attorney that United States Attorney-General Knox had reversed the decision of the United States District Attorney, Marshal E. Woodworth, by deciding that as a prisoner he is entitled to 30 days' credit for good behavior; so that with 30 days lopped off his six months' term, and the advantages that accrue from the Monday release law of this state, Judge Dubose will go free tomorrow, or as soon as official word comes from Washington to release him from further bond-age. Dubose said tonight that he would probably return to his old home in Montana.

CAPTAIN TILLEY IN AMERICA.

Will Proceed Leisurely to Washington by Southern Route.

SAN FRANCISCO, Dec. 16 .- Captain B. F. Tilley, U. S. N., ex-Governor of Tu-tuila, Samoa, arrived here today on the steamer Sonoma, accompanied by his wife. He will proceed to Washington, traveling leisurely by the Southern route, in order to accustom himself to a climate more rigorous than that which he has long been accustomed to. He received to-day a dispatch from the Secretary of the Navy informing him that he need day the not hasten to reach the capital. Captain Tilley expressed his gratification that the judgment of the officers who considered the charges against him in Samoa was in every respect a complete vindication. He predicts an efficient administration or the part of his successor, Captain Se bree, who, he says, has already favor-ably impressed the natives.

VALUABLE MINES SOLD.

King Solomon Property, in Chelan

County, Has Changed Owner. NORTH YAKIMA, Wash., Dec. 16,-An mportant mining deal took place here oday, by which the ownership of the King Solomon group of mines, in Chelan County, was transferred from Messrs, Ed-ward Whilson, Fred Parker and Kieth Dunlap, to A. W. Frater, a Seattle mining promoter, who buys for himself and Cleveland and Buffalo capitalists. The price was \$50,000. The property consists of four promising claims, and is one of the most widely known groups of mines in the Northwest. Much ore has been taken out of the mine already, and the buyers feel confident that their investment will prove profitable. The assays run from \$11 to \$60 bout \$50. There is also a good deal of about \$50. copper, something like 5 per cent.

The property is not far from the boun dary line of Chelan County. By wagon road the nearest railway station is Cle Elum, but Leavenworth, on the Great Northern, is closer as to actual distance

Oregon Mining Stock Exchange,

THE MORNING OREGONIAN, TUESDAY, DECEMBER 17, 1901.

erator. Mr. Whiteside will spend the next two months looking over the country and conferring with the principal fruit-**BEWARE OF BOGUS COINS** DONE BY SUPREME COURT growers. So far he has received hearty encouragement MANY COUNTERFEITS IN WESTERN Panthers Still Giving Trouble. WASHINGTON. GRANT'S PASS., Dec. 16 .- One of the pair of big panthers that have been the terror of the Meadows district for some They Are Readily Detected From time past again boldly made its appear-ance in that district a few days ago. It appeared on the farm of J. H. Walker Their Blurred Appearance-Authorities Investigating. and was bravely attacked by a large dog the plucky animal, although succeeding in driving the monster cat away. was promptly chewed into sausage meat in the jaws of the rapacious beast. SEATTLE, Dec. 16 .- Silver counterfelt dollars and half dollars are circulating in Western Washington. The coins seem to This was the panther which stracked two women who were washing clothes at the creek below the house, a few weeks be numerous. From this city and tom they have been reported to Captain Bell, of the United States Secret Service. ago. The panther was in the act of spring The officer has several samples in his

ing upon the women when it was discov ered and scared away. An effort is bein ssession and is investigating the matter. Although of the legal metal, these coun-terfeits are easily detected. Invariably they are cast in molds. Like all cast made to kill these two panthers. They are very cunning and will never place themselves in range of a rifle. No dogs have yet been set on their trail but what erfeits their faces are blurred. While the "head" side of each is very clear, the have met a speedy death from the sharp

Austin Craig Bank Agent In Trouble

BAKER CITY, Or., Dec. 16 .- Austin Craig, the Postmaster and City Recorder of Whitney, who was bound over at Sumpter on Saturday last to await the action of the Circult Court on the charge of having misappropriated the funds of the Bank of Sumpter, for which he was acting as agent at Whitney, was placed in the county jail here today. He was unable to obtain bonds. men in the sum of \$2000, the amount fixed by the committing Magistrate. Previously to coming to Eastern Oregon he served a term as School Superintendent of Wash-ington County. Forest Grove knew him as the editor of two newspapers. In the day of the A. P. A. he was one of the most zealous memhers of that organization. Craig was held in high esteem in Baker City and his home town.

face having the eagle is indistinct in its lines. When placed beside a struck coin the difference is readily apparent.

FREIGHT TRAIN WRECKED. Long Delay Resulted on Southern Pa-

cific-One Man Killed. ROSEBURG, Dec. 16 .- An extra southbound freight train was ditched at 8:30 o'clock last night, about two miles north of Dillard Station. Three cars left the track. Homer Boll, a bookkeeper, from Cincinnati, O., who was riding a brakebeam, was instantly killed. His body was

brought to this city. The wreck delayed the northbound overland 10 hours. Southund No. 15 was also delayed. It left tere at 5:40 A. M. The wrecked train was in charge of

Engineer C. M. Rummage, Firemon Burke, Conductor E. T. Morian, Brakemen F. M. Parlsh and Sam Wiley, none of whom was hurt. Coroner J. C. Twitcheil being ab-sent in Portland, Justice H. J. Robinett held an inquest over the body of the dead Boll, and his mother, Mrs. S. Boll, lives at 1434 Pollun avenue, Cincinnati, O. He had papers of recommendation from the office of the Armour Packing Company, Omaha, Neb., showing he had been a bookkeeper there and other papers showed that he was a man of education. Other men beating their way with him said he had failed to secure employment in San Francisco, and, being without means, he

was endeavoring to reach Seattle. The was brought here and his relatives notified by wire.

claws and powerful jaws of the brutes, been sent yelping home, mangled and or been bleeuing

Clearing the City of Hobos.

SALEM, Or., Dec. 16 .- Two hold-ups have been reported in Salem in the last 24

hours, but the police do not credit the stories. A man suspected of being the highwayman who committed the robberies Saturday was arrested last night, but as there was no identification he was discharged today. The police are making an effort to rid the city of hobos,

AT THE HOTELS.

THE FORTLAND. Sherwood Gillespy, Seattle Coll C A Coollidge, Van-couver Barracks B F Alden, San Fran W R Abercromble Karl F Craft, Chicago D I Johnson, Cinciano B H May, N Y N J Grenning, Chgo L S Rosenblaat W W Catlin, city Sam Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S San Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S The S Handail, City Sam Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S The S Handail, City Sam Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S The S Handail, City Sam Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S The S Handail, City Sam Cohen, San Fran E L Toy, Akron, O W A Doyle & wt. S The S Handail, City Sam Cohen, San Fran E H Collis M J Kinney, Astoria H J Randail, U S A Thos J Larkins, Sait L J H Gilde, Jr. Sacmio John D Holliday, Chgo J A Cranaton, city J A Charanaton, City B B Dyve, South Beod THE PORTLAND.

Bpokane Geo P Griffith, S F J A Cranston, city V H Rohrer, San Fr

satisfaction, and this although property

Justice Wolverion. Plaintiff is a banker at Forest Grove. Cadwell had overdrawn his account at the bank to the amount of \$444 57, and in payment of this and to secure the pay-THREE LOWER OPINIONS AFment of such further drafts as he might make, he and his wife executed their note for \$2000. The bank afterward advanced FIRMED AND THREE REVERSED. Downing Wins One Suit and Loses Another-Damages From Railroad Denied.

SALEM, Or., Dec. 15 .- The Oregon Supreme Court today handed down opinions in six cases. Three lower opinions were reversed and three were affirmed.

Thomas J. Hammer, respondent, vs. F. O. Downing and F. H. Hopkins, partners, appellants, from Multnomah County, Al-fred F. Sears, Jr., Judget reversed. Opinion by Justice Moore. This was a proceeding supplemental to

execution to compel satisfaction of a judgment. Downing was cited to appear be-fore a referee to be examined as to his property liable to execution, but he failed to appear, and evidence was introduced showing that some three months prior to the taking of the testimony Downing had \$10,000. The referee found that Downing had this sum still in his possession. Downing objected to the confirmation of the report, but the court overruled the objec-tions and ordered Downing to apply as much of the money as was necessary the satisfaction of the judgment. Fr this order an appeal was taken to the Supreme Court.

The Supreme Court says:

"The finding that Downing was still possessed of said money is a conclusion of law, resulting from the application of the disputable presumption that a thing once proved to exist continues as long as is usual with things of that nature. (Sec tion 776, subdivision 33, Hill's Laws.) The question thus presented is whether a sum of money usually continues in the posses sion of the same person for more than three months."

The court holds that, since in times of business activity, money does not usually remain in one person's hands, unless he be a miser, the fact that money does so remain should be shown by the weight of testimony, and not deduced from disputable presumptions. The order of the lower court is, therefore, set aside.

State of Oregon ex rel. Thomas J. Ham-mer, respondent, vs. F. O. Downing, ap-pellant, from Multhomah County, Alfred F. Sears, Jr., Judge; affirmed. Opinion by Justice Moore.

O'Day, et al., appellants; motion to ad-vance overruled. Henry M. Wagner respondent, vs. City This was a special proceeding to punish Downing for disobeying an order of the Circuit Court requiring him to apply cerof Portland, appellant; argued and sub-Charles Venable et al., respondents, vs.

tain money found by the court to be in his possession to the satisfaction of a judgment against him. The contempt proceedings were instituted by the filing of an affidavit stating the facts. Downing appeared and contested the contempt pro ceedings upon various grounds, but it was found by the Circuit Court that Downing had the power to comply with the order, and not having done so, he was fined \$25 and ordered confined in the County Jali until he should apply the \$10,000 to the satisfaction of the judgment as directed From this order Downing appealed. The

points of law decided are as follows: Under sections 308 and 309 of the code relating to proceedings supplemental to execution, if the preliminary order be made by the Judge, the final order, if made in vacation or at chambers, must also be made by the same authority, for a Judge may exercise, out of court, all the powers expressly conferred upon such offi-cer, as contra-distinguished from a court, and not otherwise.

If the judgment debtor falls to appear at the examination concerning his property, the court still has authority, upon proper evidence, to order him to apply money shown to be in his possession, to

the satisfaction of the judgment. It is not necessary that an execution be levied upon tangible property before the judgment creditor can have recourse to the supplementary proceedings, but it is sufficient if it be shown that an execution has been issued, and that defendant has property which he refuses to apply to its



McBride, Judge: affirmed. Opinion by

error is found.

bursements in this court and in the court

S. Normile, respondent, vs. The Oregon

Rallway & Navigation Company, appel

lant; ordered that appellant has until February I, 1992, to file reply brief. P. H. Oviatt, appellant, vs. Hig Four

Mining Company, respondent; petition for rehearing overruled.

A. H. Carson, respondent, vs. F. M.

C. A. Scott, respondent, vs. Joseph R.

Lewis, appellant; petition for rehearing

Board of Police Commissioners of Port-land, appellant; argued and submitted.

RABBITS ARE A PEST.

Wholesale Slaughter of Them Will

Take Place at Butter Creek.

PENDLETON, Or., Dec. 16 -At the

nouth of Butter Creck, December 29, will

occur a rabbit drive. Many people will participate. It is expected that thou-sands of jackrabbits will be corraled and

slaughtered. The plan is to make an excursion from several towns, and induc-

people who can overcome their humane scruples to go there on cheap fares and assist in the bloody work of killing all

the rabbits that the hunters are able to

drive into the enclosure. Pences half a mile long have been built leading out

from the corral at right angles. People

will be there from all parts of the coun-try. Women are invited to participate

Lunch counters will be set up and hot meals served. Last year, at Blalocks' Island, thousands of rabbits were slaugh-

tered, and hundreds of people attended. The Pendleton Sportsmen's Association has arranged to secure a large number

of the rabbits and to bring them here for

a live-rabbit shoot on the following day,

BIRDS GETTING SCARCE.

Mongolian Phensants Show the Ef-

December 30.

State of Oregon, respondent, vs. Tho

Hayes, appellant; petition for rehearing

Minor Proceedings.

below.

overruled.

overruled.

D. R. Hawkins, respondent, vs. August Donnerberg et al., appellants, from Multnomah County, on motion to amend de-cree; decree amended so as to allow plain-

relieve anthema for and Herbs are unit to women. Manyon's Court Remedies are in five days. Munyon's Vitalizer restores hat powers to weak men. Price, \$1. Hunyon has a set of the set of tiff to recover \$5 each from E. G. Clark, H. T. Hudson and Stubbs & Lawrence. men. Price, \$1. Munyon has a cure for every disease. The Guide to Health (free) tells of them. Cures, mostly 25 cta. with interest from maturity. Defendants above named allowed their costs and dis

MUNION'S INHALER CURES CATARRIE.

DYSPEPSIA

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My DYSPEPSIA CURE positively

cures all forms of indigestion or stom-



As not forth in THE GOLD MEDAL PRIZE TREATISE, the best Medical Work of this or any new, for men only, entitled

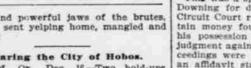
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POSITIVE CURE EDITOR'S NOTE Hor 40 years

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heavy denosits.

Three New Gold Strikes.

discovery of three new quartz ledges have been made in Josephine County, of late. One was in the Coyote Creek District, Northern Josephine. E. Huy-sink, a miner, has uncovered a four-foot lodge carrying free gold and sulphuret values, that give average assay values of \$15 per ton. Two other strikes have been made by W. E. Markham and C. W. Gerbeth, on Rogue River, 14 miles below this city. One ledge has a width of four feet, carrying average values of \$15 per ton, and the other a width of one fost carrying an average value of \$2 per ton each in free gold and sulphurets.

STATUS OF MINING CLAIMS.

Effect of the Modus Vivendi Agreement in Alaska.

WASHINGTON, Dec. 16.-Strange to say, up to a week or so ago the question has pever been raised as to whether or not an American citizen may locate and hold a mining claim on that strip of territory in Alaska affected by the modus vi-vendi agreement entered into between our Government and the Government of Can-Representative Cushman, of Washington, became interested in this question and called on Commissioner Hermann, of the General Land Office, for a ruling. Mex Evidently the question had not been considered before, "Inasmuch as your question involves,

or may involve, to some extent, a con-struction of said modus vivendi," said the Commissioner to Mr. Cushman, "It would seem that your question should be pro-pounded to the Secretary of State. I am unable to refer you to any adjudicated case in which the question you ask was decided. For obvious reasons, the propriety of which I am sure you will readily perceive, it is contrary to the practice of this office to express an authoritative opin-ion except in an actual case in which the record has been regularly submitted."

Mr. Cushman then made a personal call on the Secretary of State. The Secretary explained that there is no time limit to e modus vivendi,

"During the continuance of the agreement," said the Secretary, "new claims on the American side of the provisional line are subject to the United States proced-ure, and those on the British side to the Canadian procedure, without prejudice to final adjustment of the boundary. But all rights acquired on either side before the modus are unimpaired. It follows that uch pre-existing rights of the citizens of the one party within the provisional jurisdiction of the other may be established as of record by any reasonable formality prescribed by the authority in temporary nirol of the territory where such rights are claimed under the modus."

ALMOST STARVED TO DEATH.

Three Mining Prospectors Barely Saved Their Lives.

SEATTLE, Dec. 16 .- With no food save morsel of dry flour, Martin O'Conner, formerly of Seattle, and two companio andered three days through the Upper anana Valley, Advices were received in this city today giving the story of this journey, caused by the burning of the paris's cabin on the Cheona River, at the

endwaters of the Tanana. The three men had been prospecting. The burning of the cabin, which occurred about two months ago, left nothing save a little flour in a lard pail. They started across the Tanana divide for Eagle City to get help. For three days they jour-neyed, seeing nothing to raise their hopes and getting no food of any kind save what they had with them. Then they came on a cabin. It was deserted and toll and hardship that the three former House. Store open evenings now.

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- 1	Champion	50
	Caribou 2	2
	Gold Hill & Bohemia 9%	12
6		6
5		- 4
5	Oregon-Colorado M. M. & D 24%	- 28
ę.	Riverside 2%	- 4
5	Sumpter Consolidated 24	
	500 Riverside	
	SPOKANE, Dec. 16 Closing quotai	floria d
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SAN FRANCISCO, Dec. 16 .- Official closic omotict.

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NEW YORK, Dec. 16 .- Mining stocks today closed as follow

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FELL OVER A BLUFF.

Indian War Veteran Killed Near Goble-An Old Settler.

ST. HELENS, Or., Dec. 18.-John H. Blacketer, of Goble, was found dead on the river bank, near Reubin, this morn-ing. He was an Indian War veteran. He crossed the plains and located his home at Goble, where he lived until his death. He was about 70 years of age. He received his pension check last Sat-urday and after paying some small bills became slightly intoxicated, and started for his home. It is supposed that he went too near a bluff and fell over. It is not known whether he died from the fall or from exposure, as he had been dead several hours before being discov-

Mail From Dawson.

SEATTLE, Wash., Dec. 16.-The first Klondike mail from Dawson since the Yukon River closed arrived at noon today on the steamer Cottage City. The mail left Dawson November 28. A mail that started five days earlier went through soft ice on Lake Lebarge, and the horses drawing it were drowned. The mail was recovered, but was much damaged.

Kimball Planos. There are many cheaper planos; it is mighty easy to make a plano for less money, but impossible for factories to make one so good. There are a few more costly planos; no amount of money, however, can buy anything better than the Kimball. Sold by Ellers Piano

GOVERNOR GEER SPOKE Made an Address on the Subject

"Good Government."

OREGON CITY, Dec. 16 .- Governor T. T. Geer made an interesting address to the Men's Congregational Club tonight on the subject, "Good Government." He talked for nearly an hour. His speech was prefaced by remarks by Colonel Robert A. Miller, C. B. Moores and Rev. E. S. Bol-linger. A vocal solo by Miss Mary Con-yers and other music added to the pro-

The Governor dwelt upon the formation of the early government of Oregon, and

spoke of the struggles of the pioneers. He read extracts from the records of the constitutional convention. His address was heartily applauded and at its close he was tendered the thanks of the club and made on honorary member. Gov-ernor and Mrs. Geer held an informal re-ception in the parlors of the Congregational Church, where the supper was

SHE GAPED 'TOO WIDE.

Woman Yawaed and Could Not Afterward Close Her Mouth.

WALLA WALLA, Dec. 16 .- Mrs. Harry Hibbard vawned at a ball at Sons of Vet. erans Hall Saturday, and broke up the dance. Mrs. Hibbard opened her mouth to the fullest extent, and when she un dertook to close it the hinges stuck. The jaw absolutely refused to close, even when considerable pressure was brought to bear. When closed by main force, the jaw would immediately fly open as soon as released. The announcement created intense excitement, and the dance broke up. A doctor was called, and the unfortunate woman removed to her home. Af-ter a few hours' work the trouble was

corrected.

NORTHWEST DEAD.

Jacob Brugger, a Pioneer of Washington County. HILLSBORO, Or., Dec. 16-Jacob Brug-

ger, an old and respected ploneer of this county, died at the home of his son-in-law, Anderson Reynolds, at Cedar Mill, last evening. Deceased was a native of Switzerland, and came to the Pacific Coast in 1852. He soon after settled in this county. He was 73 years of age. He leaves one daughter, Mrs. Reynolds,

and a large estate.

MEETING OF WOODMEN. Many Members and Women of Woodcraft Will Be Present.

PENDLETON, Or., Dec. 16 .- Five or six hundred Woodmen and Women of Wood-craft will participate in a log-rolling here tomorrow. Head Consul Faikenburg and other prominent officers of the order are expected to attend. Meetings will be held in the opera-house. A reception and dance will be given in the evening.

Wrecked by Persons Unknown. SPOKANE, Dec. 16 -- It is now believed

the fatal train wreck near Essex. Mont., yesterday, was not an accident, but a crime. A telegram has been received from H. A. Kennedy, assistant general superin-tendent of the Great Northern, who has visited the wreck. He wires: "There is not the slightest doubt but No. 2 was deliberately wrecked by parties unknown; think discharged employes."

May Build a Prunedrier.

NORTH YAKIMA, Wash., Dec. 16 .- J. 3. Whiteside, of Michigan, is in the valley examining orchards, and probably will erect a \$35,000 prunedrying plant for next season's crop. He has traveled all over the United States, and says that Yakima is an ideal place for a large fruit evanTHE PERKINS.

A Cranston, city R B Dyer, South Hend V H Rohere, San Fr J F Van Ordaite, Vancy THE PERKINS.
H Rosenbaum, Mon-roe, Mich Maran Rosenbaum, do Mara Rosenbaum, do A R Gray, Catlin, Wn F Hendricks, Casender Construction of the second state of the secon

C. W. Knowles, Manager. C. W. Knowles, Manager. D Mauplerger, McMinn/C D Gabrielson, Salem W D Smith, Vancouvr, Mrs A L Hoult, do W H Mahon, Burns, Or Carl Brown, do R H Lacey, Colfax H Narris, Olympia S L Jones, San Fran Miss Muhly, San Fran Mrs W Jackson, Hak C J B Lockwood, San Fr Miss Ruth Jackson, Ho W R Phillips, Sas-C C Anderson, do Jem W D Smith, Abhany G R Roddis, Omakis, Minn G R Roddis, Omakis, Minn B Taylor, Indp D B Taylor, Indp D B Taylor, Indp Miss MLee, Olympia D B Taylor, Indp Miss MLee, Olympia Mrs Walter 8 Brown, Portland, Me THE ST. CHARLES.

THE ST. CHARLES.

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THE ST. CHARLES.
L F Brune, Ellensburg H H Clark, Warren
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G R Ridgeway, Salem
F D Miller, Whiting, Ia
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C C Rush, La Du
W G Hease, Kinton
R B Bevans, Stevenson
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H F Clark, Baker City
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P Durberry, do
John Walton, Ridgfd
N Futrug, Chinook
M F M Falcs, Faler,
Mrs J Smith, Woodinad
A Law, Molalla
C Smith, Woofhand
J W Thomas, Molalla
K T Homas, Molalla
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J W Thomas, Molalla

Hotel Branswick, Scattle.

European, first-class, Rates, 50c to 51.5a One block from depot. Restaurants near by.

Tacoma Hotel, Tacoma. American plan. Rates, 53 and up.

Donnelly Hotel, Tacoma. pean plan. Rates We and up

Although the order directing the payment of money may have been voidable, so long as the order remained in force the defendant is in contempt if he disobeys it. Contempt proceedings should be insti-tuted, if criminal, in the name of the state, and if civil, in the name of the state upon the relation of a private party, but a defect in this respect is not fatal, but may be cured by amendment.

No error is found, and the order of the court below is affirmed.

Ella Rathbone, administratrix, respond-Ella Rathbone, administratrix, respond-ent, vs. the Oregon Railroad & Naviga-tion Company, appellants, from Multno-mah County, Alfred F. Sears, Jr., Judge: reversed. Opinion by Chief Justice Bean, This was an action to recover damages for the death of Charles A. Rathbone, al-leged to have been caused by the negli-gence of defendant. Rathbone was not in the employ of the company, but was rid-ing on the section handcar at the invita. tion of the section foreman, when he was killed by a train. The Supreme Court holds that a man riding on a handcar under such conditions is a trespasser, and the railroad company owes him no other duty than to use reasonable care not to a well-known laboring man of North Powder, was frozen to death Saturday night in the hills 18 miles west of Haines, injure him after he is discovered. The fact that the section foreman invited him to ride does not alter the case, for the Burke left Haines Saturday to do some work on a tunnel for Fisher Bros. The tunnel is to tap a lake for irrigation foreman is not the agent of the company, and riding on handcars is against the purposes on the north fork of Rack Creek. His body was found yesterday company's rules.

Mark Milos, respondent, vs. Peter Covacevich, appellant, from Multuomah County, Alfred F. Sears, Jr., Judge; renah rersed. Opinion by Chief Justice Bean, Plaintiff and defendant having had busiess relations, agreed upon a settlement whereby it was orally agreed that defendant should, in payment of a balance, deed to plaintiff a certain lot in Portland, valued at \$500, and pay him \$100 in money upon the happening of a certain contin-gency. At the close of the fishing season defendant was to deliver to plaintiff a certain net valued at \$225. Two days later the lot was conveyed, and the plaintif gave defendant a receipt showing what the conveyance was for, but no mention of the net was made in the receipt. De fendant afterward refused to deliver the net, and plaintiff brought suit to recover its value. Plaintiff won in the lower court. The Suprema Court holds that the agreement to deliver the net was void because not in writing, unless the satis-faction of the debt can be considered a payment.

"A more agreement to apply the pur-A more agreement to apply the put-chase money will not suffice, because the contract would still rest in words and nothing more. The statute requires the payment to be made at the time of the agreement, and it is doubtful whether a subsequent payment will suffice unless it is made for the express purpose of complying with the statute, or at a time when the parties substantially reaffirmed the terms of the contract."

As the receipt showed that the debt was to be cancelled by the transfer of the lot and the payment of \$100, 11 cannot be used as evidence regarding the net.

Julia C. Richardson, appeliant, vs. Ber-

Juna C. Richardson, appellant, vs. Ber-trand Orth et al., respondents, from Mult-nomah County, John B. Cleland, Judge; affirmeD Opinion by Justice Woiverton. The principal points of law decided are that where a will is written by a woman who did not sign it, but, after folding it, had two witnesses sign it, without their had two witnesses sign it, without their knowing what it was, although she signed it at a later date, the will is void. If the matter of the signature at the end of the document be disregarded, since she had written her name in the body of the will, it is still insufficient, for she did not tell the witnesses that it was her will, nor ask them to witness her signature to it, as required by law.

E. W. Haines, respondent, vs. E. P. Cadwell, and Laura M. Cadwell, appellants, from Washington County, T. A.

fect of Wholesale Slaughter. ALBANY, Or., Dec. 16-The scarcity of the Mongolian pheasant is marked here in Linn County, where they have always been more numerous than in any other portion of the state. At the beginning of the open season the birds were never the open season the ords were never more plentiful. But thousands have been kthed this season, and they are compara-tively scarce. The illegal hunting of these birds is also an important factor in lessening their numbers. It is a fact that some formers kill the birds at all times

of the year. So far has the fame of this splendid game bird spread that a great number of sportsmen come here every year to hunt at the beginning of the open season. Men from all parts of Oregon huat China pheasacts in Linn County. Many hunters come from Washington and California, and scmetimes there are hunters here from the East. World Famous Mariani Tonic

FROZEN TO DEATH.

Man Died of Exposure on a Mountain Trail in Eastern Oregon. BAKER CITY, Or., Dec. 16 -- Dan Burke

morning by some men who were going over the trail. Several packages and bundles were scattered along the trail. It

was apparent that Burke had become ex-

hausted and died from exposure. Cor-oner Snow decided that an inquest was

not necessary. Burke was a member of the Woodmen of the World it North

HOT

GRIDDLE

CAKES

ONDE

tender, delicious and

free from dyspeptic

qualities,

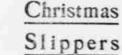
Powder.

that produces beneficial effects -during the past thirtyeight years.

A MILD STIMULANT

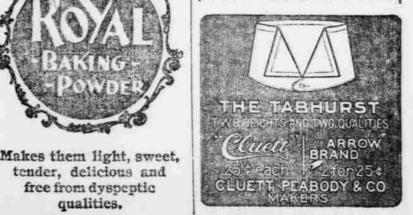
All Druggists. Refuse Subștitutes.

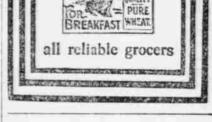




And the style and quality shoes that holiday shoppers want are to be found at this store in great variety. We have styles to suit every taste, prices to suit every purse. Early buyers have the widest choice,







THE IMPERIAL. C. W. Knowles, Manager.