CITY WINS ITS APPEAL

SUPREME COURT DECIDES IN FAVOR OF PORTLAND.

Power of Police Commission to Remove Members of Its Force Is Sustained.

SALEM, Or., Jan. 6.—The Supreme Court today decided the Portland Police Commissioners' case in favor of the Commissioners. Chief Justice Bean dissented. This was the suit brought by Charles Venable, who was dismissed from the police force. The lower court decided that he had been illegally dismissed, but the higher tribunal reverses Judges Sears, Cleland and George, and holds that the Board of Police Commissioners did not exceed its powers. Justice Bean agrees with the majority of the court as to the authority of the board, but expresses the opinion that Venable was removed in violation of the city charter. This and five other case were decided today.

The decision of the Supreme Court will save the city about $6000 or more. The policeman sued only for reinstatement and to have the court declare that they were illegally removed. If they had won they would have been able to have collected their salaries from the date of removal.

Charles Venable, respondent, vs. Board of Police Commissioners, appellant, from Multnomah County; Alfred F. Sears, John B. Cleland and M. C. George, Judges; reversed; opinion by Justice Wolverton, Chief Justice Bean dissenting.

This was a special proceeding to review the action of the Board of Police Commissioners, whereby the plaintiff was relieved from the office of regular policeman of the City of Portland. The plaintiff was appointed November 3, 1899, and continued to discharge the duties of his appointment until June 23, 1900, when he was dismissed from the service by an order of the board, made and entered at a regular meeting, without notice or charges, and it was alleged that by reason thereof the board exceeded its jurisdiction and exercised its judicial functions erroneously. The record of the board dismissing Venable and others was as follows:

"The following members of the Police Department were dismissed from service, there being no funds for their payment, and the Commissioners desire to state that, while the officers performed their duties, the action of Mr. Greenleaf, the Assessor, in reducing the assessment, made it imperative" to reduce the force, etc. Those dismissed were: J. C. Wells, Charles Venable, Fred Hallett, W. O. Stitt, H. A. Parker, P. Murray, C. L. DuBois, M. Waller, J. M. Hackelford and E. W. Cole.

This order was made June 23, and the dismissals were to take effect June 30. July 30 the board made an order appointing O. P. Church a special policeman in place of Jack Roberts. August 2 H. A. Parker and E. W. Cole were appointed policemen and John F. Kerrigan and Frank J. Snow were appointed detectives. September 3 the board ratified the appointments of C. L. DuBois and J. M. Hackleford as regular officers. November 5 O. P. Church was reinstated as regular policeman and Joe Reising was appointed a regular policeman, but the latter received no pay.

The case was tried entirely upon the record made by the Board of Police Commissioners, and as this was a review proceeding, no evidence of the motives of the Commissioners or the reason for the dismissals, was taken. The lower court decided in favor of Venable and the Commissioners appealed. In reversing the lower court, Justice Wolverton says:

"The plaintiff's contention is, that by the act of the board appointing him and others regular policemen, they were constituted officers, and that their tenure of office was during good behavior; that they could not be removed for any cause or purpose whatever, except for inefficiency, misconduct, insubordination or violation of law, and that the dismissals were made to subserve political purposes, contrary to the direct inhibition of the charter. Upon the other hand, it is maintained that the board was vested with ample power so to manage and regulate the department as to adapt it to the exigencies of the service, and that it was authorized to reduce the police force upon economical grounds, being charged with the duty of keeping the expenses of the department within the appropriations or funds available therefor; and that the dismissal of plaintiff and others was in pursuance of that authority, and not for political reasons.

"The proceeding being by writ of review, the question must be resolved by the record, as one of law, and no extraneous facts or evidence allunde can be taken into account. The Police Commissioners are, by the charter, given plenary power pertaining to the organization, management and control of the police department. In this respect they stand in the place of the Common Council, as they are clothed with all the executive functions of the city pertaining thereto. They are authorized to adopt rules and regulations for receiving and hearing complaints against members of the police force, for their removal, suspension or forfeiture of wages on account of misconduct or negligence in the discharge of their duties. Beyond this, their functions require that from an economical standpoint, they shall so manage the affairs pertaining to the department as to keep the expenses within the revenues appropriated and available for that purpose.

"In view of these powers and functions imposed upon the board, it was declared that all appointments made thereby should continue during good behavior, and that no officer should be removed upon political grounds, or for any reason, except inefficiency, misconduct, insubordination or violation of law, after a fair trial upon complaint regularly preferred, and reasonable notice. These latter regulations are restrictions upon the powers previously accorded, and are to be construed as limiting the power of removal for cause to those several reasons enumerated, but the power so to administer the affairs of the department as to keep the expenditures within the estimated revenues is not thereby restrained or circumscribed. Having the power to organize the police force, in the first instance, the Commissioners have the power to increase or reduce it, as the exigencies and proper management may require, and, therefore, if the anticipated revenues are insufficient to meet the requirements of an efficient service, they may reduce the force so that the expenditures will not exceed the appropriations, if practicable."

The opinion holds that it is a presumption that the board acted honestly and in good faith in discharging its duties, and that there is no evidence sufficient to overcome the presumption.

"Of the 10 men dismissed from service, four have been reinstated, two are not complaining, while four are prosecuting writs of review for their reinstatement. Of these latter, none others have succeeded to their posts of duty, so it cannot be said that they have been displaced to make room for men more congenial politically with the board, and it is difficult, if not inimical to reasonable deduction, to extract from the record in the face of the presumption of good faith, that these dismissals were made for political reasons."

In his dissenting opinion, Chief Justice Bean says:

"I concur in the view that it is within the power of the board to reduce the force whenever the public revenues demand. I think, however, this should be done by direct resolution or order, abrogating the extra offices, and not by the mere removal of the officers. As I read the charter, the board is absolutely prohibited from removing a policeman except for certain enumerated causes, which do not include a want of funds. So long as the office exists, the appointee is entitled to hold it, unless removed in the manner provided in the charter, and for the causes specified. The record of the police board recites that the plaintiff and other policemen named were 'dismissed from the service,' and I doubt whether it can be properly held to show an intention to reduce the force or abrogate the offices they held, especially in view of the subsequent action of the board in reappointing some of the persons dismissed and in appointing others, without an order increasing the force."

The majority decision, by Justices Wolverton and Moore, prevails, and the policemen are out.

Singer Manufacturing Company, appellant, vs. T. J. Driver, Sheriff of Wasco County, respondent, from Multnomah County; Alfred Sears, Jr., Judge; reversed; opinion by Chief Justice Bean.

The question in this case was whether the withdrawal of a claim made by a third person to property seized by a Sheriff under a writ of attachment or execution operates as a bar to an action brought by the claimant prior to the sale against Sheriff to recover possession of the attached property or its value. The opinion says that "when the claim is withdrawn, the statute declares that the trial shall proceed no further, and thereafter the matter stands as if no claim had been made, unless some subsequent act of the Sheriff, relying on the faith of such withdrawal, when properly pleaded, constitutes estoppel. As no estoppel is pleaded in this case, we are of the opinion that the judgment must be reversed."

Mary Elliott et al., respondents, vs. Clarence R. Lloyd and J. T. Reed, appellants, from Multnomah County; John B. Cleland, Judge; affirmed; opinion by Justice Wolverton.

The principal point of law decided in this case is that where there is privity of estate between three plaintiffs, and one of the defendants, and where the other defendant acts at the latter's instance, a suit will lie under the settled rules of equitable jurisdiction to restrain threatened waste on timber land.

L. J. Davenport, appellant, vs. Fred Dose, respondent, from Marion County; George H. Burnett, Judge; reversed; opinion by Justice Moore.

The point of law decided is that where a defendant admits a part of plaintiff's claim and sets up a counter-claim covering the amount admitted, it is improper for the court to grant a nonsuit at the close of the plaintiff's case, for if the plaintiff, by failing to introduce evidence, thereby admitted defendant's averments as to the balance due, the burden of proof is then shifted to the defendant to prove his counter-claim.

J. C. Rutenic, administrator of the estate of W. H. Mills, deceased, substitutes for John F. Miller, deceased, respondent, vs. J. W. Hamaker et al., appellants, from Klamath County; H. L. Benson, Judge; affirmed; opinion by Justice Moore.

Hamaker was administrator of the Mills estate, and this suit was brought upon his bond to recover $2345 59. Judgment in this sum was had against Hamaker and his bondsmen, and the defendants appealed. The principal rules of law laid down, in the opinion of the Supreme Court, are:

That in pleading the judgment of an inferior tribunal, the facts conferring jurisdiction must be alleged.

In a judgment rendered by a court of general or superior jurisdiction, however, every fact necessary to confer jurisdiction will be presumed in order to support the validity of the judgment.

The county court, in probate matters, is a court of general or superior jurisdiction.

Many questions were raised, but the court finds no error in the court below.

Dorothea Wetmore, appellant, vs. Ward C. Wetmore, respondent, from Multnomah County; John B. Cleland, Judge; affirmed; opinion per curiam.

The opinion says: "This is a suit for divorce, and to compel a conveyance from the defendant to the plaintiff of certain real estate, which it is alleged was purchased with her money. The complaint was dismissed by the court below, and the plaintiff appealed. An examination of the record satisfies us that the testimony is not sufficient to justify a decree of divorce, and, as the title to real property cannot be litigated in a proceeding of this kind, except as incident thereto, the decree is affirmed.

The following minor orders were made in the Supreme Court today:

State of Oregon, respondent, vs. John Kelly, appellant; appellant may file typewritten brief.

Lusetta P. Beers, appellant, vs. C. A. Aylesworth, respondent; respondents' time to file brief extended to April 1.

J. O. Hanthorn, respondent, vs. James Quinn, appellant; respondent allowed until January 30 to file brief.

George H. Small, respondent, vs. Elmer D. Lutz, appellant; argued and submitted on motion to dismiss.

George H. Williams, respondent, vs. Commercial National Bank, appellant; argued and submitted on motion to advance for hearing.

Henry Weinhard, respondent, vs. Commercial National Bank, appellant; argued and submitted on motion to advance for hearing.

Moro Mercantile Company, responded vs. S. Yamoaka, appellant; affirmed, on default of appellant and failure to pay trial fee.

Mary E. Warren, appellant, vs. T. G. Hendricks, respondent; rehearing denied.

Mary Phelps Montgomery, respondent, vs. Robert Smith et al., appellants; executors of Shaver estate, substituted for George W. Shaver, deceased, and decree amended.

WHEAT NEARLY ALL SOLD.

Growers Hold Little of the Cereal in the Weston District.

WESTON, Or., Jan. 6.—Wheat at Weston and Downing stations has nearly all been purchased. But few lots remain in the hands of the growers, although one of these is a large one, including three season's crops. Saturday evening 17,000 bushels of wheat were purchased by R. Jamieson, agent of the Pacific Coast Elevator Company. It included the lots of G. DeGraw, G. W. Haggs and J. H. Key. This brought 54½ cents per bushel, net, the best price paid here for two years, and two or three cents better than has heretofore been paid at any other point in the county this season. Local scarcity caused a brisk demand for this lot.

This is a season of lodge suppers. Weston Lodge, No. 65, A. F. and A. M., and Crescent Chapter, O. E. S., recently held a joint installation and banquet, at which many visitors were present from neighboring lodges. Similar events will occur Tuesday night in the fraternal halls, respectively, of the A. O. U. W. and Degree of Honor, and the Woodmen of the World and Women of Woodcraft. Last Friday evening, officers of Weston Lodge, No. 58, I. O. O. F., were installed, with a banquet following.

In church circles much interest has been occasioned by the revival services in progress at the United Brethren Church. Bishop N. Castle, of Philomath, Or., is present to assist in the work. He arrived Saturday, and preached two able sermons Sunday to large congregations.

FIRE AT LA GRANDE.

Four Buildings Destroyed Early Yesterday Morning.

LA GRANDE, Or., Jan. 6.—Fire was discovered this morning at 1:15 o'clock in the rear of Frenchy's chophouse, on Fir street, near the railroad, and in an hour the buildings adjoining were consumed. The place was a firetrap, and was just being vacated. How the fire started is unknown. Four frame business houses were burned—George Ott's two-story building, occupied by Dray Bros., as a saloon and chophouse; and three one-story frame structures owned by James White. The new brick building of John Mais, adjoining, used as a meat market, was not damaged. Little was saved from the burned buildings. The losses are: James White, about $1500, insurance $1000; George Ott, $1200, insured; J. Bull & Co., $3500, insurance $2000; Schmidt & Hoffman, $2500, insurance $1000; L. Depeters, $200, no insurance. Schmidt & Hoffman had $1500 worth of pickled pork. There were several narrow escapes from falling live electric wires.

NEW SHELL INVENTED.

Contains Nitro-Glycerine and Is Very Destructive.

OAKLAND, Cal., Jan. 6.—B. C. Pettingell, of this city, has invented a nitro-glycerine projectile, which, if the claims of the inventor hold good, will prove of great importance. The mechanism of the invention is a secret, and Pettingell is now negotiating with the United States Government for the sale of the device. The matter will be considered by the Ordnance Department today.

The invention, Pettingell says, is a shell that will carrry without the least concussion, from 50 to 200 pounds of glycerine oil as far as the ordinary shell can be fired by ordinary modern ordnance. The concussion necessary to project the shell, he says, is by his device reflected back to the sides of the shell, so that the glycerine oil is not disturbed in the least.

OREGON REFORM SCHOOL.

Annual Report of Superintendent—Pupils Number 134.

SALEM, Or., Jan. 6.—Superintendent Bickers, of the Reform School, today submitted to the State Board of Education a report for the past year. The running expenses of the school for 12 months were $27,120 88. The enrollment of pupils is 134.

The report says that the loss to the state on account of the fire in the Industrial building will be about $7500, exclusive of the damage to the building. This will bring the total loss up to about $25,000. The laundry plant, the apparatus in the shoe and tailor shops, and the band instruments, were destroyed. At the time of the fire the laundry contained clothing, bedding, etc., for a week's washing. A new boiler-room and dynamo-room is building for temporary use.

READY TO RECEIVE COURT

PEKIN IN GALA ATTIRE FOR THE ROYAL PROCESSION TODAY.

Precaution Taken to Prevent a Collision Between the Chinese and the Foreign Troops.

PEKIN, Jan. 6.—The Chinese officials have requested the Ministers of the powers to keep the legation guards within their quarters tomorrow in order to prevent the possibility of a collision between the Chinese and foreign troops on the occasion of the court's return to Pekin. The Ministers will comply. The families of the foreign diplomats will occupy the buildings which the Chinese Government has tendered them for the purpose of viewing the parade. There is much criticism of this course among the foreigners who are not satisfied with the fact that the Ministers alone are to remain in the legations. They believe that the event should be completely ignored. They say the presence of any members of the legations will be construed as being a sort of homage to the court, and will be thus proclaimed among the people.

The foreigners are divided into two factions concerning the future relations of the diplomats with the court, one holding that the relations should be limited to the fulfillment of the most formal obligatory ceremonies, and the other holding that in official and social relations the Ministers should endeavor to be more intimate with the court than formerly, and should meet all Chinese advances in the most friendly spirit.

Many foreign soldiers and a few officers today violated the government's request to keep off the streets, which have been cleaned and decorated for the royal procession. This is likely to create resentment.

Railroad traffic between Pekin and Pao Ting Fu, except on the court's business, has been congested since the arrival of the court at Pao Ting Fu. Special trains for two days past have been bringing the court's baggage here. Official business monopolizes the telegraph lines and the postal service to Pao Ting Fu.

BANK OF LIVERPOOL FRAUDS.

Associates of American Bookmakers Implicated on the Stand.

LONDON, Jan. 6.—When the hearing of the charges of fraud brought in connection with the recent robbery of the Bank of Liverpool was resumed at the Bow-Street Police Court today, associates of Lawrie Marks and James Mances, the American bookmakers, testified to their sudden departure for the Continent, and their subsequent movements in Paris. The witnesses, however, denied any knowledge of their movements after that. Lawrence Somers, a cousin of Marks, said Marks was so ignorant he could not write a check, and had only read a single book, a philosophical work by the late Colonel Robert G. Ingersoll, from which he was constantly quoting. Marks told the witness he was going to Monte Carlo. The manager of a hotel, a woman, testified that when Marks bade her farewell he said: "Probably you will never see my miserable face again."

(The frauds on the Bank of Liverpool, knowledge of which became public November 22 last, involved the sum of £170,000. Lawrence Marks, alleged to have been one of the principals in the robbery, was an American bookmaker. He was reported to have jumped overboard from a Channel steamer November 27 and to have been drowned.)

DENIED BY CHAMBERLAIN.

Fear of England Abroad Not Due to a Wicked Government.

LONDON, Jan. 6.—In speaking at Binghamton tonight, Joseph Chamberlain, the Colonial Secretary, referred to that fear and jealousy of Great Britain which is entertained abroad and denied that this was due to the existence of a particularly wicked government. "This is no new thing in history," he said, "and we must maintain our splendid isolation, surrounded and supported by our colonial kinsfolk."

While fully admitting the necessity of finding new markets and keeping abreast of modern times and methods, Mr. Chamberlain saw no sign of any imminent or pressing danger to British trade. He said: "During the last five years, we have enjoyed an absolutely unparalleled condition of trade, and for the future the prospects are exceedingly good."

The Colonial Secretary strongly deprecated any attempt on the part of trades unions to restrict the output and reduce all workmen to a dead level of mediocrity. In this connection the speaker referred to the opinions of Senator Hanna and President Schwab, of the steel corporation, on this subject.

DUEL CREATES A SENSATION.

Particulars of Fight Between a German Officer and a Student.

BERLIN, Jan. 6.—Full narratives of the duel fought last Thursday at Jena, in the Duchy of Saxe-Weimar-Eisenach, in which Lieutenant Thieme, of the Ninety-fourth Regiment, killed a student of Halle University, named Held, by shooting him through the heart, are producing a deep sensation throughout Germany. Lieutenant Thieme is the best pistol shot of his regiment, and pistols were selected by the court of honor, composed exclusively of army officers, notwithstanding the fact that the student societies proposed the use of sabers. The court of honor stipulated that five shots be exchanged between the duelists, consequently Held had little chance of escape. He was killed at the third exchange of shots.

The duel resulted from a party of students having jostled some army officers in the streets. Held was with the students, and he slapped the face of Lieutenant Thieme, who was in plain clothes.

PRESIDENTS OF THE STATE DAIRY ASSOCIATION AND THE OREGON FARMER'S CONGRESS.

Richard Scott.

W. H. Wehrung.

About the same time that the court of honor was arranging the details of this duel, Emperor William was receiving New Year's congratulations from the German Generals. According to gossip current in military circles, the Emperor on this occasion directed that the doors of the saloon be closed, and talked for several minutes about dueling. The Emperor is reported as saying that, so far as he was concerned, he did not expect to trouble himself with what the subalterns might do, as he looked to the corps commanders, and would hold them personally responsible to himself for the prevention of unnecessary duels. Emperor William is now credited with having said that if duels should occur in 1902 similar to some which had taken place in 1901 he would demand resignations.

AMERICAN SHIPBUILDING.

German Expert Who Made an Investigation Files His Report.

BERLIN, Jan. 6.—Tjard Schwartz, a German naval constructor who was recently sent to the United States by the Marine General Staff to investigate shipbuilding here, has submitted his report. Herr Schwartz says all the principal shipyards in the United States facilitated his investigations in every way. His descriptions are accompanied by masses of photographs and drawings of new machines, especially of pneumatic contrivances used in shipbuilding. The investigator says that material for building steel ships is lower in price in the United States than in any other country, and the only thing to be complained of is the fluctuation of prices, which makes competition with foreign shipbuilders difficult. Herr Schwartz says in this connection that within four months the prices of shipbuilding materials in the United States have fluctuated 200 per cent from a lack of stability of the market, and this is the principal reason why some American shipbuilders are combining with the steel producers.

The German investigator refers to the splendid body of American workmen, earning wages from 30 to 50 per cent higher than those paid in Great Britain, and 100 per cent higher than on the Continent, and says wage bills in the United States are counterbalanced by economical processes of machinery which are not found in European yards. The German naval constructor concerns himself in his report almost entirely with statements of fact, but in conclusion he says: "We see, therefore, that the Americans are striving with all the means at their command to put their shipbuilding industry in a position successfully to compete with the long-established English builders on the one hand, and on the other with the younger, but rapidly-developing shipbuilders of Germany."

ECONOMIC SITUATION REVIEWED.

How London Times Accounts for Material Progress of America.

LONDON, Jan. 7.—The Times this morning devotes a long editorial to a review of the economic situation in the United States. In this it takes the view that, in spite of the apparently tremendous material progress made in America of recent years, this progress is insufficient to warrant the view of its economic results either by sanguine Americans or by timid Europeans. The Times contends that the recent prosperity has led to over-investments, and the fact that exchange during the past Autumn remained in favor of London tends to show that the balance of trade is not in favor of the United States.

In brief, the Times thinks that America is "on top of a wave of commercial prosperity," and declares that the American public has never recovered from the fright it got last May. The paper says that the history of Amalgamated Copper is very disquieting, but in spite of various signs of a strain and unloaded position in the market for American securities, the general business situation in the United States is so good that imminent or even early collapse seems improbable.

Jailbreakers Captured.

HELENA, Mont., Jan. 6.—Alonzo Kilby and Ray Hoffman, two prisoners, who escaped from the County Jail at Billings a week ago, have been captured near the Chandler ranch, 80 miles northwest of Billings, but not before Kilby had been shot. Ever since their escape, Kilby and Roy Hoffman, who is only 14 years of age, have been prowling around the Musselshell country, stealing horses and saddles, getting ready to make an effectual escape. A posse located them Friday. Kilby opened fire, and was himself shot. He died last night.

Prince of Monaco Seeks a Divorce.

NEW YORK, Jan. 6.—The Prince of Monaco has sent a special messenger to Rome with a request for a special interview with the pope on the subject of obtaining a divorce from the Princess, the daughter of Michael Heine, the New Orleans banker, cables the London correspondent of the Journal and American. The Portuguese composer, Isador de Lara, is the cause of the breach, said to be past mending, between the two, but the Prince has decided to ignore De Lara and not banish him from the principality.

German Exports to United States.

BERLIN, Jan. 6.—Complete returns from all financial circles in Germany show that the total of German exports to the United States in the year 1901 amounted to $99,616,731. This is a decrease of $5,567,922 from 1900, and it is due entirely to the reduction of sugar exported to the United States. The increase in merchandise other than sugar exported last year to the United States amounted to $4,937,280.

King Edward Honors Marquis Ito.

LONDON, Jan. 6.—King Edward has conferred the Order of Knight of the Grand Cross of the Bath upon Marquis Ito, the Japanese statesman.

Spanish Bark Capsizes.

CORUNNA, Spain, Jan. 6.—A bark has capsized at the mouth of the River Lezero and 23 people, most women, have been drowned.

Newspaper Suspended by Police.

MADRID, Jan. 6.—El Pais has been suspended by the police on account of its persistent attacks upon the Queen Regent.

Dock Laborers on a Strike.

BARCELONA, Jan. 6.—The dock laborers here have struck, and all the trade operatives of Reus have decided to go out.

DUE TO EXTENSIONS.

That's Why the Everett-Moore Syndicate Is Embarrassed.

CLEVELAND, O., Jan. 6.—Chairman Newcomb, of the committee of bankers in charge of the Everett-Moore syndicate, said today that it would probably be two weeks before a detailed statement could be prepared to show the actual financial condition of the various properties of the syndicate. The balance reports for November, said Mr. Newcomb, indicate that practically all the urban and inter-urban electric railways of the syndicate are money-makers. Continuing, Mr. Newcomb said:

"The syndicate controls 28 distinct telephone companies, including the United States (long distance) company. So far as we have been able to learn from a superficial examination, these companies are almost without exception capable of paying fair dividends. But in many cases the earnings and large sums in addition have up to this time been devoted to making extensions in the service."

Mr. Newcomb added that, in his judgment, the embarrassment of the syndicate resulted simply from the fact that many new enterprises were put under way before they were financed.

Large Labor Lien Filed.

DETROIT, Jan. 6.—William B. Strang, of New York, has filed in the office of the Register of Deeds a lien against the Erie Construction Company, of New Jersey, now the Detroit & Toledo Shore Line Road, for $258,987 10 for labor and materials furnished during the period between May 1, 1901, and December 31, 1901. The road is said to be owned by the Everett-Moore syndicate, of Cleveland. Clarence A. Black, of this city, however, says that the Detroit & Toledo Shore Line Road, of which he was formerly principal owner, was purchased from the Everett-Moore syndicate, together with the Monroe and Toledo road, by the directors of the Detroit United Railway.

CLEVELAND, O., Jan. 6.—When shown the dispatch from Detroit today stating that a lien had been placed on its Detroit and Toledo electric shore line, Chairman Newcomb, of the bankers' committee, said:

"The bonds to finance the road in question were sometime since all contracted for by a leading financial institution. I presume, however, that the present difficulties of Messrs. Everett and Moore will result in temporary delay to this deal. In any event, the lien will prove of little moment."

TOLEDO, O., Jan. 6.—The financial troubles of the Everett-Moore syndicate has resulted in the appointment of receivers for the Toledo & Detroit Railway, one of the properties owned by the syndicate. At the same time Judge Barber granted an injunction restraining the Detroit & Toledo Shore Line Company and its secretary, George S. Stewart, from disposing of any more of its bonds.

Darius Miller's "Authority."

CHICAGO, Jan. 6.—The impression that Darius Miller was to have charge of the traffic of the Northern Pacific, as well as of the Burlington, seems to be wrong. Mr. Miller said today that he would have no authority over the traffic of the Northern Pacific or the Great Northern, and that his efforts would be confined to the traffic of the Burlington. This assertion is borne out by a circular issued under James J. Hill's signature, to the effect that Vice-President Blabon will have charge of the traffic of the Great Northern and "will be assigned to duties of Darius Miller, formerly second vice-president of the Great Northern, and who has resigned to accept service with the C. B. & Q. Railroad Company."

Petition for Mandamus Against Trust

WASHINGTON, Jan. 6.—W. B. Douglas, Attorney-General of Minnesota, and M. D. Munn, of St. Paul, assistant counsel, arrived at Washington today for the purpose of asking permission of the United States Supreme Court to file a petition of mandamus against the so-called Northern Pacific merger. The request will be presented tomorrow.

To Put St. Joe on Main Line.

KANSAS CITY, Mo., Jan. 6.—Plans for a new bridge across the Missouri River at St. Joseph, for the construction of which the Rock Island Railroad is endeavoring to secure Congressional consent, have been sent to Washington. It is the intention of the Rock Island, it is said, to route most of its Kansas, Oklahoma, Indian Territory and other Southwestern business through St. Joseph. The building of the new bridge at St. Joseph will practically mean that St. Joseph, and not Kansas City, will be on the main line of the Rock Island.

AUDITOR FOR 15,000 MILES.

Extension of Jurisdiction of Union Pacific Official.

OMAHA, Neb., Jan. 6.—Erastus Young, general auditor of the Union Pacific, has officially been made general auditor of the Oregon Short Line, the Oregon Railway & Navigation Company and the entire Southern Pacific system, with headquarters at San Francisco, New Orleans and Houston. Mr. Young's jurisdiction as general auditor now extends over 15,000 miles of railroad. The separate headquarters offices he will control are at Omaha for the Union Pacific, at Salt Lake for the Oregon Short Line, at Portland for the Oregon Railway & Navigation Company, at San Francisco for the Pacific system of the Southern Pacific, at New Orleans for the Sunset route and at Houston for the Texas lines east of El Paso.

More Wages for Trainmen.

PHILADELPHIA, Jan. 6.—The Pennsylvania Railroad Company today announced to its train and yardmen that with few exceptions their wages had been advanced, to date from January 1.

Railroad Notes.

According to the Aberdeen Bulletin, the work of building the electric roadway between Hoquiam and Aberdeen will begin at once, and surveyors are already in the field.

The Boise, Nampa & Owyhee Railroad, of which Colonel W. H. Dewey is the president, is now in operation to Emmet, about 25 miles north of Nampa. Next year 48 miles more will be built and then 100 miles of wagon road in to the Thunder mountain country.

DIED SEATED IN A CHAIR.

Mrs. S. D. Duke, Jr., a Former Resident of Kentucky.

Mrs. Sarah D. Duke, jr., 59 years old, died suddenly about 11:45 o'clock last night, while seated in a chair in her room at 426 Alder street, of heart disease. She had been complaining previously of not feeling in her usual health, but her family did not suspect that her end was near. When her fatal illness came on she was alone at the time, and she tapped with her feet on the floor for assistance. Mrs. Blanchard hurried to her aid and medical assistance was sent for, but it was too late. Mrs. Duke was an estimable woman, and is survived by one daughter, Mrs. C. B. Williams, and one son, J. W. Duke, of the O. R. & N. The Coroner was called to the house and after making inquiry, decided that an inquest was not necessary. Mrs. Duke settled in this city several years ago, from Kentucky.

Mining Claims Adjudicated.

WASHINGTON, Jan. 6.—The United States Supreme Court today rendered an opinion in the case of the McKinley Creek Mining Company vs. the Alaskan Mining Company, involving the title to certain mining claims in the territory of Alaska. The contention was made in the case that the Alaska Company had no right to protection under the mining laws of the United States, not being a citizen of the United States. The court did not sustain this contention and affirmed the verdict of the district court of Alaska.

Northwest People in New York.

NEW YORK, Jan. 6.—Arrived from Tacoma, Mrs. G. M. Bushnell, at the Gilsey.

From Lakeside, Wash.—Raleigh G. Hardenburgh, at the Gilsey.

From Wenatchee, Wash.—G. D. Beale, at the Raleigh.

From Spokane—W. C. Fritter, M. Anley, at the Broadway Central.

From Seattle—M. W. Glenn and wife, M. Bartholdi, Mrs. A. D. Coulter, at the Vendome; A. L. Willard, at the Criterion; J. F. Baker, at the Grand Union; C. G. Heifner, O. W. Judd, V. P. Hart, at the Murray Hill.

City Officers Changed.

THE DALLES, Or., Jan. 6.—In accordance with a decision of the City Council, City Marshal Charles Champlin and Night Watchman Paul Paulsen will tonight retire from their positons in the city government. Deputy Sheriff E. B. Wood and Mr. John Crate have been appointed by Mayor Farley to fill the vacancies respectively. They will enter upon the duties of their offices tomorrow morning.

Resignation Not Yet Filed.

SALEM, Or., Jan. 6.—In yesterday's correspondence it was stated that M. W. Hunt has tendered his resignation as attorney for the Land Board in this county. The resignation has not been filed, but Mr. Hunt has indicated his intention to resign.

WASHINGTON LABOR COMMISSIONER.

William Blackman.

OLYMPIA, Wash., Jan. 6.—William Blackman, who enjoys the distinction of being the only appointee of the late Governor Rogers whom Governor McBride will permit to finish his term, is well known in this state. Mr. Blackman was born in Buffalo, N. Y., 40 years ago. For 15 years he has been a resident of Washington, during all of which time he has been prominent in labor and economic questions. He is a locomotive engineer, and for four years ran engines out of Seattle. For two years he was connected with the Water Department of Seattle. In 1897 he was appointed Factory, Mill and Railway Inspector, and a member of the State Labor Bureau. The last Legislature did away with the bureau, and Mr. Blackman was appointed Labor Commissioner. During his incumbency in both positions he has enjoyed the respect and confidence of the corporations and their employes. In April, 1899, he married Miss Carolyn Rogers, eldest daughter of the late Governor. Mr. and Mrs. Blackman make their home in the Capital City.

Bleeding Lungs!

Cured by Dr. Bull's Cough Syrup, the old reliable cough cure.

Wm. H. Bowler, of Chrystie Street, New York City, writes: "I have had a cough ever since my childhood. It was so bad that blood would spurt from my nose, which would leave me weak, so that I was often compelled to leave my work. Started to take Dr. Bull's Cough Syrup, and before the third bottle was finished my cough was entirely gone."

A slight cough is dangerous if left alone. Cure it at once and prevent serious complications by using Dr. Bull's Cough Syrup. It has cured coughs for over fifty years. It is quick, sure and harmless.

AVOID SUBSTITUTES

Do not accept some cheap imitation, that contains harmful drugs. Insist on getting "Dr. Bull's." See that the "Bull's Head" is on the package.

SMALL DOSE—PLEASANT TO TAKE

FREE—A Beautiful Calendar and Medical Booklet free to anyone who will write A. C. Meyer & Co., Baltimore, Md., and mention this paper.

No More Dread of the Dental Chair

TEETH EXTRACTED AND FILLED ABSOLUTELY WITHOUT PAIN by our late scientific method applied to the gums. No sleep-producing agents or cocaine.

These are the only dental parlors in Portland having PATENTED APPLIANCES and ingredients to extract, fill and apply gold crowns and porcelain crowns undetectable from natural teeth, and warranted for 10 years, WITHOUT THE LEAST PAIN. All work done by GRADUATED DENTISTS of from 12 to 20 years' experience, and each department in charge of a specialist. Give us a call, and you will find us to do exactly as we advertise. We will tell you in advance exactly what your work will cost by a FREE EXAMINATION.

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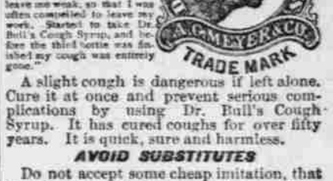
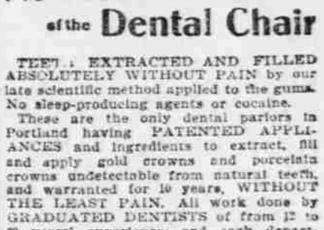


New York Dental Parlors

MAIN OFFICE:
Fourth and Morrison sts., Portland, Or.
HOURS:
8:30 A. M. to 3 P. M.; Sundays, 8:30 A. M. to 2 P. M.
BRANCH OFFICE:
614 First avenue, Seattle, Washington.



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WARNER'S SAFE CURE FREE

One Million Samples of the Greatest Kidney Medicine Ever Discovered.

SENT ABSOLUTELY FREE

TEST YOUR URINE. Put some morning urine in a glass or bottle, let it stand 24 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.

WARNER'S SAFE CURE is the only positive cure for all forms of kidney, liver, bladder and blood diseases, uric acid poison, rheumatic gout, diabetes, pain in the back, scalding and painful passage of urine, frequent desire to urinate, painful periods, bearing down and so-called female weakness.

KIDNEYS HEALTHY AT 92

Mrs. Rebecca Smith, of Westfield, N. J., who is 92 years of age, has been cured of kidney and bladder diseases, and is kept healthy by Warner's Safe Cure.

WARNER'S SAFE CURE is purely vegetable and contains no harmful drugs; it does not constipate; it is now put up in two regular sizes, and is sold by all druggists, or direct, at 50 cents and $1.00 a bottle—less than 1 cent a dose.

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, bladder and blood, and so-called female weakness.

TRIAL BOTTLE FREE.

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

C. GEE WO, The Great Chinese Doctor

is called great because his wonderful cures are so well known throughout the United States and because so many people are thankful to him for saving their lives from operations. He treats any and all diseases with powerful Chinese herbs, roots, buds, bark and vegetables, that are entirely unknown to medical science in this country, and through the use of these harmless remedies. This famous doctor knows the action of over 500 different remedies that he has successfully used in different diseases to cure catarrh, cases. He guarantees to cure catarrh, asthma, lung troubles, rheumatism, nervousness, stomach, liver, kidneys, female troubles, and all private diseases. Hundreds of testimonials. Charges moderate. Call and see him. CONSULTATION FREE. Patients out of the city write for blank and circular. Inclose stamp. Address THE C. GEE WO CHINESE MEDICINE CO., 122½ Third street, Portland, Or. Mention this paper.

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Used by people of refinement for over a quarter of a century.

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