PAID MORE THAN DEBT

DECISION OF JUDGE BELLINGER IN MORTGAGE SUIT.

Interstate Savings and Loan Association Is Held to Have No Relief Against Creditors.

Judge Bellinger rendered several decisions in the United States Court yesterday. The most interesting of these was the suit of the Interstate Savings and Loan Association of Minneapolis, Minn., vs. Clara Badgley and Clara Elbertson, to foreclose a mortgage for some $2140, alleged to be due the company, with costs and charges, amounting in all to about $3000. Decision was for the defendants, the court deciding that the debt, with more than lawful interest, had been paid.

William Reid, who has conducted over 40 cases against similar associations in the State Court, and has won them all, appeared as counsel for defendants in this case, and Carey & Mays appeared for the plaintiff.

The suit was brought to foreclose a mortgage given to secure a loan made by the plaintiff to defendants. The amount borrowed was $2500, in 1893, and it was to be repaid according to the plan of the association, namely, by paying 60 cents per month on each 25 shares of the stock of the association, and 6 per cent per annum interest, and 7 per cent per annum premium, on the $2500, payable monthly until the stock matured and became worth $100 per share.

Defendants paid dues on stock, interest, and premium for seven years, in which time they had paid to the association the sum of $4781 28, besides a membership fee, in advance, of $35.

By this time the defendants had become weary of paying so many "fixed charges" and they refused to pay any longer. The association then commenced this proceeding to foreclose their mortgage to secure the sum of $2143 40, alleged to be due them, and filed a very lengthy complaint, to which was attached all the numerous contracts which such associations require borrowers to sign.

Counsel for defendants then filed a demurrer, raising two questions—the first

payments applicable on the principal of the debt or advancement, the average principal due during the period in question has been a fraction below $1750, so that the interest paid on what was actually due has been at the rate of about 12 per cent. In equity this is all the complainant is entitled to receive on the advancement made.

"The demurrer is sustained, and the bill of complaint dismissed at complainant's cost."

DONNIGAN ASKS DAMAGES.

Was Injured Loading Ship, and Wants $10,873.

James Donnigan, who complains that he was struck with a 60-foot stick of timber while engaged in loading the ship Fullwood, has sued his employers, John A. Brown and James Watts, doing business as Brown & McCabe, for $10,873 damages. The papers were filed in the State Circuit Court yesterday by Attorneys Murphy, Swett & Watts.

The accident happened March 19, 1902. Donnigan alleges that heavy timbers were loaded on the vessel from the wharf by means of a chain sling, block and tackle. The timbers, he asserts, were raised to a considerable height above the deck of the ship, and it was necessary for the defendants to remove some of the rigging of the vessel. He states that they failed to remove the off-shore or club topsails, and the timber, as it was raised, fouled with the topsail brace and was thrown down with great violence. Donnigan avers that he was struck by the huge stick, and his skull was fractured, three of his ribs broken, and his nose fractured. He alleges that he will not be able to perform any work for a long time, and has suffered damages in the sum of $10,000, and also special damages on account of doctors' bills and loss of time. This is the third damage suit filed against Brown & McCabe recently.

OWNERS OF THYRA NOT LIABLE.

Suit of Castro Estate Dismissed by Judge Bellinger.

In the suit of the administrator of Castro vs. Steamer Thyra, the exception to the libel was allowed by Judge Bellinger. Deceased while making repairs on the steamer fell through a small hatch, the forward cover of which had been removed, and received injuries from which he died.

Negligence on the part of the master and crew in leaving the hatch open and failing to provide artificial light was charged. The court said that it is a well-established rule that a vessel in charge of charterers, stevedores or other contractors, is not liable to the employes of such persons for injuries unless the vessel has relation by contract to the injured person, etc. There is no duty on the part of the ship to provide light for the convenience of employes of contractors, nor to guard them against the risk resulting from an open hatch. The exceptions to the libel were allowed.

LODGE PAYS UP.

Suit Against Knights of Pythias Settled Out of Court.

The suit of Marie Pander against Castle Lodge, No. 13, Knights of Pythias, to recover sick benefits due to her husband, Henry Pander, deceased, and also funeral expenses, the whole amounting to $450, was dismissed by Judge Sears yesterday on motion of William Reid, plaintiff's attorney. The case has been pending since 1899, and a settlement has finally been arrived at.

The complaint recites that Pander took sick in April, 1897, and that he died May 20, 1898. The lodge, in its answer, sets up that in June, 1897, Pander was charged with defrauding the society by claiming sick benefits that he was not entitled to, and that he was tried and suspended from the order in August, 1897. It was further alleged that there is a rule of the order that members shall not resort to the courts until all remedies in the order shall have first been exhausted, and that Pander appealed to the grand tribunal, which affirmed the order of the subordinate lodge suspending, but he did not appeal to the supreme tribunal, and therefore did not exhaust all the remedies provided for in the by-laws. Pander's death doubtless convinced the members that he really was sick, and not shamming, and that the widow is entitled to a settlement.

Court Notes.

Judge Sears will announce a decision this morning in the case of H. C. Breeden vs. J. C. Havely, on motion to strike out parts of complaint and demurrer to complaint.

In the suit of Lewis McArthur LaDow

CASHIER OF FIRST NATIONAL BANK DIES.

G. E. WITHINGTON. —Photo by E. W. Moore.

E. Haseltine & Co. for $134, and one of the Post Special Delivery Company for $68. The claim of the plaintiff amounts to $354. The Christensen Machinery Company was sued several days ago, and settled the case at once.

In the case against the Kaupisch Creamery Company, bankrupts, brought by Eccles & Co., plumbers, who wanted their claim preferred because it was for connecting sinks for washing apparatus and for connecting machinery with water and waste pipes, Judge Bellinger held that the machines were installed with the intention of removing them at the expiration of the lease, and under these circumstances no lien attached.

Personalities and Other Personalities.

HARRISBURG, Or., April 29.—(To the Editor.)—In your article in The Oregonian of the 28th inst., on the subject of electing a Democratic Governor, you said "the personality of a candidate is of little or no significance." The interpretation of this word "personality" is being worked here by the Democrats as an admission by The Oregonian that Mr. Furnish is materially deficient in all that goes to make up the character of a capable man as compared with Mr. Chamberlain. Many readers of The Oregonian would be highly gratified to read its own interpretation of the word.

W. W. BRIGGS.

This is trifling. It is open to anybody to say, who wants to say it, that Mr. Chamberlain is "deficient in all that goes to make up the character of a capable man," as compared with Mr. Furnish. And habits and infirmities of Mr. Chamberlain might be brought into public view. But these things, as The Oregonian has said, would be of "little or no significance." The main question as to every candidate for an important political office is, What purposes, what principles, in state and National life, does he stand for? It is taken for granted, of course, that the candidates of the several parties for important offices will not be men morally unfit for the places for which they are named.

Bones of Mastodon Discovered.

STOCKTON, Cal., April 29.—Bones supposed to be those of a mastodon or mammoth have been found by Japanese at work on Union Island, near this city. They first dug out of the damp soil the broken fragment of a tusk eight feet and a half long and 13 inches in diameter at the thickest end. Then they unearthed a huge skull which measured four feet across at the line of the eye sockets. The upper jaw was almost intact, but the teeth were missing. Seven vertebrae, each a foot in diameter, were discovered, together with a shoulder blade two feet broad, and six ribs, each six feet long. A piece of the bone of one of the legs was also found.

Homeseekers, Attention!

We take this method of informing homeseekers that farming, fruit and pasture lands can be purchased in vicinity of Harrisburg, Linn County, Or., for less money, quality considered, than elsewhere in the Willamette Valley. Address W. W. Briggs, secretary Board of Trade.

You can't help liking them, they are so very small and their action is so perfect. Only one pill a dose. Carter's Little Liver Pills. Try them.

Harris Trunk Co. for trunks and bags.

G. E. WITHINGTON IS DEAD

CASHIER OF FIRST NATIONAL BANK PASSES AWAY.

For Thirty Years He Was in the Institution's Employ, Until Forced to Retire by His Illness.

George E. Withington, who had been connected with the First National Bank for the past 30 years, died at the Good Samaritan Hospital yesterday morning. Death was due to cirrhosis of the liver. Mr. Withington's son and two daughters were at his bedside when he passed away.

Mr. Withington had been ailing for nearly a year, but his condition did not become serious until a few months ago, when he was compelled to leave the cashier's desk of the First National Bank and seek health by outdoor exercise. After a few weeks' vacation, Mr. Withington returned to his desk, but he suffered a relapse and he had to leave the bank again. Saturday night he was removed to the hospital, and Monday all hopes for his recovery were given up.

Mr. Withington was born in Northumberland, Pa., July 9, 1850, and was the son of M. J. D. Withington and Elizabeth Forsythe Withington. At the age of 16 he received an appointment as paymaster's clerk under Major Taggert, of the United States Army, and he held this position for nearly four years.

When only 22 years old, Mr. Withington entered the employ of the First National Bank as one of the tellers. The bank was then located on the west side

who were also Federal officers, and who were under oath to the general government to protect the lives and property of the citizens, and who by act of Congress were appointed Commanders-in-Chief of the territorial forces, called these volunteers into service. The Government has no right to ignore the army the Governors were compelled to call into the field to carry out their oath of office, to protect the lives and property of the citizens, the Government imposed upon them. Then what right had the United States Army officers to call these volunteers to protect United States Government property; to go to the relief of Major Hollen, Captain Smith and other commanders of the United States regulars at request of United States Army officers, which they did, if they were not to be recognized as United States volunteers? Every Colonel of Oregon and Washington volunteers in 1853 to 1856, inclusive, received and executed orders made by United States Army officers—before that the United States had no soldiers here.

I refer you to military laws of the United States 1901, paragraph 808; act of April, 1898: "Officers . . . of the volunteer Army and of the militia of the States, when in the service of the United States shall be in all respects on the same footing as to pay, allowance and pensions." Same book, page 644 in foot-note: "It is not essential for a militia organization that there should be a formal muster in to bring it into actual service of the United States."

Sixth—These volunteers were not called out to protect their own homes. As a rule they left their families in towns and in blockhouses and went south 200 miles to the Rogue River and North 300 miles to Yakima, Walla Walla, etc., to the frontiers to protect the lives of the missionaries in the mines or on the borders of the colonies.

Seventh—The precentage of morality in the nine years' war in what is now Oregon, Washington, Idaho and Montana from 1847 to 1856 inclusive was greater in proportion to population than in any war before or since in the United States—over 10 per cent of the yearly average population was killed. In fact, there were more killed here in that war than in the Mexican, Blackhawk, Seminole, Creek and Cherokee Wars all put together, and yet the veterans of these wars have been pensioned for many years and you have ignored the Oregon and Washington Territory volunteers.

Eighth—Unlike all later wars these veterans and friends paid over $3,000,000 toward the expenses of this war, not counting millions of dollars' worth of property destroyed; they furnished their own outfits; they took this empire from the British Government and held it against them and their allied savages for the United States.

It is not right, viewed from any point you take, to withold a pension—the Nation's badge of honor—from these white-haired men, 73 years of age, who in the strength of their youth, 50 years ago, came West, volunteered to fight the Nation's battles and protect her citizens who were then helpless and unprotected, 2000 miles from the National capital.

My dear Mr. Loundenslager, you know this Nation does not wish to be unjust to any of her citizens, much less to pioneer men and widows of the Northwest who are tottering over their graves, who have been patriotic, loyal friends of the Nation when the Nation was helpless to protect the pioneers of this territory. Let me beg of you not to tell them by refusing to give them the Nation's badge of honor that they were not fighting for the Nation—that you ignore their loyal service. Please do not do that—it would be unjust to the last degree. Very truly,

T. A. WOOD.

Grand Commander Indian War Veterans, N. P. C.

DAILY CITY STATISTICS.

Marriage Licenses.

William Henry Mawdsley, 43; Ellen Edith Cooper, 31.

David A. McIntyre, 45; Mrs. Flora A. Strode, 40.

Daniel W. McMillan, 20; Bessie Beagle Morgan, 21.

Arie G. Van Rossen, 37; Hattie King, 20.

F. Guy Haines, 28, Maude Barbara Webber, 19.

Walter E. Spencer, 23, Nellie M. Lathrop, 16.

Paul Barthelemy, 30, Adele Gattsacher, 32.

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AMUSEMENTS.

NEW TODAY.

MORTGAGE LOANS

815 ACRES

HAWTHORNE PARK

Choice Property For Sale.

IVANHOE

COMPTON & GIBSON

BEST CREAMERY

Full-Weight 40c and 45c

This Week 13½c

La Grande Creamery

PRICES GO UP.

Prices of all lots at University Park will be advanced ten per cent on May 1, 1902. You have only a few days left to get the benefit of the first advance. Another advance will be made June 1st. You can't make money faster than to buy a few lots on this rising market. Make your money earn something. That is the only way to make a fortune.

UNIVERSITY LAND CO., 151 Sixth Street.

BUY OPTIONS.

We will sell options on University Park lots until Saturday evening next, good for thirty days. At the expiration of thirty days you can renew your option for thirty days longer on the payment of a small sum. This will give all an opportunity to make a fortune out of the Lewis and Clark Centennial. How do we know that the Lewis and Clark Centennial will be located at University Park? Ask the first 100 citizens you meet on the street and 90 will say, "to make it a success it should be held at University Park." The other 10 will tell you that certain directors have a pecuniary interest in locating it at some other place. The big property owners of this city and directors will not consult their selfish interests, but will look only to the success of the Exposition; therefore you can rely on it being held at University Park. Call tomorrow and buy an option on a few lots at University Park before the advance that will take place on the first of the month.

UNIVERSITY LAND CO., 151 Sixth Street.