MAYOR HAS A VOTE

Pendleton Official May Decide a Tie.

DECISION OF SUPREME COURT.

Question Involved Was the Removal of the City Recorder—Ruling on Changing Name of Beneficiary.

Under the charter of the City of Pendleton authorizing the Council, with consent of the Mayor, to elect and remove the City Recorder, the Mayor has a right to cast the deciding vote in case of a tie.

Under the by-laws of the Order of Modern Woodmen of America, requiring the payment of 50 cents as a fee for changing the name of the beneficiary, this requirement is a condition precedent, and no change takes effect, as between adverse claimants, unless the fee was paid.

A note and mortgage executed in this state, but payable in another state, will be construed according to the laws of this state, even though they contain an express agreement to the contrary.

SALEM, Or., Aug. 18.—(Special.)—The Supreme Court today handed down three decisions, the decision of the lower court being affirmed in each instance. The findings follow:

Maud M. Stringham, appellant, vs. Mrs. Laura Dillon, respondent, and the Modern Woodmen of America, defendant, from Multnomah County, A. F. Sears, Jr., Judge; affirmed. Opinion by Chief Justice Moore.

This was a suit to determine the right of adverse claimants to a sum of money due on account of a certificate of mutual life insurance. LeRoy Stringham, on January 31, 1899, having applied to Oregon Fir Camp, No. 5085, in Portland, for admission to the order of Modern Woodmen of America, there was issued to him a benefit certificate for $1000 payable to his mother, Mrs. Laura Dillon. The certificate contained the provision "that all the conditions contained in this certificate and the by-laws of this society, as the same now exist or may be hereafter modified or enacted, shall be fully complied with." The bylaws required the payment of 50 cents as a fee for changing the name of the beneficiary, and further provided that "no change in the designation of beneficiary shall be effective until the old certificate shall have been delivered to the head clerk, and a new certificate issued during the lifetime of the member, and until such time the old certificate shall remain in force. Stringham was married May 15, 1901, and three days thereafter asked to have his wife made his beneficiary. The clerk of the camp wrote her name in the surrender clause of the certificate, and he signed his name thereto. He did not have the 50 cents fee, and the clerk gave him until the following Wednesday to pay it. He died July 28, 1901. The clerk then voluntarily sent 25 cents to the head clerk, with the certificate, to have the change made. This suit having been brought, the order of Modern Woodmen paid the money into court, to be disposed of as the court should decide. The lower court held that the change of beneficiaries had not been effected. In affirming this decision the supreme court holds that the payment of the fee of 50 cents was a condition precedent to the change of beneficiary, that Stringham knew of the requirement, that the failure to comply was not owing to circumstances over which he had no control, and that, therefore, his widow has no claim to the money.

John McCourt, respondent, vs. John E. Beam, appellant, from Umatilla County, W. R. Ellis, Judge; affirmed. Opinion by Justice Bean.

This was a mandamus proceeding, brought by McCourt to compel Beam to deliver to plaintiff the books, records, etc., of the office of Recorder of the city of Pendleton. In January, 1902, Beam was appointed City Recorder by a vote of the Common Council, with consent of the Mayor, and held the office until February 26 following. At that time a resolution was introduced providing for his removal from office, and the vote on the adoption of the resolution stood 5 to 4. Thereupon the Mayor cast the deciding vote, and Beam was declared removed from office. By exactly the same vote McCourt was elected to fill the vacancy. Beam refused to give up the office, contending that the Mayor had no right to cast the deciding vote. Whether the Mayor had that right was the question presented on appeal.

The city charter provides that the government of the city is vested in a Mayor and Common Council, to consist of eight members, and the Mayor is empowered to "give the casting vote in case of a tie." By an amendment enacted by the Legislature of 1901, it is provided that "the Common Council shall, with the consent of the Mayor, appoint a Recorder and a Marshal, who shall hold their respective offices during the pleasure of the Council, and be subject to removal from office at any time by its resolution."

The defendant contended that under this amendment the Mayor had no right to participate in the appointment of a Recorder, even to the casting vote in case of a tie; that the appointment must be made by a majority of the Council, independent of the Mayor, and that his only right therein is to give or withold his consent. The opinion of the Supreme Court says:

"It is not believed that this is a proper construction of the language of the section. The amendment is a part of the charter. The charter does not authorize the Council to act independently of the Mayor, or one of its members chosen to act in his place in case of his absence or inability to serve. He is made a constituent part of the governmental body of the city, with certain duties, rights and powers. He is for certain purposes a part of the Council, is counted to make a quorum, is required to preside over its meetings, and, in case of a tie, his right to vote is as clearly provided for by the charter as that of any member of that body. The appointment to an office by the Council necessarily requires a vote of the persons authorized by the charter to participate in its deliberations, and the mere fact that such appointment is not valid without the consent of the Mayor does not manifest an intention to exclude him from giving the casting vote in case of a tie any more than in other case. . . . "

William Heinbothem, respondent, vs. Interstate Savings & Loan Association, appellant, from Multnomah County, A. L. Frazer, Judge; affirmed. Opinion by Justice Bean.

This was a suit to compel the cancellation of a mortgage on the ground that the amount secured thereby, with legal interest, has been paid. It was admitted that the contract was usurious under the laws of this state, but the defendant claimed that the contract should be construed according to the laws of Minnesota, where it is valid. The mortgage contained a stipulation that both it and the note secured thereby should be construed according to the laws of Minnesota, "anything in the laws of any other state or territory to the contrary notwithstanding." The Supreme Court holds, however, that "the validity of such a contract is solvable by the law of the place where it was made, and not where payable." For that reason the decree of the lower court cancelling the mortgage is affirmed.

A. L. West, respondent, vs. Arthur Edwards and Thomas Edwards, appellant, from Marion County, R. P. Boise, Judge; affirmed. Opinion by Justice Wolverton.

This was a suit instituted to quiet title to eight acres of real property, of which West was in possession, claiming title thereto by adverse possession, extending back through himself and predecessors to June 8, 1891. The defendant, Arthur Edwards, claimed by deed from the heirs and legatees of Thomas H. McIntire, deceased. The decree of the court below was in favor of the plaintiff. The rules of law governing the case have long been settled, and the decision turned entirely upon the evidence, after a review of which the Supreme Court affirms the decree of the court below.

Petitions for rehearing were denied in the cases of Hough vs. Grant's Pass New Water, Light & Power Company; Goodale Lumber Company vs. Shaw; Crossen vs. Oliver.

Marcus W. Robbins was permanently admitted to the bar, on motion of R. G. Smith.

FUGITIVES TURN BACK

FREEWATER ROBBERS RETURN TO OREGON FROM WASHINGTON.

Break Through Strong Cordon After a Fight With Officers—The Bloodhounds Will Go Out Again.

HELIX, Or., Aug. 18.—(Special.)—Alfred Cofer, the alleged Freewater robber, and his companion, who escaped into Washington Saturday night, after shooting an officer sent to arrest them, have doubled on their tracks and are again in Umatilla County. The posse and bloodhounds are resting here tonight, and will again set out in pursuit with the break of day. Last night Sheriff Taylor and posse came upon the men on the Touchet, in Washington, and exchanged shots with them, disabling the horse stolen from Deputy Sheriff Ritchey, which they had been riding, but the fugitives got away this morning. Bloodhounds from Walla Walla were put on the trail, and the fugitives immediately doubled back into Oregon. At 10 o'clock this morning they took breakfast at Frank Raymond's ranch, three miles from Vansycle. They pretended to be looking for work. They looked haggard and were footsore and weary. They had no horse.

Sheriff Taylor, of Umatilla County, this evening wired his force at Pendleton to station men between Adams and Thorn Hollow, on the Indian reservation, as it is believed the fugitives intend to pass Adams in the night, steal a couple of horses, pass down Thorn Hollow, cross the Umatilla River and get into the dense timber of the Blue Mountains.

At dark this evening the bloodhounds were taken off the trail and fed, and are now resting so as to be fresh to take up the scent in the morning. Unless the robbers succeed in stealing horses tonight and break through the cordon, they will hardly reach the timber, as the country from Adams to the Blue Mountains is all open. Farmers are armed, and there is a genuine Tracy-Merrill scare on in this section.

After holding up the Kentucky saloon at Freewater the men were not seen again until located in a sheepherder's cabin a few miles west of Milton on Saturday by Deputy Sheriff Richie, of Umatilla County, and a couple of farmers, who were assisting him. Deputy Richie approached the cabin and demanded a surrender, and was rewarded for his trouble by being shot in the leg by the fugitives, who then pulled him off his horse, and, mounting the animal, disappeared. Richie was taken to Milton and his wound dressed. The outlaws were not seen again until Sunday, when they appeared at Touchet Station, and attempted to hold up a railroad man, who made much outcry, and the fugitives again escaped. Deputy Rourke, of Walla Walla, went to Touchet early Sunday, meeting there Sheriff Taylor, of Umatilla County, and together they took up the chase after the thugs. Rourke and Taylor managed to see them late in the evening, but failed to bring down their men, after firing several shots. Sheriff Kees, of Walla Walla, was notified to come to the scene at Lowden Station, west of Walla Walla. He, in company with Chief Kauffman, of Walla Walla, and a posse, left Sunday night by train and took up the chase, being joined by Guard Carson and the penitentiary bloodhounds this morning.

The route the men are taking appears to be in the direction of Pine Creek. The leader, Cofer, is an old-time bad man, having broken jail from several Eastern Oregon towns, and finally serving a term in the Oregon penitentiary. He is very familiar with the country, being raised on a farm near the Walla Walla River.

NEWLY-ELECTED SUPERINTENDENT OF OREGON SCHOOL FOR DEAF MUTES

THOMAS P. CLARKE, WHO HAS JUST ARRIVED FROM THE EAST AND TAKEN UP HIS DUTIES AT SALEM.

WANTS TO PUT IN WATER WORKS.

Independence Man Submits a Proposition to Dallas.

DALLAS, Or., Aug. 18.—(Special.)—At a meeting of the City Council this evening David Calbreath, proprietor of the Independence water works, submitted a proposition to the city officials to put in and operate a system of water works here. Mr. Calbreath offers to put in a first-class gravity and pumping system, that will insure the best fire protection and residence supply. He plans to build a reservoir one mile west of Dallas, on a hill that will give 197 feet fall, put in a large main to the city, and use smaller mains to supply fire hydrants and residences. Double-stream hydrants will be put in, each of which will supply two separate lines of hose. Mr. Calbreath asks for a certain sum of money from the city, which amount is not given out, owing to the fact that other propositions are yet to be received from outside parties. He asks for a 20-year franchise, at the end of which time the city has the option of buying the plant at a sum fixed by arbitration or selling to Mr. Calbreath at the original cost price. The people of Dallas are anxiously awaiting the opportunity to vote for a good system of water works.

BARTLETT PEAR HARVEST ON.

Medford Crop Will Be Larger Than Last Year and of Fine Quality.

MEDFORD, Or., Aug. 18.—(Special.)—The Bartlett pear harvesting began here in earnest this morning. The pears are in excellent condition, and the growers expect a much heavier yield than last year. The pear crop is one which necessitates much care in handling and dispatch in its shipment to market. The Bartlett trees are packed over three times during the harvesting season, thus insuring the best grades as to size. The fruit is gathered quite green, and each pear is nicely wrapped with paper, and is ripened during the period of shipping and being placed on the market.

Large crews of men are at work in the orchards of Weeks & Orr, Gordon Voorhies and E. J. DeHart, and at the packing-house of J. A. Whitman, the buyer. It is estimated that 45 to 50 carloads of Bartlett pears will be shipped from Medford this season.

GEER APPOINTS DOSCH.

Portland Man to Work for 1905 Fair in Oriental Countries.

SALEM, Aug. 18.—(Special.)—Governor Geer today appointed Henry E. Dosch as a commissioner to represent the State of Oregon in Japan and other Oriental countries in securing from those countries exhibits for the Lewis and Clark Exposition in 1905. Mr. Dosch is also appointed to take charge of any exhibits that may be sent from Oregon to the Exposition to be held in Osaka, Japan, in 1903. The appointment carries no salary with it.

Forest Fires Still Raging.

OREGON CITY, Aug. 18.—Reports received today from Springwater state that the forest fires in that locality are still burning, and much damage has been done. Several thousand acres have been burned over. It is impossible to estimate the total loss or the extent of the fire on account of the heavy smoke. Should an east wind spring up, the fire would surely spread, and great loss would result. Frank Busch, of this city, who owns much timber land near Springwater, has sent out a large amount of grass seed to be sown among the ashes.

Williamson Visits Jetty.

ASTORIA, Aug. 18.—(Special.)—Representative-elect J. N. Williamson, who is spending a few weeks at Seaside, was the guest today of Collector W. L. Robb on a trip around the mouth of the river. The quarantine steamer Electro was utilized, and upon arriving at Fort Stevens a special train was waiting and the party was taken out to the end of the jetty in order that Mr. Williamson might view the work being done there.

KNIGHTS VOTE DOWN HOME.

Supreme Lodge Decides Against a Sanitarium for Sick Members.

SAN FRANCISCO, Aug. 18.—At the session of the supreme lodge of Knights of Pythias today the proposition to establish a sanitarium at Hot Springs, Ark., for sick and disabled Knights was definitely defeated by the vote of 96 to 20, and the report of the special investigating committee made at the last session was completely disregarded. It was the voice of the supreme lodge that it had no right under its constitution to tax the members of the order for such purposes. The supreme representatives, however, expressed themselves as individually favoring a sanitarium if it could be obtained without taxation. This sanitarium question has been before the supreme lodge for 12 years, but at each previous session it was referred to committees until two years ago, when a special committee was appointed to make a final report on the matter. The Government offered to give a lease of five acres of land to the Pythians for a period of 99 years, for the purpose of building the sanitarium. It was proposed to erect buildings at a cost of $250,000, the expense to be borne by a per capita tax of 10 cents on each member of the order, to be levied semiannually for a period of five years.

The stay of the Knights of Pythias in this city is drawing to a close. Many of the visitors have already left for their homes, and others are preparing to depart before the final business of the conclave is completed. The final session of the supreme temple of the Rathbone Sisters was held this morning in Native Sons' Hall. Tonight there was a promenade concert and entertainment at the Pavilion.

The supreme tribunal today modified the punishment imposed on W. D. Kennedy, the ex-supreme recorder of the Illinois grand tribunal. Kennedy, who was charged with appropriating to his own use $5000 of the order was ordered expelled. The supreme tribunal modified the expulsion to three years' suspension, dating from today.

CANDLE CREEK PROVES RICH.

Oregonian, However, Says Alaskan Mining District May Soon Play Out.

ASHLAND, Or., Aug. 18.—(Special.)—J. Crit Tolman, of this city, who left last May for the new diggings at Candle Creek, Alaska, sends word under date of July 20 that the country is as yet very little prospected, and that the pay in the creek bed is good for about 10 miles. Should there not be anything found on the benches the camp will not last longer than next Summer. The pay in the creek bed is one to four feet thick, and 15 to 20 feet wide. The largest clean-up made thus far was $7000 for one shift, five men shoveling. The largest nugget found was $35. Wages were ruling at 75 cents per hour and board.

TRAIN COLLIDES WITH WAGON.

Farmers Have a Close Call, but Escape Serious Injury.

PHILOMATH, Or., Aug. 18.—(Special.)—The Corvallis & Eastern passenger train collided with a wagon occupied by Joseph Hudson and Milton Wyatt, near here this afternoon. The men got off luckily, Wyatt being but slightly injured, while Hudson sustained a fracture of the thigh. The men attempted to cross the track when the train was almost upon them. The wagon was struck heavily by the locomotive and the rack thrown as high as the smokestack.

Drowned While in Swimming.

ASTORIA, Aug. 18.—(Special.)—Marcus Mortenson, the 12-year-old son of Ole F. Mortenson, a fisherman, was drowned in the Columbia this afternoon while in swimming. He dove off the net racks at Booth's cannery and must have struck something, the shock stunning him, as he did not come to the surface. His body and every effort was made to resuscitate and every effort was made to resuscitate him without success.

Child Killed by a Train.

SOUTH BEND, Aug. 18.—(Special.)—The 2-year-old son of S. J. McCready, of Lebam, was run over and killed by the passenger train as it was coming to South Bend Saturday night. The child slipped away from its mother and was playing on the railroad track at a point where the track curves, and the engineer did not see the child until too late to stop.

Ex-Legislator Falls From Train.

WOODBURN, Or., Aug. 18.—(Special.)—C. B. Montague, a member of the last Legislature from Linn County, fell from the Albany local train as it left the station at Woodburn this evening, and was seriously injured about the face. His shoulder was dislocated.

NORTHWEST DEAD.

Ex-Resident of Portland.

ASTORIA, Aug. 18.—(Special.)—William J. Snyder, many years a boss stevedore in Portland, but for the past few years an employe of the Government at Fort Stevens, died here last night, aged 54 years. His funeral will be held Wednesday.

Accused of Murdering Wife.

SEATTLE, Aug. 18.—The police are satisfied that the man who rented the boat at Green Lake Saturday evening was T. P. Newton, of San Francisco, and they believe that grappling irons will bring up but one body, that of Mrs. Newton. The police believe the murder was committed for the purpose of robbery, as the woman was known to have a large amount of money on her person. Circumstantial evidence is at hand to convince the authorities that Newton deliberately upset the boat in the lake, allowing the woman to drown, while he used the oars to float himself ashore. The upturned boat, with a man's hat underneath, was found Sunday morning. The lake will be dragged thoroughly, and in case the body of the woman only is found, a determined effort will be made to hunt down the murderer.

A Dog's Long Fast.

GREENLEAF, Aug. 18.—(Special.)—On July 21 Elmer Carlyle and his brother, John, went hunting with Elmer's dog. When they got home the dog was missing, and he never was seen again until August 15, when John Carlyle, while hunting in the mountains on Nelson Creek, heard a bark which he recognized as that of the missing animal. The sound led him to a ledge of rocks which he recognized as being one passed by him and his brother on the day the dog was lost, and here, in a pit ten feet deep and 2x15 in size, formed by a split in the rock with perpendicular walls of boulders at the ends, he found the half-famished canine which had been 21 days without food or water, but was still able to bark for help and to walk home when rescued.

Geer on Tracy-Merrill Reward.

SALEM, Or., Aug. 18.—In response to a question today Governor Geer said he knew of no further developments in the matter of paying the rewards for Tracy and Merrill, and that no claims had been filed by any parties outside of the Creston, Wash., posse for the Tracy reward. Continuing he said:

"The Governor of Oregon has nothing to do with offering or paying the rewards for escaped convicts. My opinion is that Mrs. Waggoner should be paid perhaps half the Merrill reward, and the Tracy reward divided equally between the five men who actually captured him, and the boy Goldfinch."

Grasshoppers Attack Hop Vines.

SALEM, Or., Aug. 18.—(Special.)—A report has been received here that grasshoppers attacked a hop yard a few miles west of Woodburn a few days ago and destroyed eight rows of hops. It is also reported that a tree near St. Louis was almost entirely denuded of foliage by grasshoppers. These insects have been seen in considerable numbers in several places in the Willamette Valley this season, but so far very little damage has been done. A dairyman near Albany attributes the loss of a part of his crop of clover to grasshoppers.

Richards Asks for a Rehearing.

SEATTLE, Aug. 18.—A rehearing in the case of United States Marshal Frank H. Richards, of Nome, convicted of contempt of court by Judge Wickersham, has been asked by his attorneys, F. C. Sullivan and Albert Fink. The steamship Oregon's passengers report that on August 7 the attorneys appeared before Judge Moore and asked him to vacate the judgment entered by Wickersham. One of the reasons urged for a rehearing is because, in the opinion of the defendant's attorneys, an appeal cannot be taken.

Smallpox Near Independence.

INDEPENDENCE, Or., Aug. 18.—Special.)—A case of smallpox has made its appearance about 2½ miles from here, in the home of Rev. W. N. O'Kelly. It is in a very mild form, and a strict quarantine is in force.

RECREATION.

If you wish to enjoy a day of rest and pleasure, take the O. R. & N. train from Union depot at 9 A. M. for a short trip up the Columbia, returning, if desired, by boat from Cascade Locks. Tickets and particulars at O. R. & N. ticket office, Third and Washington.

Are unlike all other pills. No purging or pain. Act specially on the liver and bile. Carter's Little Liver Pills. One pill a dose.

USED PIANOS

Being Sold This Week at Almost Half Their Value

If you think of purchasing a piano and are willing to take one that may not be absolutely new, and yet look in every respect like new, you will be greatly interested in the collection of slightly used uprights in our store just now. The variety is very large and the prices are wonderfully low. There are twenty-seven uprights at this writing, of which about a dozen are instruments that have been at rent for a few months. The rest are new pianos by makers outside of our regular lines, and good uprights that were taken in part payment of higher-priced pianos and thoroughly overhauled before offering for sale. The particular point we wish to make is that each of these IS as good as new. Each is guaranteed in precisely the same way as if it were new, and all are subject to EXCHANGE IF NOT SATISFACTORY after three or four months' use in your home. Look at the prices.

We purposely make figures so exceptionally low in order to quickly dispose of this stock of slightly used pianos, that is constantly being added to by other instruments. There are good pianos at as low as $150 and $160, that are worth $225 and $230, and there are some splendid instruments for which we ask $250 and thereabouts that are splendid value for $350 and $375. The price in every instance makes each a genuine bargain.

Just now there are numerous pianos even below $100, seven pianos ranging from $135 to $225, four at prices between $215 and $300, and three that are priced $305 and over. Many celebrated makes are represented among this stock, such as Singer, $160; Whitney, very fine, $250; Hardman, nearly new, largest size, $275; Fischer, small size, $85; H. F. Miller, rosewood, $95; Fischer, $155; fine mahogany Kimball, used only two years, $290; another in burled oak, $318; a Steinway, dark case, $190; Chase, fancy walnut, $250; Bailey, fancy rosewood case, $175; another, nearly new, $215; Doll, largest size, mottled walnut case, $186; Leicht, fancy mahogany case, $183; and in square pianos, fine Steinway, $75; Gale, $40; Whitney, $64; and a beautiful genuine rosewood cased Weber, one of the finest square pianos we have ever sold, for $135.

You can have almost any instrument in the whole collection on a payment of $10 down when taken and a promise to pay from $4 to $8 a month for the balance, according to value.

EILERS PIANO HOUSE

Remember the street number, 351 Washington street, opposite Cordray's Theater.

BIG TIMBER LAND DEAL

$100,000 TRANSACTION IN THE PALOUSE DISTRICT.

Mill Will Be Enlarged to Meet the Greatly Increased Demand for Lumber.

COLFAX, Wash., Aug. 18.—(Special.)—An important sale of timber lands has been made by the Northwestern & Hypotheekbank to the Palouse River Lumber Company, of Palouse, the consideration being $160,000. The lands lie along the Palouse River in Idaho, east of Palouse, where the lumber company's big sawmill is located, and include 14,709 acres of land, all covered with white and yellow pine, fir and tamarack. The terms of the sale are $25,000 cash and $30,000 annually, to be paid on or before April 8, 1903-4-5, and $15,000 on or before April 8, 1906. The company agrees to pay $15 per acre for any land from which it desires to take the timber before the timber is cut, and this amount is to be credited on the next payment of $29,000. A deed to the land is to be given before the timber is taken from the land, and the mill company has the right to pay for 640 acres at a time and secure a deed to that amount of land. In this way it will be enabled to cut the timber without having to pay for all the land, and can keep its big sawmill running with the logs taken from the lands thus paid for.

The sawmill at Palouse, which is now running on a drive of 6,500,000 feet, is to be enlarged and the capacity increased to at least 10,000,000 feet per annum, and a large force of men is now in the woods cutting logs for a drive to be made this fall, if there is sufficient water in the river to permit of the timber being floated down to the mill. There has never been so much building in the Palouse country since the "boom" days of the early '90s.

TIMBER ACT TO BE TESTED.

Speculators Fail to See Why They Should Be Barred as Purchasers.

OLYMPIA, Aug. 18.—A test of what is known as the McCoy timber act passed by the last Legislature is to be made in the courts of the state. The act referred to provides that in cases where state lands have a stand of over 1,000,000 feet of timber to the quarter section the timber shall be sold separate from the land. A recent opinion handed down by Attorney-General Stratton holds that the intent of the law is that land having over 1,000,000 feet of timber on it cannot be sold at all; but that the timber can be sold under contract to remove same in three years.

The following by the Land Commissioner of the Attorney-General's opinion, has had the effect of entirely shutting out purchasers of timber lands for speculative purposes. There are also a number of cases where millmen nearly three years ago purchased timber without the land, who have found themselves unable to remove the timber within the specified time. They now wish to purchase the land to keep the timber from reverting to the state, but under the interpretation of the law by the Attorney-General, cannot do so. A number of suits have been threatened, but the first to be filed is by Oregon men, who applied to purchase a heavily timbered section of land in Wahkiakum County. They appeal to the Superior Court from the order of the Board of the State Commissioners cancelling their application to purchase. The appeal is filed by J. H. Walker, of Oregon City, and his attorneys are Hedges & Griffith, of the same city.

Clings to Boat for Day to Be Saved.

WHATCOM, Wash., Aug. 18.—(Special.)—Jerry Finn, who was reported drowned Saturday morning, was picked up yesterday by a passing steamer. His fishboat capsized while sailing from Anacortes to Whatcom, and he clung to the upturned boat until rescued. Over a day of exposure had nearly exhausted him, and he was found in the nick of time.

(Jerry Finn is the son of Mrs. Patrick Finn, of 400 Sacramento street, Portland.)

Accepts Call to Ashland Church.

ASHLAND, Or., Aug. 18.—(Special.)—Rev. Philo Fuller Phelps, of Salinas, Cal., has accepted a call to the First Presbyterian Church of this city, and will enter upon his pastorate about October 1.

Regulars to Camp at Olympia.

OLYMPIA, Aug. 18.—(Special.)—Adjutant-General Drain has received word that the next camp of any duration by the Eighth Field battery now on its way from Seattle to Vancouver Barracks will be at Olympia. The battery, under command of Captain William H. Kenley, is expected to arrive here next Wednesday, and will remain several days.

Long Trip for Forest Supervisor.

ASHLAND, Or., Aug. 18.—(Special.)—S. C. Bartrum, Forest Supervisor of the Southern district, who has been inspecting the Ashland reserve, started this morning for a long trip over the Cascade reserve. He will go via Lake of the Woods, Fort Klamath, Diamond Peak and recross the mountains by the old military wagon road, coming out at Eugene. The trip will take about three weeks.

Loses His Balance and Falls 30 Feet.

THE DALLES, Or., Aug. 18.—(Special.)—While carrying tools up a ladder to the roof of the Courthouse today Albert Walter, of this city, lost his balance and fell a distance of 30 feet onto the roof of the County Jail, sustaining a fracture of six ribs, a broken wrist and concussion of the spine. Physicians consider his recovery doubtful.

Stabbed by Friends of Desperado.

SAN FRANCISCO, Aug. 18.—A special from Maricopa, Ariz., says:

Leonardo Torres and Captain Gomez, of the Canea, Mexico, special police, were fatally stabbed by friends of a desperado whom they had arrested and were attempting to convey to prison. The murderers made their escape.

Dillard Remanded to Jail.

SEATTLE, Aug. 18.—W. H. Dillard, wanted by the United States authorities at San Francisco for issuing 42 false Chinese certificates, was examined by United States Commissioner Kiefer today and was remanded to the County Jail pending the arrival of the California officers.

Drowned While Driving Logs.

EUGENE, Or., Aug. 18.—(Special.)—Thomas Moore, foreman of a logging crew driving logs to the Corvallis sawmill, was drowned near the mouth of the McKinzie River Saturday afternoon. His home is in Corvallis, and he leaves a wife and five children. The body has not yet been recovered.

Oregon Land Suit Dismissed.

SAN FRANCISCO, Aug. 18.—The suit of the United States against E. A. Duchow and Arthur D. Duchow was dismissed today by the United States Circuit Judge Morrow. The Government claimed that the Duchows obtained a patent to certain timber lands in Oregon through fraudulent testimony and asked for the cancellation of the patent. Judge Morrow decided that the charge of fraud had not been proved.

Logger Crushed to Death.

EVERETT, Wash., Aug. 18.—At Buck's logging camp, near Sultan, a workman named Hankins, who was acting as fireman on a donkey engine, was killed yesterday by being crushed under a burning log. He has relatives in Fairhaven.

The dead body of a Siwash was found floating in the river at Arlington today. The discovery caused the arrest of an Indian on the charge of murder.

Royal Bengals

The Biggest High Grade Little Cigar

15¢ for 10

"Shut your eyes, open your mouth and see what luck will bring you."

The mother smiles at the childish game, and doesn't realize that it is a game she as a woman has perhaps played for a great many years.

Many a woman is weak and sick, nervous and discouraged. She suffers from headache, backache and other ills. She wants to be well, but all she does is to shut her eyes and open her mouth for medicine and trust to luck for results. She "doctors" month after month, often year after year, in this same blind, hap-hazard fashion, and receives no permanent benefit.

Women take Dr. Pierce's Favorite Prescription with their eyes open to the fact that it cures womanly ills. It cures irregularity. It dries debilitating drains. It heals inflammation and ulceration and cures female weakness. There is no trusting to luck by those who use "Favorite Prescription."

"My disease was displacement and ulceration of the uterus, and I was in a terrible condition with pain and weakness and had given up all hopes of ever being well again," writes Mrs. Harry A. Brown, of Orono, Penobscot Co., Me. "Had doctored with four different doctors within four months, and instead of getting better was growing weaker all the time. I decided to try your 'Favorite Prescription,' 'Golden Medical Discovery,' and 'Pleasant Pellets,' as I had heard of the many cures resulting from their use. I bought five bottles and felt so much better after taking them that I kept on until I am as well as ever in my life, and to Dr. Pierce all the praise is due. I cannot say enough in favor of his medicines. Before I began taking your medicines I only weighed one hundred and twenty pounds. I now weigh one hundred and sixty pounds. I gained forty pounds in six months. I shall doctor no more with home doctors, as it is only waste of money. I am now in perfect health, thanks to Dr. Pierce."

Dr. Pierce's Pleasant Pellets clear the muddy complexion.

MAN'S MISSION ON EARTH.

Medical Book Free.

"Know Thyself," a book for men only; regular price, 50 cents, will be sent free (sealed postpaid) to any male reader of this paper, 4 cents for postage. Address the **Peabody Medical Institute**, 4 Bullfinch street, Boston, Mass., established in 1860, the oldest and best in America. Write today for free book, "The Key to Health and Happiness."

Editor's Note For 40 years the Peabody Medical Institute has been a fixed fact, and it will remain so. It is as standard as American Gold.

The Peabody Medical Institute has many imitators, but no equals.—Boston Herald.

Scott's Santal-Pepsin Capsules

A POSITIVE CURE

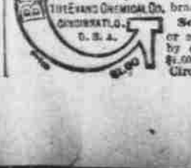
For Inflammation or Catarrh of the Bladder and Diseased Kidneys. No cure no pay. Cures quickly and Permanently the worst cases of **Gonorrhoea** and **Gleet**, no matter of how long standing. Absolutely harmless. Sold by druggists. Price $1.00, or by mail, postpaid, $1.00, 3 boxes, $2.75.

THE SANTAL-PEPSIN CO., BELLEFONTAINE, OHIO.

LAUE-DAVIS DRUG CO., Portland, Or.

Blood Poison

Is the worst disease on earth, yet the easiest to cure WHEN YOU KNOW WHAT TO DO. Many have pimples, spots on the skin, sores in the mouth, ulcers, falling hair, bone pains, catarrh, don't know it is BLOOD POISON. Send to DR. BROWN, 933 Arch St., Philadelphia, Pa., for BROWN'S BLOOD CURE, $2.00 per bottle, lasts one month. For sale only by Frank Nau, Portland Hotel Pharmacy.



Big G is a non-poisonous remedy for Gonorrhœa, Gleet, Spermatorrhœa, Whites, unnatural discharges, or any inflammation of mucous membranes. Non-astringent.

Sold by Druggists, or sent in plain wrapper, by express, prepaid, for $1.00, or 3 bottles, $2.75. Circular sent on request.