CITY TAXES A LIEN

Supreme Court Decision on Ross vs. Portland.

MORTGAGE TAX LAW UPHELD

Charter of 1899 Makes Valid the Assessment Impressing Lien for Taxes Levied—Affirmation in Two Other Cases.

City taxes levied upon mortgages under the Portland charter of 1880 were a lien upon the real property covered by the mortgages.

Where a void decree is introduced in evidence and the defect can be shown by introducing the original judgment roll, the defendant has had a remedy at law, and if he does not show the invalidity of the decree at that time he cannot invoke the aid of equity to set aside the judgment secured upon that evidence.

Where partners have secured a judgment for the possession of personal property, delivery to one of them satisfies the judgment.

SALEM, Oct. 20.—(Special.)—The Supreme Court today handed down opinions in three appealed cases, the only one of public importance being that of Ross vs. Portland, in which the City of Portland wins a tax suit.

J. Thorburn Ross, appellant, vs. City of Portland, respondent, from Multnomah County. Alfred F. Sears, Jr., John B. Cleland and M. C. George, sitting en banc, Judges; affirmed; opinion by Justice Wolverton.

This was a suit to enjoin the City of Portland from attempting to enforce the collection of certain mortgage taxes by proceeding against the property mortgaged. The morgages were given by P. A. Marquam in favor of the German Savings and Loan Society and James Phelan and covered the property known as the Marquam block. The mortgages were assessed by the City Auditor in 1891, 1892 and 1893, and a city levy was made on the assessments. The contention of Ross was that the mortgage tax law was unconstitutional, and that it did not create liens for taxes levied under the city charter. It was also contended that the German Savings and Loan Society mortgages were satisfied before the city assessment of 1891 took effect and that the law authorizing the tax was repealed early in the year in which the Phelan mortgage was assessed. The lower court upheld the city's right to collect the taxes, amounting to $1925."

The Supreme Court cites its previous decisions upholding the mortgage tax law on the constitutional question, and then holds that assessments and levies made by the city gave a lien upon the real property. The opinion says in part:

"Turning now to the charter of the City of Portland, by authority of which both assessments complained of were made, we find that the Common Council was authorized to assess, levy and collect taxes for general municipal purposes, upon property, both real and personal, taxable by law for state and county purposes. (Charter of 1882, amended in 1885 and 1891.) Under this grant of authority it is conceded by plaintiff that the city authorities were given power to assess mortgages, deeds of trust, etc., and, therefore, that the mortgages were properly assessed to the owners thereof; but the effect of the assessment as constituting a lien upon the property of plaintiff is challenged, and this upon the ground that the city was nowhere by the provisions of its charter authorized to impress such a lien, and that it could not have been so impressed without such authority. * * *

"The mode of assessment prescribed was, in effect, to adopt the assessment made by the Assessor of Multnomah County under the general law, and logically was the same thing as if it were made directly under the requirements of such general law. * * * Finding like property assessable by a like mode in both jurisdictions, why is not the result the same? * * * By the language of the charter making appropriate reference to the general laws for the purpose of assessment and taxation there is adopted and read into it such general laws and the effect of the assessment in either jurisdiction is the same in impressing the lien for taxes levied."

It is also held that the assessment known as the assessment of 1891 was really the assessment on the roll of 1890, and that the assessment referred to as of the year 1893 was upon the roll of 1892, so that the contention that the mortgages were not assessable must fail.

Newton Hoover, appellant, vs. Alice L. Bartlett and G. W. Bartlett, respondents, from Harney County; M. D. Clifford, Judge; affirmed; opinion by Chief Justice Moore.

This was a suit by plaintiff to set aside a judgment recovered against him by Alice L. Bartlett. In her suit Mrs. Bartlett introduced in evidence a void decree and thus secured the judgment. Hoover wanted the judgment cancelled for that reason, and urged in this suit that when the decree was offered in evidence he could not object thereto, for that would have been a collateral attack and not permissible. The Supreme Court holds that he could have objected thereto and by introducing in evidence the original judgment roll could have shown that the decree was void. Having had a complete remedy at law, and failing to avail himself of it, the court holds that a court of equity is powerless to intervene and cancel the judgment against him.

Leve & Adler, plaintiffs, Otto F. Olsen and M. Barde, assignees, appellants, vs. William Frazier, Sheriff, respondent; from Multnomah County; A. L. Frazer, Judge; affirmed; opinion by Justice Bean.

This was an appeal from an order quashing a writ of execution issued on a judgment rendered in favor of plaintiffs, Leve & Adler. The action was brought to recover a quantity of junk and plaintiffs prevailed. The judgment was for the property, or if delivery could not be had for the sum of $2910 82, the value thereof. Execution was issued and returned, showing that property of the value of $1542 82 had been found and delivered to plaintiff, but that the remainder could not be found. An alias execution was issued for $1194 82, the balance due. This execution was quashed upon the showing made by the Sheriff that he had delivered all the property to plaintiff Adler, who was a partner of Leve. The lower court and the Supreme Court hold that this was a satisfaction of the judgment, and if Leve did not get any of the property that is something with which the Sheriff had nothing to do.

William Hooper Young Arraigned.

NEW YORK, Oct. 20.—William Hooper Young, who is charged with the murder of Anna Pulitzer several weeks ago, was arrigned before Judge Cowing today to plead. At the request of his counsel adjournment was taken to Wednesday.

Expressmen Form a Union.

NEW YORK, Oct. 20.—More than 2000 drivers and helpers employed by the leading express companies have, at a meeting in Jersey City, formed an Expressmen's Protective Association. The organization will be affiliated with the American Federation of Labor and the express companies will be asked to recognize the union. Demands will be made for a 10-hour working day, a graduated wage scale and pay for overtime. Officers of the new organization declared there would be no strike.

INFLUENCE OF PLANETS.

Astronomer Says They Control Wall Street and Washington.

PORTLAND, Oct. 19.—(To the Editor.)—Several days ago I wrote The Oregonian a letter, pointing out some oddities in connection with the lunar eclipse, which was to occur on the 16th inst. The idea was to draw attention to the connection invariably seen between odd planetary configurations at eclipses and odd happenings at certain points on certain meridians and latitudes of the earth. A prejudice exists against taking note of such coincidents, as it is believed to be foolish and trivial. Certain conscious investigators have, however, positively proved that Wall street, in New York City, has some extraordinary connection with any planetary configuration occurring in the first decanate of the zodiacal sign, Cancer. Just at the first change of the moon, following the stationary stand of Neptune in the first decanate of Cancer, when the sun reached the meridian and Saturn reached the ascendant, a three-cornered killing took place in Wall street. Almost exactly at the moment when the mysterious Neptune began its retrograde movement in Cancer, it is announced that Mr. Shaw suddenly and mysteriously changed his policy and bought millions of dollars' worth of bonds, at advanced quotations, from the Wall-street men. He also suddenly makes speeches favoring ship subsidy, which is one of the Wall-street pet schemes. There are indications going to show that an epoch in Wall street is beginning at the inception of these acts. This is most certain, when it is remembered that the first decanate of Cancer also rules any governing body at Washington, D. C.

Referring to the idea that ecliptic conjunctions and oppositions of the sun and moon may have curious coincidents follow them, like earthquakes, volcanic eruptions, etc., it can be seen that something of the kind surely exists, for on page 7 of Sunday's Oregonian a dispatch from Kingston says that La Souffriere threw its sand and ashes further than ever before on the morning of October 16, 1902. It was worse than on September 3, when sun and moon were conjunct in exact quincunc of Jupiter and sesquiquadrature of Saturn. On the first page of the same Oregonian is a dispatch, which informs the people that on the 18th inst., at 5 o'clock in the evening, just as the great Saturn was culminating on the meridian, the Tennessee mountains were severely shaken up by an earthquake. "The earth seemed to heave under the feet of pedestrians."

If once popular opinion should turn in favor of those who could point out such curious "coincidences," it would not be long until some really talented observer would arise who could make the subject interesting, and literature treating thereon would be in such demand that in time a professorship in the colleges to teach the art of observing things would naturally follow. Salaried observers of the present time are of no use, because they work under orders of a chief who has different ends in view. For a subordinate officer to report an occurrence to the weather bureau that was not mentioned in the printed forms would be courting an inquiry, and perhaps a reprimand.

It is well known that the Government officers will not properly observe exact data, except of certain kinds. No professional class does it. No colleges have proper methods for recording facts. The church influence is positive and very strong against the observing of facts. Newspaper men observe many facts, but do not categorically record them, nor give all the meanings. Compilers of books merely use such facts as go to aid in the construction of their works. History is always written many years after the events, and only such outlines are given as the writer wishes to draw out and make prominent. Nothing but mere fragments of the past are left to us, and some of these are so colored by the personality of the recorders that the truth cannot be seen. A new system for recording history is a long-felt want. L. H. W.

Apparently the writer of this letter was not wholly satisfied with the explanations of the facts given in his last letter. Of course, it is difficult to make exact and accurate prognostications on short notice and insufficient data. At that date it was not yet known that Secretary Shaw would buy millions of dollars' worth of bonds; and how could anybody tell that the mere fact that Neptune was stationary in the decanate of Cancer meant so much? If it had been known, L. H. W. may rest assured it would have been included in the prognosticatory explication.

Serious offense might be taken at the gentleman's (or lady's) insinuation that in time a "really talented observer" may be induced to spend his time on these questions, but The Oregonian astronomer scorns to feel injured by such reflections from another luminary. How exquisite and ethereal a fancy is that where L. H. W. predicts that at some time "a professorship in the colleges, to teach the art of observing things, would naturally follow!" Sanguine man (or woman)! Too long gazing upon the heavenly bodies has dimmed thy (or thine) eyes to the base restrictions placed upon the creeping inhabitants of this sublunary planet! But one detects a gleam of worldly wisdom in that sapient phrase, "No professional class does it."

But let us hope that the millennium predicted by that arch-sage and past grand necromancer B. L. Z. Bubb, Esq., may dawn. Then the fond lover will not consult the lips incarnadine of his feminine affinity; the hungry man will not inquire the price of truffles, churches will no longer tell us of the wiles of the devil, and the Law Enforcement League will not call upon the Lord. Nothing will be necessary for sublimated mind except an acquaintance with the heavenly bodies and their gyratory conflexions. When Venus is culminating in the decanate of Mars, the fair young girl will not have to inform her hero that she is willing; Spica triumphant over the Plate with the Great Dipper rampant on the constellation of the Hop Vine will signify to the famished that coffee and rolls may be had around the corner; Gemini, asleep in a pew on the Milky Way, will inemblem the joys of religion and Gabriel, or, on a field of violets in the zenith of Pluto, gules, blowing a trumpet, argent, will cause the cigar dealers to expeditiously put all machines under the counter.

L. H. W.'s slur upon newspapers is undeserved. When the proper methods are categorically elaborated for the finding out completely of facts without reference to anything except the stars, then perfection should be demanded. Till then, even the humble astronomer of The Oregonian finds it difficult, with all the aid of his multifarious lore, to detect the "meanings" of some facts.

Inheritance Tax Law Upheld.

DENVER, Colo., Oct. 20.—Judge B. B. Lindsay, in the County Court of Arapahoe County, today rendered a decision in the case of the estate of Sam Strong, the Cripple Creek millionaire, sustaining the validity of the inheritance tax feature of the revenue law passed by the Colorado Legislature last Winter. The case will be appealed to the Supreme Court.

BIG HORSE SHOW OPENS

KANSAS CITY FIRST-NIGHT CROWD BREAKS THE RECORD.

Number of Events in Each Entry Is Large, and Judges Find Their Task a Hard One.

KANSAS CITY, Oct. 20.—Kansas City's eighth annual horse show opened tonight in Convention Hall under most favorable conditions. The weather was ideal, and the largest first-night crowd in the history of Kansas City horse shows was in attendance. The increasing popularity of the horse show as a social event was shown by the unprecedented number of society people present. The hall was artistically decorated, and with the brilliant assemblage of people in the boxes and in the galleries the scene presented was one of great beauty.

The programme tonight contained eight events, and the number of entries in each was very large, making it difficult for the judges to decide where to place the ribbons. One of the features was the appearance of the Missouri Hunt and Polo Club, the members of which performed many feats of horsemanship.

FARMER STUDENTS' JOY.

They Fill the Air of Corvallis With Ebullitions.

The students of the Agricultural College at Corvallis made the town resound with their din in celebration of the football victory over Willamette University. Albert S. Wells, one of the students, gives this account of what happened:

"About 7 o'clock Friday night the cadets arrived at the armory to prepare for the 'jolly up' we were expecting to have over the great game our team had won over the Willamettes. We arrived about an hour before that time. All the old horns and band instruments were there in great profusion; in fact, one could not hear himself think in the din. Finally, at the sound of bugle, we assembled in our companies, with the band in the lead, playing 'Home, Sweet Home,' while the rest of us played any old thing. Imagine, if you can, a crowd of lusty young men, the most lively in the state, reaching in a line of about four blocks, going down the streets of Corvallis, yelling at the top of their voices. It was an experience I shall not soon forget. We marched all through the town, and ended at the Courthouse, where the citizens had hastily prepared a short programme for us. Our band occupied seats on the platform, and played in a manner that almost shook the building.

"But this time the citizens of the town became alive to the fact that something 'terrible' must be the matter with the college boys, and came piling into the courtroom. William Yates, of the Board of Regents, gave us a short but interesting talk on football, being frequently interrupted by yells of approval from the cadets. He gave a brief account of the college's experience in football, when it had a winning team in the field, and told some funny stories.

"B. F. Irvine next addressed us in an excellent manner. He was quite eloquent on the subject of football, claiming that it was essential to promote interest among the students. He remarked that the student who took no interest in football was a dull student, indeed, and there was something lacking in his make-up somewhere. Mr. Irvine said that he and Mr. Yates had voted against abolishing football at the college two years ago, but now thought that the move at that time had had lasting results." Mr. Irvine said he considered the action of the board at that time had resulted in the present clean condition of the game, and in doing away with professionalism. I think that is the case. He said that it took seven Deputy Sheriffs to control Mr. Yates at the recent game. Mr. Irvine's speech was full of force and snap, and appreciated. There were also speeches by Coach Herbold and Manager Jim Yurcher, with a lot of yelling thrown in.

"I think the Oregon Agricultural College now has one of the best football teams in the state. We have a fine ground, covering about six acres, well feaced and with a grandstand. These improvements cost about $600, and the people of Corvallis contributed about one-half. In the last game our team made a fine showing. President Gatch had a smile on his face more than a foot long. Everybody in the college and in Corvallis rejoiced over the victory."

Albany May Play Whitman.

ALBANY, Or., Oct. 20.—(Special.)—Negotiations are pending for a game of football at this city next Saturday between the Albany team and Whitman College. The game with the University of Oregon Saturday, in which the Albany team fairly outplayed their opponents, has placed the team of this city in the first class. The showing made after only a few days' practice indicates a good deal for the future of the local team. Besides marked improvement in last year's players the team has been materially strengthened by the addition of Jarvis, a former Multnomah center; Griffith, one of the crack players on last year's Omaha High School eleven, and Crow, a former Eugene High School man.

THE DAY'S RACES.

Races at Morris Park.

NEW YORK, Oct. 20.—Morris Park summary:

Steeplechase, handicap, about 2½ miles—Top Gallant won, Howard Gratz second, Walter Cleary third; time, 4:47.

For 2-year-olds, selling, the Eclipse course—Sweet Alice won, Prediction second, Kittaning third; time, 1:19.

For fillies, 2-year-olds and upward, last seven furlongs of the Withers mile—Will Thyme won, Olefiant second, Luxcasta third; time, 1:27⅘.

For 2-year-olds and upward, last 7½ furlongs of the Withers mile—Slipthrift won, Royal second, Auriesville third; time, 1:34.

For maiden 3-year-olds, the Withers mile—Patronimic won, Moon Daisy second, Honeybrook third; time, 1:44.

For 3-year-olds and upward, one mile and a furlong—Runnells won, Circus second, Bar Le Duc third; time, 1:58.

Races at St. Louis.

ST. LOUIS, Oct. 20.—Fair Grounds summary:

Five furlongs—Breaker won, Light Opera second, In Doubt third; time, 1:15.

One mile—Blue Blaze won, Miss Mae Day second, Royal Pennant third; time, 1:42.

Six furlongs—Croix D'Or won, Elastic second, Maggie Felix third; time, 1:14.

One mile and 70 yards, purse—Lady Strathmore won, Glenwood second, Pinochle third; time, 1:45¾.

One mile and three-sixteenths—Lindenella won, Ida Penzance second, Erne third; time, 2:01½.

Six furlongs—Hengist won, Weideman second, Fickle Saint third; time, 1:15.

Races at Worth.

CHICAGO, Oct. 20.—Worth results:

Six furlongs—Gilfain won, Mallory second, Glenrio third; time, 1:14⅘.

Six furlongs—Duelist won, Gallant second, Inspector Shea third; time, 1:14 1-5.

One and one-sixteenth miles—Moabina won, Jack Doyle second, Sarilla third; time, 1:47 3-5.

Seven furlongs—Elsie L. won, Federal second, Hargis third; time, 1:26.

One mile and 20 yards—Caliban won, Holestead second, The Conqueror II third; time, 1:40 4-5.

One and one-sixteenth miles—Frank M. won, J. V. Kirby second, Worthington third; time, 1:48.

Stift Given Decision Over Temple.

CHICAGO, Oct. 20.—Billy Stift, the Chicago middleweight, won the decision over Larry Temple, colored, of New York, at the end of a six-round contest here tonight. Stift had the better of every round. In the preliminary, Billy Ratchford, of Chicago, obtained the decision over Patsy Hisley, of Buffalo, after six rounds of clever fighting.

Golf Championship Contest Today.

NEW YORK, Oct. 20.—The intercollegiate golf championship, under the auspices of the Intercollegiate Golf Association, will be held on the links of the Morris County Golf Club, Tuesday, October 21, and the four following days. Yale and Harvard have each won the team championship three times, and Yale, Harvard and Princeton have each produced two individual winners.

Keeping a Rooster Quiet.

Chicago Chronicle.

An English artist was recently summoned to appear in court for allowing a rooster to crow in the morning to the annoyance of his neighbors. The case was amicably settled. A London newspaper thereupon printed the following: "It is quite posible to keep fowls and prevent them from crowing. All that is needed is a slight string over the neck and fastened to the foot. It is the habit of chanticleer to throw back his head when crowing, and he will not crow if prevented, as he may be, by the string from so doing. The contrivance has the great merit of inflicting no pain whatever. The bird scarcely knows of the pressure of the string till he tries to crow, and a harmless jerk brings him to order."

Lord Thanks Argentine for America.

NEW YORK, Oct. 20.—The overhauling of the United States battle-ship Iowa at Puerto Belgrano has been finished, says a Buenos Ayres dispatch to the Herald. The vessel is now on its way to Bahia Blanca. The captain of the Iowa thanked the Argentine authorities for their courtesy. United States Minister Lord has sent to the Minister of Marine a note thanking him in the name of Rear-Admiral Sumner for the docking facilities.

HELD FOR WRONG MURDER

TENNESSEEAN SHOWS UP AND CLEARS MAN ON TRIAL.

Defendant Is Now a Raving Maniac as the Result of His Troubles—Family Is Prominent.

KNOXVILLE, Tenn., Oct. 20.—Just as the case of Clarence Peake, charged with the murder of Silas Hulin, at Clinton, Tenn., was about to be called in the Supreme Court here today, a man entered the courtroom unannounced and, addressing Chief Justice Beard, said:

"I am Silas Hulin, who was not killed by Clarence Peake."

Peake, who is the son of a prominent family, had been sentenced in a lower court to 10 years in the penitentiary, and is now in the insane asylum here, a raving maniac, as a result of his troubles. Hulin declares that Peake shot another, whose name is now unknown, and that where the police found him. To them he said, as he went to jail:

"There have been a lot of loiterers about here, and I made up my mind to get rid of them if I had to kill some one. I guess the next one will move when I tell him."

All Quiet at Scene of Race Riot.

BIRMINGHAM, Ala., Oct. 20.—News from Littleton, Ala., the scene of riot last night between negroes and white men, developed the fact that everything is quiet there now and no further trouble is apprehended. Ira Creet, the white man who was reported to have been killed, appeared in Littleton today, having spent the night in the woods, but Joe Thompson, a white man who was seriously wounded, died this morning while being brought to this city.

Pitched Battle Over Matter of Rent.

GROESBECK, Tex., Oct. 20.—A pitched battle was fought today in the country four miles from here between two Thomasons and two Rutherfords. The trouble is said to have grown out of a matter of rent and had been pending for some time. D. Thomason, Robert Rutherford and William Rutherford were killed, Wallace Thomason escaping without a scratch. He has surrendered, but refuses to talk.

Testimony in Horn Trial Finished.

CHEYENNE, Wyo., Oct. 20.—The testimony in the Tom Horn murder trial was finished today, and tomorrow the Judge's charge to the jury will be given and the attorneys will begin arguments. Many of the witnesses today were called to give testimony regarding the veracity of Otto Plaga, who was Horn's chief witness in support of an alibi.

Held for Accepting Bribes.

OMAHA, Neb., Oct. 20.—President Alonzo Miller and Members J. L. Kubat and Theodore Schroeder, of the Board of Education of South Omaha, were today held to the District Court on a charge of accepting bribes. Each was released on $1000 bonds.

SAY LEAD MERGER IS A GO

New York Men Arrive in Missouri, Looking Over Properties.

ST. LOUIS, Mo., Oct. 20.—Daniel Guggenheim and Sol Guggenheim, of the American Smelting & Refining Company; Hugh Brown, of the Morton Trust Company, of New York, and Homer Wise, president of the Union Lead & Oil Company, arrived in St. Louis today on an inspection trip through the various lead properties controlled by the Guggenheim-Whitney-Ryan interests, and for a further inspection of the local pipe, sheet, shot and paint manufacturing plants which are to be merged into a company, which will control the entire lead manufacturing interests of the country.

While none of the party would consent to enter into detailed discussion of the plan regarding the merger, they declared that there was no foundation to the report from New York to the effect that the progress of the lead merger had been delayed through any cause other than the necessary time required to perfect legal details of the organization. This denial was followed by the declaration that only a short time would elapse before official announcement of the completion of the merger would be made. The party left for Southwestern Missouri this afternoon.

Linotype Men to Form Combine.

LONDON, Oct. 20.—Negotiations looking to a combination of the British, German and American companies owning linotype patents are afoot, but nothing definite has been concluded.

MOLINEUX JURY COMPLETED.

State Introduces Evidence Showing Mrs. Adams Was Poisoned.

NEW YORK, Oct. 20.—The jury for the trial of Roland B. Molineux, charged with the murder of Mrs. Katherine J. Adams, was completed today. Assistant District Attorney Osborne this afternoon made the opening address for the state, after which the taking of evidence commenced. Mr. Osborne called Dr. Edward F. Hitchcock, the first physician to see Mrs Adams after she was taken ill. The doctor said he saw a "suspicious appearance" in the throat of the dying woman, and administered whisky but without effect. Traces of mercurial poison were on Mrs. Adams' lips. Dr. Hitchcock identified a piece of paper as the one that Cornish gave him as the wrapper that enclosed the bottle and holder when it reached him at the Knickerbocker Club. It was admitted in evidence. The bottle holder and bottle were also admitted, after the witness said he saw them on the dining table in Mrs. Adams' flat. The witness said he was sure that one of the cyanides caused the death of Mrs. Adams.

Mr. Osborne next produced Henry S. Cornish, who told of the receipt of the poisoned package at the clubhouse on December 24, 1899. It was put on his desk by one of the clerks. He tore off the wrapper, and threw it away. Later, at some one's suggestion, he picked the paper up and wrapped it around the package again. He then told of speaking of the anonymous gift at dinner that evening, and said Mrs. Rogers suggested that he bring it home and give her the holder, which, from his description, seemed to match with silver on her toilet table.

The trial was adjourned until tomorrow.

GRAND JURY INDICTS BUTLER.

St. Louis Politician Gives Bonds to Answer for Bribery.

ST. LOUIS, Oct. 20.—The October grand jury today handed down an indictment charging Colonel Edward Butler, the local politician and millionaire, with bribery in connection with the city lighting deal, in which $47,500 is said to have been disbursed among members of the House of Delegates combine. Butler was later released on bond of $20,000, signed by John A. Robb.

Boodlers Released on Bail.

ST. LOUIS, Oct. 20.—John Helms and Otto Schumacher, ex-members of the House of Delegates, who were indicted on the charge of bribery, and have been in jail since September 9, were released from custody today on bonds. The amount of each man's bonds was reduced from $15,000 to $10,000. Helm's sisters went on his bond.

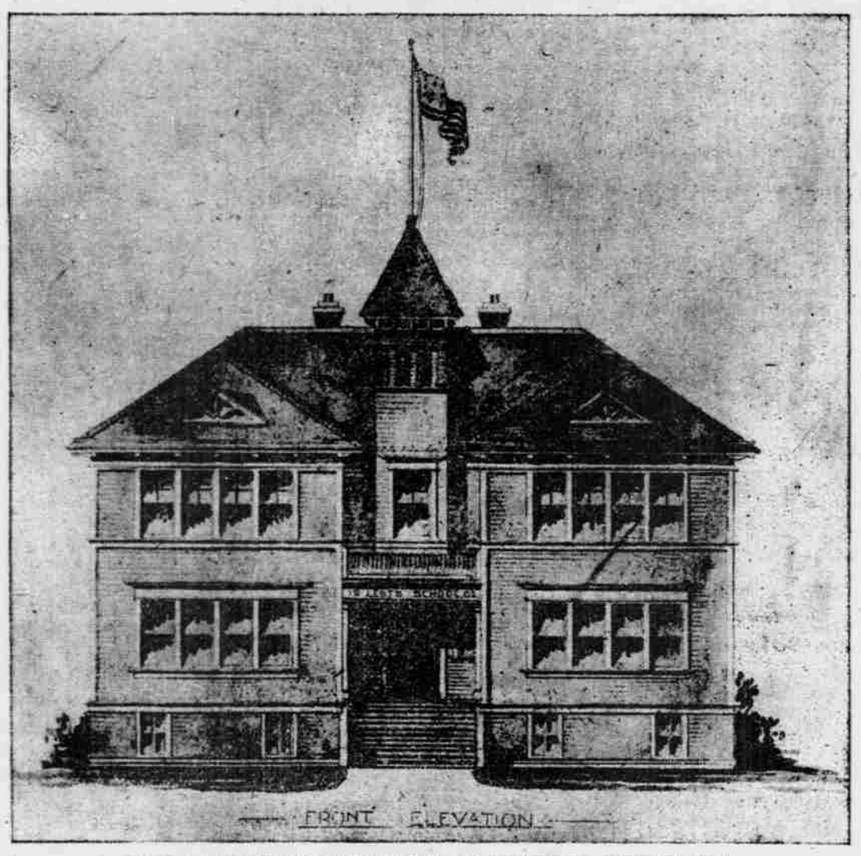
DEATH AT HANDS OF CRANK.

Janitor Kills a Man Because He Did Not Want Him About Building.

NEW YORK, Oct. 20.—Patrick Devanney, an oysterman, has been shot and killed by Francis Reilly, janitor of an apartment house at 704 Washington street. Devanney, who lived in West Eleventh street, near Washington, had been caring for his sick wife all day and had walked out for a breath of fresh air. He stopped in front of an apartment house and leaned against the railing, puffing his sigar. Suddenly the janitor, an entire stranger, rushed out and ordered him to move on. Devanney is said to have replied that he had a perfect right to use the street, whereupon the janitor drew a revolver and fired. Devanney fell dead.

The janitor went back to his quarters, he (Hulin) escaped on the first train and went to Colorado, from which state he came back here to prove that he was not dead.

NEW SCHOOLHOUSE AT LENTS.



WILL TAKE PLACE OF BUILDING DESTROYED BY FOREST FIRE.

The above is a picture of the proposed new schoolhouse for Lents, to take the place of the one which was destroyed by fire several weeks ago. Plans and specifications have been prepared by Architect D. D. Neer, and contractors are submitting bids for erection of the building, and the contract will be let about the end of the month, when work will be started.

It will be a four-room two-story structure, with basement. The rooms will be 25x34. Lighting, heating and ventilation are all on modern lines. The cost of the building will be about $3000. Two lower rooms will be finished, and the two upper ones will remain unfinished until needed. The plan of the building is so drawn that two more rooms may be added, providing for a six-room schoolhouse, as the district grows.

On the whole, the district will have an attractive building. It will probably not be finished in time to be occupied much this school year.

The Weber Piano

Comparatively few American or European makers have produced grand pianos adequate to the demands of the great artist, or worthy to be heard in the concert-room. The remarkable results attained by the Weber house in perfecting the Weber concert, parlor and baby grands have long been recognized by the highest musical authorities, and have led to an extraordinary increase in the sale of these instruments.

Its superiority is universally recognized by discriminating musicians. It is the piano used by the Grau opera company during the season of 1901-02 throughout its entire tour, both in America and England. In testimony of the entire satisfaction and pleasure it afforded them then, the season of 1902-03 opens with the announcement that it is again the unanimous choice of this famous company of artists. Mascagni, the celebrated Italian composer, has also selected it for use on this his first American tour. This makes it the selection of the two leading musical organizations of 1902-03.

Come to our house and see these peerless instruments. Our prices and terms on them are but little higher than upon less famous makes.

EILERS PIANO HOUSE,
351 Washington street.

Branch houses—San Francisco, Sacramento and Spokane.

THE PALATIAL

OREGONIAN BUILDING

Not a dark office in the building; absolutely fireproof; electric lights and artesian water; perfect sanitation and thorough ventilation. Elevators run day and night.

	Rooms.
AINSLIE, DR. GEORGE, Physician	413-414
ANDERSON, GUSTAV, Attorney-at-Law	612
ASSOCIATED PRESS; E. L. Powell, Mgr.	806
AUSTEN, F. C., Manager for Oregon and Washington Bankers' Life Association of Des Moines, Ia.	502-503
BAKER, G. EVERT, Attorney-at-Law	607
BANKERS' LIFE ASSOCIATION, OF DES MOINES, IA.; F. C. Austen, Mgr.	502-503
BENJAMIN, R. W., Dentit	314
BERNARD, G., Cashier Pacific Mercantile Co.	211
BINSWANGER, OTTO S., Physician and Surgeon	407-408
BENJAMIN, R. W., Dentist	314
	604-605-606-607-613-614-615
BOHN, W. G., Timber Lands	515
BROCK, WILBUR F., Circulator Oregonian	501
BROWN, MYRA, M. D.	313-314
BRUERE, DR. G. E., Physician	412-413-414
CAMPBELL, WM. M., Medical Referee Equitable Life	700
CANNING, M. J.	602-603
CARDWELL, DR. J. R., Dentist	506
CAUKIN, G. E., District Agent Travelers Insurance Company	718
CHICAGO ARTIFICIAL LIMB CO.; W. T. Dickson, Manager	601
CHURCHILL, MRS. E. J.	716-717
COFFEY, DR. R. C., Surgeon	405-406
COLUMBIA TELEPHONE COMPANY	604-605-606-613-614-615
CORNELIUS, C. W., Phys. and Surgeon	206
COLLIER, P. F., Publisher; S. P. McGuire, Manager	415
COUNTY PHYSICIAN	403
COX, RALSTON, Manager American Guaranty Co., of Chicago	502
CROW, C. P., Timber and Mines	512
DAY, J. G. & I. N.	318
DICKSON, DR. J. F., Physician	713-714
EDITORIAL ROOMS	Eighth Floor
EVENING TELEGRAM	325 Alder Street
EQUITABLE LIFE ASSURANCE SOCIETY; L. Samuel, Manager; G. S. Smith, Cashier	306
FENTON, J. D., Physician and Surgeon	509-10
FENTON, DR. HICKS C., Eye and Ear	511
FENTON, MATTHEW F., Dentist	509
GALVANI, W. H., Engineer and Draughtsman	800
GEARY, DR. E. P., Phys. and Surgeon	406
GILBERT, DR. J. ALLEN, Physician	401-402
GIESY, A. J., Physician and Surgeon	709-710
GILGERT, DR. J. ALLEN, Physician	401-402
GOLDMAN, WILLIAM, Manager Manhattan Life Ins. Co., of New York	209-210
GRANT, FRANK S., Attorney-at-Law	617
GRISWOLD & PHEGLEY, Tailors	131 Sixth Street
HAMMAM BATHS, Turkish and Russian	300-301-302
HAMMOND, A. B.	310
HOLLISTER, DR. O. C., Physician and Surgeon	504-505
IDLEMAN, C. M., Attorney-at-Law	416-17-18
JEFFREYS, DR. ANNICE F., Phys. & Surg. Women and Children only	400
JOHNSON, W. C.	315-316-317
KADY, MARK T., Supervisor of Agents, Mutual Reserve Life Ins. Co.	605
LITTLEFIELD, H. R., Phys. and Surg.	200
MACKAY, DR. A. E., Phys. and Surg.	711-712
MANHATTAN LIFE INSURANCE CO. OF NEW YORK; W. Goldman, Mgr.	209-210
MARSH, DR. R. J., Phys. and Surg.	404-405
MARTIN, J. L. & CO., Timber Lands	601
McCOY, NEWTON, Attorney-at-Law	715
McELROY, DR. J. G., Phys. & Sur.	701-702-703
McFADEN, MISS IDA E., Stenographer	213
McGINN, HENRY E., Attorney-at-Law	311-12
McGUIRE, S. P., Manager P. F. Collier, Publisher	415
McKENZIE, DR. P. L., Phys. and Surg.	512-13
METT, HENRY	218
MILLER, DR. HERBERT C., Dentist and Oral Surgeon	603-609
MOSSMAN, DR. E. P., Dentist	513-514
MUTUAL RESERVE LIFE INS. CO.; Mark T. Kady, Supervisor of Agents	604-605
NICHOLAS, HORACE B., Attorney-at-Law	714
NILES, M. L., Cashier Manhattan Life Insurance Company of New York	209
NOTTAGE, DR. G. H., Dentist	609
NUMBERS, JAMES R., Physician and Surgeon	406
OLSEN, J. F., General Manager Pacific Mercantile Co.	211-212
OREGON CAMERA CLUB	214-215-216-217
OREGON INFIRMARY OF OSTEOPATHY	409-410
OREGONIAN BARBER SHOP; Marsch & George, Proprietors	129 Sixth
OREGONIAN EDUCATIONAL BUREAU; J. F. Strauhal, Manager	200
PACIFIC MERCANTILE CO.; J. F. Olsen, General Manager	211-212
PORTLAND EYE AND EAR INFIRMARY	Ground Floor, 133 Sixth Street
QUIMBY, L. P. W., Game and Forestry Warden	718
REED, WALTER, Optician	133 Sixth Street
RICKENBACH, DR. J. F., Eye, Ear, Nose and Throat	701-702
ROSENDALE, O. M., Metallurgist and Mining Engineer	510
RYAN, J. B., Attorney-at-Law	513
SAMUEL, L., Manager Equitable Life	306
SHERWOOD, J. W., State Commander K. O. T. M.	517
SMITH, DR. L. B., Osteopath	409-410
SMITH, GEORGE S., Cashier Equitable Life	306
STOLTE, DR. CHAS. E., Dentist	704-705
STOW, F. H., General Manager Columbia Telephone Co.	606
SURGEON OF THE S. P. RY. AND N. P. TERMINAL CO.	708
SUPERINTENDENT'S OFFICE	201
TIBBALS, S. A., President Oregon Camera Club	214
"THREE IN ONE" QUICK ACCOUNT SYSTEM COMPANY, OF OREGON	518
TUCKER, DR. GEO. F., Dentist	610-611
U. S. LIGHTHOUSE ENGINEERS, 13TH DIST.; Capt. W. C. Langfitt, Corps of Engineers, U. S. A.	808
U. S. ENGINEER OFFICE RIVER AND HARBOR IMPROVEMENTS; Captain W. C. Langfitt, Corps of Engineers, U. S. A.	810
WILEY, DR. JAMES O. C., Phys. & Sur.	708-9
WILSON, DR. EDWARD N., Physician and Surgeon	304-305
WILSON, DR. GEO. F., Phys. & Surg.	706-707
WILSON, DR. HOLT C., Phys. & Surg.	507-508
WILLAMETTE VALLEY TELE. CO.	615
WOOD, DR. W. L., Physician	412-413-414

Offices may be had by applying to the superintendent of the building, room 201, second floor.

Where it Belongs

The refinement of quality and the perfect development of America's best whiskey—

places it where it justly belongs, viz.: in the cellars and buffets of those who

KNOW THE BEST
LIKE THE BEST
BUY THE BEST

ROTHCHILD BROS.,
Portland, Ore.

SPALDING'S
OFFICIAL
BASKET BALL
GUIDE

By George T. Hepbron. Contains new official rules; pictures of all teams; articles on the game; instructions on scoring and what to wear.

PRICE 10 CENTS.

A. G. SPALDING & BROS.
NEW YORK CHICAGO
DENVER BALTIMORE BUFFALO

MEN NO CURE NO PAY

THE MODERN APPLIANCE.—A positive way to perfect manhood. The VACUUM TREATMENT cures you without medicine of all nervous or diseases of the generative organs, such as lost manhood, exhaustive drains, varicocele, impotency, etc. Men are quickly restored to perfect health and strength. Write for circular. Correspondence confidential. THE HEALTH APPLIANCE CO., room 47-48 Safe Deposit building, Seattle, Wash.

WINE of CARDUI
FOR WOMEN