FOUR ARE AFFIRMED

Supreme Court Hands Down Seven Opinions.

DAVIS' BONDSMEN ARE FREE

Action to Recover for Defalention of School-Land Clerk Barred by Statute of Limitations-Durphy Verdict Reversed.

SALEM, Jan. 12.-(Special.)-The Supreme Court today handed down seven opinions, of which four are affirmed, while three are reversed and remanded. Following are the cases decided:

State vs. Davis et al.

The State of Oregon, appellant, vs. George W. Davis, E. P. McCornack and George G. Bingham, respondents, from Marion County; G. H. Burnett, Judge;

affirmed. Opinion by Justice Bean. This was an action commenced by the State on June 22, 1991, against George W. Davis and his bondsmen, E. P. McCor-nack and G. G. Bingham, to recover \$5000 on Davis' official undertaking as School Land Clerk, who defaulted the state of about \$30,000. The case was tried on an agreed statement of facts and without any pleadings on the part of defendant's sureties. The statement admitted that Davis was clerk of the board from August 1891, to July 21, 1895, and that for the period ending December 31, 1894, he collected as such clerk about \$20,000 more than he paid over to the State Treasurer; that from the period December 31, 1894, to July 31, 1895, he made all payments to the State Treasurer, as required by law, all money collected by him; that prior to January 14, 1825, he made a full report to the board of all money collected and dis-bursed by him. From the agreed statement of facts, Davis' defalcation appeared to have occurred some time prior to Jan-uary 1, 1895, more than six years before the commencement of the action to re-cover on the bond. The lower court held that the action was barred by the statute of limitations, and the Appellate Court af-firms the judgment of the trial court. Su-preme Court holds that question was entirely a statutory one, and not a contract

In disposing of the case, the opinion mays: "For the state, the contention is that the action is brought on a sealed instrument and, therefore, is not barred, it having been commenced within 19 years (B. & C. Comp., Sec. 5), while the defendant's position is that it is an action on a liability created by statute, and barred after the lapse of six years. (Id., Sec. 6.) It has twice been held by this court that an action on the official undertaking of a public officer for a breach thereof, on account of the delinquency or nonfeasance of an officer, is an action on a liability created by statute, and must be com-menced within six years. It was so held as early as 1877, in Howe vs. Taylor, 6 Or., 284, and again in 1990, in Multnomah County vs. Kelly, 37 Or., 1. But, innsmuch as the state maintains that the question was not involved in either of the cases referred to, we have been constrained to re-examine it in the light of the decisions

in other states under similar statutes. . . . The theory upon which the adjudications proceed is the obvious fact that a bond or undertaking of a public officer creates no obligation in itself, but is in the nature of a collateral contract, simply furnishing a security against the neglect of duty or the dishonesty of the officer, and that an action thereon is for the breach of such duty-on, therefore, in effect, although not in form, an action

cer himself. The sealing of the under-taking in the present case did not change its character or the liability of the partaking in the present case its character or the liability of the parties thereto. It still remained as a security for the faithful performance by Dayis of the duties of his office, and the liabilities of the sureties are merely for liabilities of the sureties are merely for hand of such duties. What the effect the present information.

"The judgment of the trial court will, the present information." change the instrument from a statutory understanding to a contract under seal, nor did it change the statutory liability of Davis for a defalcation to a liability on

Davis Was Not a Trustee.

'It is said that, because the school fund made a trust fund by the constitution nst. Or., Art. 8, Sec. 2), the statute of ons did not commence to run in favor of Davis until the expiration of his term of office. He was not a trustee of the fund, however, holding it under an press and continuing trust, but was stitution with the control and manage ment of the fund, with power to collect, only that he might pay over to the State arer. His duty was to 'receive, receipt for and make immediate payment to the State Treasurer' of such money (Hill's Ann. Laws Or., Sec. 2726), and when he collected it, correctly charged himself there-with on his books and reported the same to the board, but failed to pay it over, a cause of action, therefore, accrued against him immediately. Where an agent reor has a fund under an express and continuous trust, no right of action will accrue until the trust is ended by the terms of its creation, or by act of the parties. (Quinn vs. Gross, 24 Or., 147; pherd vs. Shepherd's estate, 108 Mich., 82.) But, where there is no such trust, and his only duty is to collect the fund and pay it over to the owner or some other authorized person, and he reports the collection, but falls to make such payment, the statute commences to run immediately. (A number of authorities are here cited.) The stipulation of facts upon which this case was tried recites that Davis correctly charged himself with all moneys collected, and at once reported the board, but did not pay over to the State Treasurer, as by law required, all that he received prior to the lat day of January, 1895, but did so pay over all that he received after that date. There is, therefore, no basis, under the agreed facts, for an argument that the statute did not begin until the expiration of Daterm of office because he concealed the fact of his collection or failure to pay over. According to the stipulation, the true facts were all reported by him to the board, and the defalcation was a mere matter of calculation. It follows, there-fore, that this action is barred by the statute of limitations, and the judgment of the court below must be affirmed, and

State vs. Durphy.

State of Oregon, respondent, vs. Brad-ley F. Durphy, appellant, from Multno-mah; Alfred F. Sears, Judge; reversed. Opinion by Justice Welverton. Opinion by Justice Welverton.

The defendant was convicted of the crime of polygamy. In appealing, the setendant charged that the information was deficient in that it did not allege that at the time the defendant was said to have lived and cohabited with Margaret. Ryan in Multnomah County, the said 5 S. Bosworth was then his wife. The court holds that it is 'indispensable under

the statute to show that the former hus-land or wife, as the case may be, is not only living, but is still or was at the al-

eged time of the commission of the offor it may have transpired that the parties

were in the meantime lawfully divorced and the fact should so appear in the in-formation: State vs. McCrum, 36 N.

Continuing, the opinion is as follows: "Now, to analyze the information, it is manifest that the pleader did not intend to charge a crime by allexing that the defendant did unlawfully and felonlously marry Margaret Ryan in the State of Illinose, because the act would not be an offense against this commonwealth, but that the gravamen of the information is contained in the allegation that he lived and cohabited with Margaret Byan, in Multnomah County, State of Oregon, and hence, the information does charge the commission of two of-ses. The former-allegation was meant no doubt, as an inducement to the latter, showing the second marriage of the defendant and to whom, namely Margaret Ryan, the latter making reference to her

respondent, from Multnomah; M. C. George, Judge; reversed and remanded; HOW BROWNELL GOT IT actly 10 o'cleek A. M. by Senator C. W. AFTER NINETEEN BALLOTS from Clatsop, Washington and Clacka George, Judge; reversed and remanded; of the last opinion by Justice Bean.

York vs. Nash. W. T. York, respondent, vs. J. T. C. Nash, appellant, from Jackson County, H. K. Hanna, Judge; affirmed, opinion by

Justice Bean Hubert vs. Building Association. Flora Hubert and L. M. Hubert, her husband, respondent, vs. the Washington National Building & Loan Investment As-

sociation, appellants, from Multnomah County, Arthur L. Frazer, Judge; affirmed, opinion by Chief Justice Moore. Cox vs. Royal Tribe of Joseph.

Laura Deane Cox, a minor, by J. P. Finley, her next friend, respondent, vs. The Royal Tribe of Joseph, a corporation, appellant, from Multnomah County, M. C. George, Judge; affirmed, opinion by Jusas 'the said Margaret Ryan.' The words and while she (S. S. Besworth) was still tice Welverton

PRESIDENT OF THE STATE SENATE.



GEORGE C. BROWNELL, OF CLACKA MAS COUNTY.

SALEM, Or., Jan. 12 - (Special.) - George C. Brownell, of Oregon City, was born in the State of New York in 1859. When a very young man he moved to Kansas, where he was admitted to the bar, and engaged in the practice of law. He manifested a keen aptitude for politics, and occupied a number of responsi-ble positions. In 1891 Mr. Brownell moved to Oregon, settling in Oregon City. where he has been a prominent figure in legal and political circles. He has been elected to the State Senate three times by the Republicans of Clackamas County, and has eften been mentioned as a candidate for Congressional honors.

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his wife, relates, and was intended by the pleader, to the time of the defendant's marriage to Margaret Ryan, in the State of Illinois, and not to the time of his living with her in soid County of Mult-nomah. So that if the indistment is to be eliminated, these words must go with it, and the information would then be un-doubtedly bad. It would be unwarrant-able, it seems to us, to thus change the relation of a clause of the information. effect, although not in form, an action against the office, which when barred as to him is barred as to his sureffect.

After citing a number of authorities, the opinion continues: "So that there seems to be no basis under the authorities for the contention that an action can be the contention that an action can be the contention that an action can be the contention that an action of a public works, as to make it apply to the gravamen of the offense, when its natural position, and as designated by the pleader, it could have no such relevancy. Such a rule would be promotive of irregularity and perhaps injustice, as it might be misleading as to the specific crime charged, and perhaps injustice, as it might be misleading as to the specific crime charged, and the offense of Superintendent of Public Works, and E. G. Hun has been may be the clause with reference to the context as to make it apply to the gravamen of the offense, when its natural position, and have considered as to make it apply to the gravamen of the offense, when its natural position, and have no such relevancy. Such a rule would be promotive of irregularity and perhaps injustice, as it might be misleading to the offense of Superintendent of the clause with reference to the context as to make it apply to the gravamen of the offense, when its natural position, and have considered as to make it apply to the gravamen of the offense.

The new Council has elected ex-Mayor which there was an active fight by several candidates. S. B. Linn has been relevancy. Such a rule would be promotive of irregularity and perhaps injustice, as it might be misleading to the clause with reference to the context. thereby giving it an entirely different signification; oc, rather, to so transpose the clause with reference to the context ing as to the epecific crime charged, and the defendant be left without adequate preparation for his defense. Hence, we

seem proper, and inconsistent with this opinion."

Cullison vs. Downing, Hopkins & Co. J. E. Cullison, respondent, vs. F. O. Downing and F. H. Hopkins, partners doing business as Downing, Hopkins & Company, appellants, from Multnomah; Alfred F. Sears, Jr., Judge; reversed and Sears, Jr., Judge; reversed and remanded for new trial; opinion by Chief

Justice Moore. Quatsoe et al. vs. Eggleston. F. L. Quatsoe and J. E. Quatsoe, part-ners, doing business under the firm name

of the Manufacturers' Advertising Com-

The following orders were made by the court today:

Idonia Stenchcombe, appellant, vs. the New York Life insurance Company, respondent, ordered on stipulation that appellant's time to serve and file her brief to extended 30 days and that respondent have 30 days thereafter to serve and file

Its brief herein.

J. A. Baker, respondent, vs. the Will-lams & England Banking Company, ap-pellant, motion to modify decree overruled.

re-elected City Engineer. Mayor-elect West has made no announcement of his policy in regard to public affairs. There are now under way at this place

two large sawmills, with prospect of an-other being located here by the Cody brothers, of Winona, Minn., who have been looking over the prospects of Gray's Harbor

A petition is being circulated asking the Legislature to memoralize Congress to take a portion of the Olympic reserve lands out of the restriction that is upon

Butte Closing Slot Machines, BUTTE, Mont., Jan. 12.—The authorities of Butte have begun a determined cru-

sade against nickel-in-the-alot machines Two days ago Mayor Davey ordered th Chief of Police to close all machines in the city, and today the dragnet for those who still defied the order began. But two men had been arrested, when apparently every machine in the city was at once pany, appellants, vs. W. H. Eggleston, suspended.

ON EIGHTEENTH BALLOT SENATE DEADLOCK IS BROKEN.

Tie Vote With Dr. Smith for Fifteen Ballots-Contest in Good Spirit.

SALEM, Jan. 12 - (Staff correspondence.) The victory for Brownell for President of the Oregon State Senate came only after a prolonged contest, in which the leaders of the opposing factions exerted every effort in their power to win the fight.

At 10:15 A. M. the Republicans went into caucus, each side confident of victory on the first ballot. Neither Smith nor Brown-ell participated in the caucus, so that there were only 22 Republicans in the party deliberations. The first ballot created a small sensation when the count showed II votes for each candidate. Seven ballots were taken without a change, and then the caucus adjourned until 1:30. The Republicans returned to their seats in the Senate chamber and adjourned the Senate until 3 o'clock.

During the recess the leaders worked continually to hold their own forces solid and to make a min of one vote from the opposition. When the Senators returned from lunch the Brownell leaders whispered to confidential friends that a change had been accomplished by which Brown-ell would win. The first three ballots in the afternoon showed no change, and those who had anticipated a change be-gan to think there would be a deadlock which would prevent organization and therefore throw the first Senatorial bailot over for a week. On the 13th bailot one of the Smith men voted for Stelwer, but on the 14th ballot the vote stood_II to II again. The 16th and 17th ballots showed one vote for Stelwer, but on the 18th ballot the Stelwer vote changed to Brownell

and the contest was over.

As soon as he learned of the result, Senator Smith hastened to the caucus-room and asked that the nomination of Brownell be made unanimous. This was done, and Brownell made one of his felicitous speeches, thanking the Republicans in the Senate for the favor and honor conferred

upon him.

The Senate Republican caucus then took up the work of selecting candidates for the minor offices. S. L. Moorehead, of Cottage Grove, was chosen for chief clerk; D. H. Jackson, of Roseburg, journal clerk; Frank Motter, of Portland, reading clerk; Frank Middleton, of Portland, calendar clerk; A. W. Gowan, of Burns, sergeant-at-arms; J. L. Calvert, of Marion, door-keeper; William Smith, of Yambill, mailing clerk.
The caucus then adjourned and the Sen-

ate convened, when the nominees were elected by a party vote in opposition to the Democrats hereafter named.

The Democrats in the Senate held a cauus at 10:15 o'clock, the same hour the Republicans went into caucus, and in half an hour they had a full list of candidates named for the various offices. Having chosen their own candidates, they whis pered around among the Republicans that they were ready to "do business." The Democratic members have not been be sleged with applications for places, so they went hunting for candidates. None of the men named by them were applicants, but they received the honorary vote of the six Democrats. The Democratic nominees

President, Justin Wade; chief clerk, J. E. Lathröp; assistant clerk, Ira Campbell calendar clerk, L. A. Long; reading clerk. Burd Hoffman; sergeant-at-arms, General H. B. Compson; mailing clerk, F. W. Dur-

bin; doorkeeper, J. W. Virtue.

After his election Brownell was escorted to the president's chair by a committee composed of Senators Croisan of Marion, Smith of Multnomah and Stelwer. After taking the oath of office, President Brownell made a brief address in which he or ell made a brief address in which he ex-pressed his gratitude and high apprecia-tion of the honor conferred upon him, and said that he would perform the duties of the position to the best of his ability and in such a manner as would command the respect of the members of the Sennte. Realizing the importance of the position and the weight of the responsibility, he would rely upon the support and assist-ance of all the Senators, regardless of party. In making his appointments of committees the president assured the Senate that he would disregard factional lines and consider only the welfare of the taxpaying interests of the State of Ore-

gon.

The fight over the presidency of the Senate was characterized by no bitterness. Senator Booth, who was one of the prominent figures among the Brownell forces remarked during the noon hour that the contest differed in this respect from most of the organization fights with which he has been familiar. Senator Daly, who was the leader of the Smith forces, laughed over the situation, and said he would not lose a moment's sleep whether he won or lost. Members of the opposing forces greeted each other most cordially, and talked very pleasantly of everything but "politics."

IN THE SENATE. the Preliminary Organization Was Effected. the Legislature in making an appropriation for the great Fair, and is meeting with much encouragement. He will re-

The Senate was called to order at ex- main in the city several days,

Senate.

Upon motion of Senator Booth, of Lane,
John-D. Daly, of Benton, was chosen temporary president, without opposition.

Upon motion of Henry E. McGinn, of
Multnomah, S. L. Moorhead was chosen

temporary chief clerk.

McGinn of Multnomah moved the appointment of a committee of five on cre-dentials. The motion prevailed, and the president named Booth of Lane, Mulkey

of Polk. Wade of Union, Hunt of Mult-nomah and Hobson of Marion.

At 10:15 o'clock Booth of Lane moved that the Senate adjourn until II o'clock. The motion prevailed, and the temporary president announced that all Republican members would meet be expected upon ormembers would meet in caucus upon or-ganization in the president's office. The Democratic members went into caucus in

HARRIS DEFEATS EDDY AND DAVEY FOR SPEAKER.

Tillamook and Marion Men With. drew in Favor of Lane County Candidate.

SALEM, Or., Jan. 12 .- (Staff correspondence.)-Mr. Eddy's defeat was caused by the division in the Multnomah ranks, This is admitted by the Eddy supporters and is conceded by the Harris men. The caucus the room assigned to the committee on was at all times harmonious. When it udiclary.

At 11 o'clock the Senate was called to Eddy saw that his election was impossi-

ELECTED SPEAKER OF THE HOUSE OF REPRESENTA-

TIVES.

LAWRENCE T. HARRIS, OF LANE COUNTY.

SALEM, Or., Jan. 12.-(Special.)-Lawrence T. Harris, who was elected Speak-

er of the House of Representatives, is a native Oregonian. He was born in Linn County, September 13, 1873. He was educated in the public schools of Albany

and Eugene, and afterwards at the University of Oregon, from which institution

he was graduated in 1893. He then entered the law department of the Univer-

sity of Michigan, finishing his course with the class of 1806. Since that time Mr.

Harris has practiced his profession at Eugene with pronounced success, and has served continuously as Deputy Prosecuting Attorney for the Second Judicial Dis-

trict. He has been a member of several Republican state conventions, and is at

present a member of the State Central Committee. Mr. Harris was first elected

to the lower house of the Legislature in 1900, running 300 votes ahead of his

order, and the report of the credentials sible, inasmuch as on the 19th ballot committee received. The report recomHarris, with 19 votes, lacked only five of mended the seating of the hold-over Senbeing the caucus nomines. Twenty-four

no contest, the report was adopted. The of Curry and Adams of Umatilla were Republican caucus not having agreed, the absent; otherwise 25 votes would have Senate adjourned until 3 P. M. , been necessary for the nomination.

Senate adjourned until 3 P. M.

At 3 P. M., the Republicans having agreed upon an organization, the Senate was called to order by Temporary Presione in the morning and the other in the morni

the city yesterday. He is here to interest | herents of Harris were one or two Multno-

ctors and the members heretofore declared elected at the last election. There being

Fulton, Booth and Mulkey, were appointed a committee to ask the Chief Justice of the Supreme Court to administer the oath of office. The Chief Justice was intro-

duced, and, after the new Senators has

taken the oath, the Senate proceeded to effect a permanent organization.

in opposition to the Democratic nominees, the names of all the candidates being

given elsewhere.

The rules of the last Senate were

On motion of Senator Fulton, the Sen-

ate adjourned as a token of respect for

late Congressman Thomas

To Talk 1905 Fair at Boise.

to be held in Portland in 1906, arrived in

BOISE, Idaho, Jan. 12.-(Special.)-C, H. Melsaac, special commissioner for the Lewis and Clark Centennial Exposition,

adopted as the rules of this Senate.

the

The Republican nominees were elected

being the caucus nominee. Twenty-four

votes were necessary to a choice. Hume

In the morning session 19 ballots were

taken, in which the votes were about

equally distributed between Davey, Eddy

and Harris, Harris, however, began to

draw more support toward the end of the

morning session. On the last ballot he

lacked only five votes of winning the

by taking the lead at the opening of the

contest. His unexpected support came

six or seven votes, the Clackamas dele-

gation of two or three votes, and two or

three Marion voters. One or two Mult-

nomah men were understood to be voting

for him, also Hayden of Benton, Hawkins

of Polk and Jones of Lincoln. Eddy polled

perhaps 10 Multnomah votes, and four or

five outside votes, including one from

Marion and one from Yambill. The ad-

man members, the solid Lane County dele-

gation, four or five Southern Oregon

people, and other scattering members

nomination. Davey surprised everybody

ticket in Lane County. Last June he was re-elected by an increased majority.

Davey, Eddy, Harris

Toward I o'clock the solons grew hungry from their hard labors in caucus, and adjourned for lunch. When they met tgain at nearly 2 o'clock, Mr. Eddy at ce withdrew from the contest in favor of Harris. In a neat speech he said that after an honorable endeavor for the Speakership he regarded as a privilege the opportunity to give way to Mr. Harris. Mr. Davey promptly followed suit, and the election of Harris as the Republican

cand.date came by uffanimous voice.

The caucus then chose the following candidates for clerks and other officers of the House. The nominess were elected by a straight Republican vote in the afternoon session of the House, which began at 4 P. M.: Chief clerk-A. C. Jennings (re-elected),

of Lane Journal clerk-W. F. Drager, of Marion, Reading clerk-La Ronda Pierce, of

Calendar clerk-Frank O. Northup, of Multnomah Sergeant-at-arms-W. R. Bishop, of Multnomah Doorkeeper-T. W. Wann.

The Democrats held a caucus in the afternoon, and nominated the following candidates: Speaker-W. R. Bilyeu, of Linn. Chief clerk-J. J. Whitney, of Linn. Journal clerk-Dexter Rice, of Douglas,

Reading cierk-James Stewart, of Med-Calendar clerk-E. B. Schow, of Union, Sergeant-at-arms-Thomas Proffit,

They were not elected.

"Of couse," said Mr. Harris, "I am highly gratified with the result. "The contest between Mr. Eddy and Mr. Davey and myself has been a spirited but friendly one, and I am sure that the business of the Legislature will not in any way be adversely affected by the Speakership contest. The gentlemen who competed with me for this honor will receive full recognition at my hands. Whenever I can be of use to them in the work of the Legislature I shall be glad to serve them. They will at all times have free access "I am very grateful," said Mr. Eddy,

after the caucus, "for the loyal support I have received. I also feel that the party is to be congratulated over the unanimity and good feeling which finally prevailed in the caucus. I shall do everything possible to be of service to Mr. Harris as Speaker of the House. I predict for him a successful term in that office, for I have great confidence in his ability and fair-

IN THE HOUSE.

Emmett for Temporary Speaker-Harris for Speaker.

SALEM, Or., Jan. 12.—(Staff correspond-ence.)—The House was called to order at 10:22 by A. C. Jennings, of Lane County, chief cierk of the last House. Whealdon of Wasco nominated Emmett

of Klamath for temporary speaker, who was elected by acclamation. Eddy of Tillamook nominated 2. C. Jennings, of Lane, for temporary chief clerk Mr. Jennings was the only nominee, and was elected.

On motion of Shelley of Lane, seconded by Eddy of Tillamook, a committee of five on credentials was appointed, as follows: Shelley of Lane, Nottingham of Mult-nomah, Burgers of Klamath, Hale of Jo-

sephine, and Claypool of Lane. On motion of Judd of Marion, a committee on organization was appointed, as fol-

Judd of Marion, Bilyeu of Linn, Haw-kins of Polk, Reed of Multnomah, and Miles of Yamhill.

On motion of Kay of Marion, the House adjourned until 2 P. M. The House was called to order at 4 P. M. by Speaker Emmett, Report of the committee on credentials

was read, and on motion of Whitney of Lane was adopted. Report of the committee on organization

was submitted, and on moition of Gault of Washington was adopted. from the Eastern Oregon delegation of L. T. Harris was nominated for speaker by Edwards of Lane, The nomination was seconded by Eddy of Tiliamook and

Davey of Marion. Robbins of Baker nominated W. R. Bil-yeu, of Linn. Harris was elected by 44 votes, all the Republicans voting for him. On assuming the gavel, Speaker Harrir made a few felicitous remarks, which were received with applause. The following nominees of the Republican caucus were then elected by the House, each re-

celving the full Republican vote: Chief clerk-A. C. Jennings, of Lane, Assistant chief clerk-Fred Drager, of Calendar clerk-Frank O. Northup, of Multnomah Sergeant-at-Arms-W. R. Bishop, of

Multnomah. Doorkeeper-T. W. Wann, of Polk, Mailing clerk-L. M. Pierce, of Washing-Pages-Penryn Kantner, Lee Davis,

Frank Hogan, Representative Gault announced the death of Thomas H. Tongue, Congress-man from the First District, and the House adjourned out of respect to his

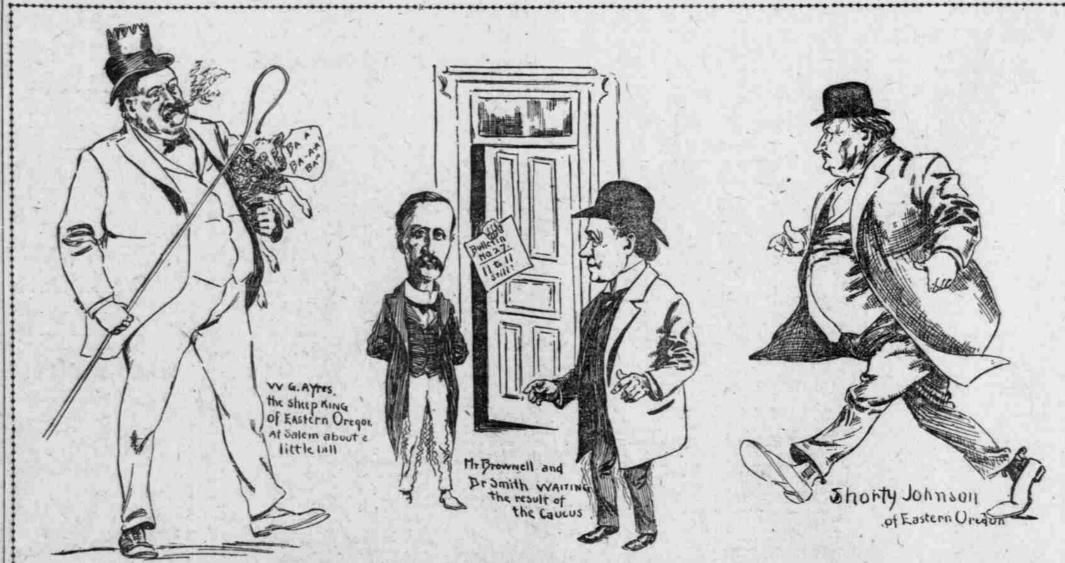
New Lewis County Officials. CHEHALIS, Jan. 12.-(Special.)-There

was a change all around today among the Lewis County officers. Retiring County Assessor S. E. Grimm took charge of the Treasurer's office, A. T. McDonald, formerly Deputy Assessor, will be chief deputy in the Treasurer's office, and David Rogers will be second deputy Peter Summersett, the new Assessor, will have no deputy for the present. Auditor Albert Schooley, who is entering on his second term, has no regular deputy. The new Sheriff, Henry Urquhart, has selected Howard Darrah, of Winlock, as his chief deputy. M. A. Langhorne succeeds David Stewart as County Attorney, Charles Geiger is the new Surveyor, and will have Wesley Beach as his deputy. County Clerk B. H. Rhodes is entering on his second term, and will re-tain his present deputy, Miss Josio Schooley. County Superimendent George A. Spencer will not relinquish his office until next August. Albert Sears succeeds himself as Commissioner in the First District; in the Second District, Henry Foster holds over, and in the Third District J. W. Ferrier is succeeded by W. A. H. Birley. Politically, the Auditor and Attorney are Democrats, and the rest of the county officials are Republicans.

New Trial in Montana Sheep Case. BUTTE, Mont., Jan. 12—A Helena special says that the Supreme Court has granted a new trial in the celebrated Broadbent and Donaldson sheep-stealing case from Dawson County, on the ground that the lower court committed errors during the trial. Donaldson and Broadbent were two of the best-known stockmen of Dawson County, both being wealthy. Each received sentence eight years for alleged theft of bands of

Eczema, No Cure, No Pay. Your druggist will refund your money if Paro Intment fails to cure Ringworm, Tetter, Old Ulcers and Soree, Pimples and Blackheads on he face, and all skin diseases. 50 cents,

sheep.



SNAPSHOTS OF PROMINENT MEN AT THE STATE CAPITOL.