

TO OFFER REWARD

Governor's Duty in View of Recent Street-Car Hold-Up.

LAW ON THE SUBJECT PLAIN

He is Required to Offer a Standing Reward for the Arrest and Conviction of Such Offenders.

SALEM, July 16.—(Special).—The Governor of the State of Oregon is authorized, and perhaps required, to offer a reward of \$500 for the arrest and conviction of men who commit robberies such as that committed by the six men who held up a street-car in Portland a few days ago. Section 2268 of the Code provides:

"The Governor shall offer a standing reward of \$500 for the arrest of each person who shall place or attempt to place any obstruction on any railroad track, or who shall misplace any switch on any such road, whereby the life of any person passing over said road may be endangered, and for the arrest of each person engaged in robbing or attempting to rob any person upon or having in charge, in whole or in part, any stage coach, wagon, railroad train or other conveyance engaged in carrying passengers, or any private conveyance within the state; the reward to be paid to the person making such arrest out of any money not otherwise appropriated, immediately upon the conviction of the person so arrested; but such reward shall be paid except after such conviction."

A street-car would clearly come under the head of "other conveyances carrying passengers." This section is generally considered only as authorizing the reward for the arrest of train and stage-robbers, but its language is broad enough to include street-cars.

It has been asserted that the word "shall" leaves the Governor no discretion in the matter, but makes it his duty to offer the standing reward. Over two years ago a half-witted man who was beating his way in a freight car on the Southern Pacific in Jackson County robbed a fellow-traveler. He was afterward arrested and convicted. The officers who arrested him claimed the reward. Governor Gear refused to pay the reward, claiming that none had been offered. The officers took their claim before the Legislature, and it was allowed by the ways and means committee, for the reason that the law requires that the reward be offered, and that the man who had earned the reward should not lose the money because of any failure to make the formal announcement of the offer.

SMITH PERJURY CASE.

Jury is Secured and Taking of Testimony Begins.

ASTORIA, July 16.—(Special).—After examining 23 jurors, the jury in the case against Joseph E. Smith, charged with perjury, was secured shortly before noon today, and the taking of testimony was commenced this afternoon. The attorneys for the defense made objection to the seating of the indictment, claiming that it made allegations which were not material, in that it accused the defendant of having testified in the Hock damage case under the name of Rodgers. They said that a name was simply a means of identifying a man, and would have no effect on the evidence, so even if the defendant gave an assumed name in the former case it was not a material point and could not be considered perjury. The court was inclined to believe that the name was not material in itself, but would not exclude evidence on that point being introduced in this case, for it might be shown as evidence in showing the intent of the witness, even if it was not a material allegation, although the state would be permitted to present authorities later in support of its claim. The defense also made objection to the indictment, saying that the statutes permitted the prosecution to plead perjury in material issues and allowed the court to be the judge as to what testimony was material in the case.

There are a large number of witnesses to be examined, and the case will probably not be concluded before tomorrow night.

Robert Smith, the young man who was brought from Oakland Tuesday to answer to the charge of perjury, was arraigned in the Justice Court last evening, and on motion of Deputy District Attorney Eakin was released, there being no charge against him. He is not the man who testified in the Hock damage case under the name of Charles Smith.

SEIZED WITH CRAMPS.

Oregon City Youth Drowned at Seining Grounds at Mouth of River.

ASTORIA, July 16.—(Special).—Ernest Bancke, a young man living in Oregon City, was drowned at the Tom Taylor seining grounds last evening, under very peculiar circumstances. Bancke was master of the launch Lidle and Marie, which is used as a tender for the grounds. He had anchored the launch a short distance from the shore and started to go ashore for supper. He was asked if he wanted a small boat sent after him, but replied that he would swim ashore, as was his custom. A number of the men on the launch took a ladder from the launch and started to swim to the shore, but he had gone only a short distance when he uttered a cry, and throwing up both hands, sank from sight. In a few moments his body was seen floating at the place, and those on board grappled for the body, but it could not be found until the big seine was laid out and the remains were recovered in it. Life was extinct, and judging from the way the limbs were contracted the young man was evidently taken with severe cramps as a result of jumping into the cold water while his body was overheated. The body was brought to this city and is being held awaiting instructions from relatives.

WILL WORK FOR TILLAMOOK.

Hermann Will Try to Get a \$500,000 Appropriation.

TILLAMOOK, Or., July 16.—(Special).—Congressman Blinger Hermann, on his return from Nehalem last evening, was tendered a reception at the opera-house by the Port of Tillamook Commission. When President A. J. Colon called the meeting to order the hall was packed, for the citizens were very anxious to hear what Mr. Hermann would have to say about the improvement of Tillamook bay. He greeted with a round of applause. He promised the people that he would endeavor to get an appropriation of \$500,000 for the improvement of Tillamook bay, for, until the bay was improved, the commerce would be limited. With the vast amount of resources in Tillamook County, which cannot be developed or manufactured until the bay is improved so as to allow of larger vessels to engage in transportation, it is not an act of charity that the people of Tillamook are asking, but something which is their right. He hoped to be able to get jetties constructed which would give Tillamook 16 feet of water at low tide. When that is secured it will mean much

to Tillamook. It cost \$1 more per thousand to ship lumber from Tillamook than it does from Gray's Harbor, which is 100 miles farther north.

Mr. Hermann's speech pleased the large audience, especially when he said that he would try and get an appropriation of \$500,000. After the reception Mr. Hermann was tendered a banquet in the dining-room of the Allen House by the Port of Tillamook Commission. Those present were: President J. C. John, Claude Thayer, T. B. Handley, B. L. Eddy, A. McNair, F. R. Beale, Fred C. Baker, George Grayson, A. W. Severance, B. O. Snuffer, J. W. Maxwell and Rollie W. Watson. Mr. Hermann left this morning, going out by way of Sheridan.

PRUNES IN LANE COUNTY.

Crop Will Be the Largest Ever Known There.

EUGENE, Or., July 16.—(Special).—While there has been much complaint about unfavorable weather and many farmers have expressed the belief that crops of all kinds would be light, there is now a change to the optimistic view of the situation. Conditions are turning out much better than anybody believed a few weeks ago. Probably the most elated of all the producers are those who have

orchards. Conditions for years past have been more or less discouraging to the horticulturist and only the strong hearted have been able to bear up against the repeated failures of prune crops especially.

There are many young prune orchards in Lane County that have been in bearing age for from six to ten years, but light crops or poor prices have been very discouraging. Just now, however, instead of giving up in discouragement, all are busy preparing for the coming harvest of an abundant crop. Trees are filled until they can hold no more, and the weather conditions have been favorable to the development of a first-class grade of fruit, and at the same time there are indications that the price will be such as to leave some profit for the grower. The work of harvesting the crop is considerable and facilities are required in excess of anything in the past, so that just now the orchardists are busy building new dryers, increasing the capacity of those already erected, and otherwise preparing to save the immense crop.

Of all the fruits, the prune is most extensively raised in this county, and the present crop is much the largest ever known. There will be sufficient for several trainloads from this county for export.

MINTO A CANDIDATE.

Aspires to Office of United States Marshal at Nome.

SEATTLE, Wash., July 16.—The Indiana, just from Nome, brings the latest ad-vice from that section.

The body of Frank Heitrick has been found on a tributary to the Good Hope River by Ernest Fox. It had been frozen, although there are indications that he might have met with foul play before the freezing. He was known to have considerable money and that was all gone. A strike is reported from the Immaculate and indications are that the creek is very rich. It is claimed that the aver-

age run of gold to the pan is \$11.50. Good strikes are also reported on No. 1, below Pennell.

John Minto, of Oregon, is reported to be an aspirant to the office of United States Marshal, to succeed Frank H. Richards. When President A. J. Colon called the meeting to order the hall was packed, for the citizens were very anxious to hear what Mr. Hermann would have to say about the improvement of Tillamook bay. He greeted with a round of applause. He promised the people that he would endeavor to get an appropriation of \$500,000 for the improvement of Tillamook bay, for, until the bay was improved, the commerce would be limited. With the vast amount of resources in Tillamook County, which cannot be developed or manufactured until the bay is improved so as to allow of larger vessels to engage in transportation, it is not an act of charity that the people of Tillamook are asking, but something which is their right. He hoped to be able to get jetties constructed which would give Tillamook 16 feet of water at low tide. When that is secured it will mean much

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TAX LEVY TO PAY INTEREST

MANDATORY DUTY OF BOARDS OF COUNTY COMMISSIONERS.

Decision by Washington Supreme Court Will Compel Revision of 1902 Rolls in Thurston County.

OLYMPIA, Wash., July 16.—(Special).—In a decisive opinion handed down today, the Supreme Court declares it to be the lawful and mandatory duty of Boards of County Commissioners to levy a sufficient tax each year to pay interest on school bonds as certified to by the directors of the school district.

As a result of this decision Thurston County, where the case originated, will be compelled to revise the tax rolls for 1902 so far as the Olympia school district is concerned, and levy a sufficient tax to pay three years' back interest on \$74,000 school bonds, amounting to \$18,561. The tax rolls were extended long ago and part of the taxes for 1902 have been paid in

fault against the respondent. The trial court granted the respondents' motion to dismiss, entering the order without prejudice to the defendants, to bring an action embodying the alleged cause of action set up in their cross-complaint. The Supreme Court decides that the defendant had a right to a judgment upon the sufficiency of the affirmative matters set up by them, and orders the case remanded for trial in accordance with such decision, denies the motion of the defendants for a default judgment, but instructs the lower court to investigate their right to such judgment by default.

The Supreme Court decided today that disputes which a party has agreed to arbitrate cannot be litigated in court by him without first showing that he has offered to arbitrate in pursuance to his agreement. The case was from Spokane County, where the Chellis Lumber & Manufacturing Company brought an action to foreclose a lien for material furnished Flora and A. J. Page in the construction of a dwelling. The sum of \$391.25 was claimed, but the trial court gave judgment for only that portion of the amount in excess of \$15, claimed as damages and demurrage in delivery of the material. The company appealed. The Supreme Court finds that the contract should have been arbitrated under the contract between the parties, and refuses to alter the decree of the lower court.

The judgment of the Superior Court of King County is affirmed in the case of the Darrow Investment Company, a corporation, respondent, vs. Arthur A. Breyman, appellant. This was an action to recover a commission on a sale of real estate, it being alleged that Breyman had employed Darrow to sell certain property for him at a certain price; that a purchaser was found, but that Breyman then refused to sell the property at the price decided in favor of Darrow. The only question before the Supreme Court was based on a refusal of the trial judge to instruct the jury in regard to the rule that where an agent is shown to be actively in the employ of both parties to a transaction he can recover from neither. The court finds that there was no evidence to show that Darrow was secretly in the employ of the intending purchaser, so the instruction by the court was not essential to an impartial verdict by the jury upon the facts.

A new trial is granted in the case of George W. McCormack, appellant, vs. Drum & Morgart, copartners, and the America Bonding Trust Company, of Baltimore, respondents. McCormack and Drum & Morgart were involved in a suit over the possession of certain property in King County. It was awarded by the lower court to McCormack, but Drum & Morgart appealed. This was a petition for an order of the court directing the payment of an individual judgment obtained against Sulpes, out of the proceeds of the sale of property of the estate of Sulpes and wife, then in the possession of the receiver. The court finds that the proceeds are from the sale of community property, and cannot be applied to the payment of individual judgments.

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MONEY OFFERED THE COURT.

Shores' Counsel Says It Was Not a Crime, but a Business Expedient.

BUTTE, Mont., July 16.—In opening the defense today, the Shores' counsel said that the case was a business expedient, in which the head attorney of the Amalgamated Copper Company is accused of attempting to bribe District Judge E. W. Harney. It was admitted by the defense that the \$25,000 had been offered for the undoing of certain judicial acts in the Minnie Healy mine case. But the defense set up that in making such an offer of money, no crime had been committed, but that the only purpose being to secure a statement from Harney to the effect that he had been bribed by Heinze, to whom ownership of the valuable copper mine was subsequently transferred. Counsel declared that the accused was at that time firmly of the belief that Judge Harney had been bribed by Heinze, and the offer of money was the amount he decided to be a mere bribe when the value of the property was considered—was to induce Harney to disclose the truth and then resign from the bench so that the Amalgamated Company could secure a new trial.

Attorney Vail made a most eloquent appeal to the court to drop the case, declaring that the conduct of Shores did not come within the law but was merely a business expedient. The Shores' counsel sought to be attained, and County Attorney Green for the prosecution ably combated the arguments offered in behalf of Shores. The hearing of witnesses for the defense will be continued tomorrow.

Bad Boys at Sunnyside.

SUNNYSIDE, Wash., July 15.—(Special).—Complaint has been filed by Eliza Dean against Roy Jones and Nick Perry, 13 and 15-year-old boys, who will be arrested tomorrow morning on charges of battery. These boys combined and pummeled Guy Dean, a 15-year-old boy. Although the injuries are not serious, the guilty boys are a terror to the community. They have been making a habit of beating and terrorizing the children of the neighborhood. The trial will be held Friday, County Attorney W. B. Guthrie, of North Yakima, prosecuting. The father of Roy Jones attempted one year ago to have him committed to the custody of the Boys' and Girls' Aid Society of Portland, by County Judge Scott. Superintendent W. T. Gardner took the girl to Portland this afternoon. She is an orphan, and was formerly in the custody of the Children's Aid Society.

Theater for Marshfield.

MARSHFIELD, Or., July 16.—(Special).—At the last meeting of Blanco Masonic Lodge No. 48, the contract for the building of the temple was let. The building when completed will be modern in every particular. The upper story will provide spacious lodgerooms, parlors and banquet hall. The entire lower floor will be occupied by an opera-house with a seating capacity for 1250 people, which will be furnished with all the latest conveniences. The building when completed will cost upwards of \$15,000 and will fill a needed want of Marshfield.

Committed to Aid Society.

SALEM, July 16.—(Special).—Jessie Wells, a 15-year-old girl, who has been employed as a waitress in a local restaurant, was today committed to the custody of the Boys' and Girls' Aid Society of Portland, by County Judge Scott. Superintendent W. T. Gardner took the girl to Portland this afternoon. She is an orphan, and was formerly in the custody of the Children's Aid Society.

Young Gymnast Hurt.

ALBANY, Or., July 16.—(Special).—Several Albany boys have arranged what they call a "ride" for a "ride" on a big steel bridge. The slide consists of a cable from the bridge to a tree below. The boys slide down on a trapdoor attached to the cable by a pulley. Today George Maston came down the slide, but the trapdoor failed, giving young Maston a fall of about 20 feet. The lad suffered painful injuries.

SAMUEL ROSENBLATT & CO
RELIABLE CLOTHIERS
Corner Third and Morrison Sts.

BIG REDUCTIONS
..ON..

STRAW
HATS

All that remains of the entire lot of Straw Hats are marked down much under value.

Men's \$3.50 Straw Hats.....	\$2.50
Men's \$3.00 Straw Hats.....	2.00
Men's \$2.50 Straw Hats.....	1.50
Men's \$1.50 Straw Hats.....	1.00
Men's \$1.00 Straw Hats.....	.50
Men's 50c Straw Hats.....	.25

This lot includes Blouse Suits, Sailors, Double and Single-breasted and Norfolk styles, fine all-wool materials, the newest designs, light and dark colors, splendidly tailored. Suits that their actual values are \$5 to \$6.50, at this clearance sale

\$2.35

Boys' 35c, 50c and 75c Straw Hats, Price **25c**
Boys' 75c and \$1.00 Jerseys, just the thing for the beach **45c**

FUND NEARLY EXHAUSTED

NO MORE MONEY TO PAY INDIAN WAR CLAIMS.

Those Still to Come in Will Not Be Audited Until the Next Legislature Makes Another Appropriation.

SALEM, Or., July 16.—(Special).—The present outlook is that the \$100,000 appropriated by the last Legislature for the payment of Indian War Veterans will lack \$50,000 of being sufficient. According to an opinion rendered this morning by the Attorney-General to the Secretary of State, those whose claims are not reached before the \$100,000 has been expended will be compelled to wait until another Legislature makes an appropriation before their claims can be audited. This is a modification of the opinion rendered some time ago when the Attorney-General advised Mr. Dunbar that he should audit all claims presented, even though the appropriation had been exhausted.

The Secretary of State has audited and paid claims to the amount of \$90,335.57. This leaves \$9,664.43 in the fund. There are on file claims aggregating \$12,100.20, so that it is apparent that those who have not yet filed their claims in the office of the Secretary of State will have to wait until 1905 or later before the Secretary of State can act upon their claims. The Secretary will receive and file all claims presented, but will not audit any in excess of the amount of the appropriation. Those not audited will be reported to the next Legislature for such action as that body may deem advisable.

About 320 claimants will have to wait until 1905 for their money. The claims audited and paid number 508. The average amount of these was \$173.51. Those yet to be presented will be smaller in amount than those already paid. The number of claims has been larger than was anticipated. Claims have been presented by veterans who reside in other states, some of them from the Atlantic seaboard, and these were not known to be alive. Men who are engaging in the business of securing the allowance of claims of Indian War Veterans are searching everywhere for persons who have a claim and thus more of the Veterans are being found than was expected.

What the Law Provides.

Under the Oregon statutes, the Secretary of State has no authority to audit the Indian War Veterans' claims after the appropriation has been exhausted. If he did audit and allow them he would be responsible upon his official bond. The section of the statutes bearing upon this subject is section 238 of Bellingham and Chilton's code. It provides:

"No warrant shall be drawn by the Secretary of State in payment for any claim against the state unless an appropriation has first been made for the payment thereof, but where such claim has been incurred in pursuance of authority of law but no appropriation has been made for its payment, or if made such claim and if allowed shall issue to the claimant a certificate as evidence of such allowance."

In the present instance it is clear that the Indian War Veterans' claims were not incurred in pursuance of authority of law, for the claims were against Oregon Territory and the General Government assumed all Territorial debts.

In advising the Secretary of State that he has no authority to audit claims in excess of the appropriation, Attorney-General Crawford cites the decision of the Oregon Supreme Court in the case of Shattuck vs. Kincaid, where it is said: "It sometimes occurs that special appropriations are made for a particular purpose, where the act itself authorizes the incurring of the expense, and is the only warrant of the claimant. In such cases, of course, the measure of the appropriation is the limit of the authority to obligate the state and hence the Secretary could neither audit nor draw his warrant because the claim is not one which the law would recognize as valid against the state." Attorney-General Crawford then says:

State, both to audit claims and to draw warrants under the act, is also exhausted. The Legislature appropriated a certain amount to pay certain claims and the amount is not sufficient. The excess of claims must wait until the Legislature appropriates more money, and in this case the appropriation being the recognition of the claim, there is no power to audit in excess of the appropriation. My opinion of the 5th ultimo, in which I said "The claim should be audited, certificate issued and the next Legislature asked to appropriate funds," is hereby modified to harmonize herewith.

WASHINGTON POSTMASTERS.

Recent Appointees to Fill Vacancies by Resignation.

OREGONIAN NEWS BUREAU, Washington, July 16.—Postmasters have been appointed as follows: Berlin—Millard G. Smith, vice Bernard Aborlin, resigned. Bozberg—J. R. Hall, vice John H. Berg, resigned. Covello—C. B. Motzinger, vice S. S. Stone, resigned. Elberton—William W. Renfrew, vice H. W. Roberts, resigned. Fisher—George W. Cole, vice A. D. Danforth, resigned. Hamilton—George W. Wilson, vice James J. Connor, resigned. Lacrosse—W. E. Rudge, vice T. H. Shor, resigned. Lamona—Curtis F. Dixon, vice Emilie E. Mayor, resigned. Leon—Samuel W. Gaskill, vice W. G. Norton, resigned. Manor—Alexandria Higdon, vice John Cramer, resigned. Newcastle—Sigfried A. J. Dorn, vice L. G. Terry, resigned. Ping—Frank B. Elliott, vice C. W. Johnson, resigned.

LINN COUNTY'S SCHOOL CENSUS.

Superintendent's Report Shows 6092 Children of School Age.

ALBANY, Or., July 16.—(Special).—The annual report of the County Superintendent of Schools, W. L. Jackson, shows the total number of persons in Linn County between the ages of 4 and 20 years to be

6552. Of these 3379 are male and 3313 females. The number between the ages of 4 and 20 years who are not attending school is 823. There are 118 school districts in the county, employing 213 teachers. The total receipts of the year were \$105,653.37 of which \$15,650.15 is yet in the treasury.