

CAN REFUSE PAPERS

Oregonian Company Need Not Sell to Harlow,

DECIDES SUPREME COURT

Contract's Performance Will Not Be Enforced on One Party Unless on Both—Appealable Decree Is Defined.

An injunction to restrain the breach of a personal contract, or a mandatory injunction to compel specific performance of such a contract, will not be granted when the recovery of damages at law would adequately redress the injury.

SALEM, Or., Dec. 5.—(Special)—The Supreme Court handed down decisions today in two appealed cases, as follows: E. Harlow and L. A. Harlow, appellants, vs. Oregonian Publishing Company and H. L. Pittock, respondents.

This contract was transferred several times, finally coming into the hands of plaintiffs. This controversy arose in 1901 over the question whether the contract applies only to that portion of the City of Portland south of Alder street.

MAKING IT CHEAP TO BUY. Walla Walla Merchants Fight for Rural Trade.

NORTHWEST DEAD. C. O. T. Williams.

Marquam vs. Oregon Company. F. A. Marquam, respondent, vs. United States Mortgage & Trust Company, the Title Guarantee & Trust Company, the Oregon Trust Company and T. H. Thurston Ross, appellants.

RAILROAD MUST PAY DAMAGES. Supreme Court Holds Shippers Entitled to Relief for Delay.

WASHINGTON, Dec. 5.—In an opinion by Justice Peckham, the Supreme Court of the United States today affirmed the decision of the Circuit Court of Appeals for the second circuit in the case of the Northern Pacific Railway Company against the Trading Company.

port at Tacoma, Wash., whence the shipment was to have been made. The court refuses to accept this view.

WOMEN TAKE A HAND.

Speakers at Mass Meeting Tell of Opposition Tickets' Origin. TILLAMOOK, Or., Dec. 5.—(Special)—The women of Tillamook City held a mass meeting at the Opera-house last night in the interests of the citizens' law enforcement ticket, which was largely attended.

PROHIBITS LIQUOR SALE.

Tillamook County "Dry," According to Local Option Law.

TIDE DROWNS PHYSICIAN. Dr. R. H. Barber Dies During Long Ride on Call of Duty.

GARDINER, Or., Dec. 5.—(Special)—Dr. R. H. Barber, one of the best known physicians in this region, met a strange death on the banks of the Siuslaw River.

MAY EXTEND ROAD.

Oregon Short Line Advises Boise Company to Make Move.

WALLA WALLA, Wash., Dec. 5.—(Special)—The second chapter in the fight for the rural trade of Walla Walla and Omalla is being fought this morning when at the instance of local merchants the O. R. & N. Company decided to put on special trains from Pendleton to Denver.

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MONEY FOR INSANE

Asylum's Superintendent Tells What It Needs.

TO SEPARATE CONSUMPTIVES

Inmates Increased Nearly Ten Per Cent in Last Two Years, and Thirty Per Cent of Those Committed Were Cured.

Recommendations of Superintendent of State Insane Asylum. That a branch asylum be established at some suitable place. That \$400,000, being \$12 per month per capita, be appropriated for maintenance for the next two years.

SALEM, Or., Dec. 5.—(Special)—The biennial report of Superintendent J. F. Calbreath, of the State Insane Asylum, shows that the population of that institution has grown from 1254 to 1373 in the past two years, and that since the number of patients is reaching the maximum that can be cared for economically in one institution, the establishment of a branch asylum is advisable.

Professor A. F. Herzhner, elected president of the Multnomah County Teachers' Association, is principal of the Gresham public and high schools. He was formerly principal of the Corvallis public school before being elected to the Gresham school. He has already taken high rank among the educators of this county, and his election as president of the association will add strength to that organization.

visiting patients confined in the asylum. The superintendent says that by the time a branch asylum can be prepared, the population of the present institution will reach 1700. The report makes no reference to the constitutional provision that all state institutions shall be located at the capital.

Thirty per cent of the number of patients admitted to the asylum have been discharged either as cured or much improved. The number of deaths is 13 per cent of the number of admissions, and the percentage of cures is 21 per cent of the deaths. Because of the prevalence of this disease, the superintendent recommends the construction of two suitable buildings, costing \$250,000 each, for victims of this disease.

Expenses Per Capita. The superintendent says that the per capita expense of maintenance has been \$9.98 per month during the last two years, but this did not include the expense for lighting, improvements and repairs, cost of returning patients to their homes, or the expenditures for library and art in the proposed building in the future to have all of these included in the maintenance fund, so that the per capita expense will be a more correct showing of the actual and the average cost of caring for those patients.

What Asylum Needs. Building and furnishing new wing, \$45,000. Rebuilding Sept. 30, 1904, 1,200. Five new cottages, 10,000. Constructing blacksmith shop, 500. How can house, asylum farm, 300. Two cottages for consumptives, 2,500. New cottage for physician, 2,500. New cottage for nurse, 2,500. Painting buildings and cottages, \$10,000. Carpentry for criminal insane, 7,500. Sewing and ironing, 500. Modern steam cookers for farm, 900. Finishing Ward 23, 1,800. Total, \$100,000.

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were committed from the following counties: Clatsop 5, Benton 33, Clackamas 65, Clatsop 68, Columbia 21, Coos 35, Crook 17, Curry 3, Douglas 48, Gilliam 16, Grant 15, Harney 2, Jackson 37, Josephine 23, Klamath 3, Lake 9, Lane 50, Linn 64, Lincoln 10, Marion 15, Morrow 12, Multnomah 397, Polk 17, Sherman 2, Tillamook 7, Umatilla 59, Union 36, Wallowa 8, Wasco 53, Washington 44, Wheeler 4, Yamhill 23; total 1372.

BRIDGE LINKS STATES.

New Structure Across Snake River at Weiser. WEISER, Idaho, Dec. 5.—(Special)—The exercises at the opening of the big bridge, which has spanned the river at this place were somewhat marred today by the nonarrival of Governor Morrison, of Idaho, and Governor Chamberlain, of Oregon, who were expected to attend. The splendid structure links the two states, and it was considered benedicting that the executives of the two states should participate in its opening.

SEATTLE, Wash., Dec. 5.—(Special)—With a debt of \$5,000,000 in bonds and outstanding warrants already against the city, Seattle will tomorrow vote on propositions to add an additional \$1,975,000 in bonded indebtedness. The charge will be against the city on account of municipal expenses, just as are the bonds and warrants amounting to \$5,000,000. This total does not take into account the millions involved in the local improvement indebtedness charged against certain small districts, the sum owed on account of the Seattle school district and Seattle's share of the King County bonds.

SEATTLE, Wash., Dec. 5.—(Special)—The lighting bonds would be valid if voted by the people this week. The Council failed to begin the publication of the notice of the election at the time the law specifies it should begin. Whether the Council knew, as is charged, that the advertisement would invalidate the election or not is immaterial if the courts hold, as is expected, that the municipal lighting bonds are not good. Of course that question will never get into the courts if the proposition is defeated.

Makawell Heard From. SAN FRANCISCO, Dec. 5.—News was received here today that the barkentine Makawell, Captain Neilson, arrived today at Mazatlan, near destination, after a long passage of 35 days from Tacoma with a cargo of coal. Her arrival removed her from the list of vessels that might have been wrecked on the Vancouver Island coast early in November.

BUFFALO, Dec. 5.—The German Bank of Buffalo, was closed today by State superintendent of Banking Kilburn, because of a run which began with the opening of the doors and continued to grow in volume as the day advanced. A big crowd of excited depositors gathered in front of the German Bank seeking information. Officers were placed at the door and no one was allowed to enter. All excitement had the inevitable result of sending nervous depositors hurrying to the German American Bank.

\$500,000 Sent to San Francisco. NEW YORK, Dec. 5.—Four local banks' subtreasury today transferred by telegraph \$500,000 to San Francisco and \$200,000 to New Orleans.

MAKES PLEA FOR UNITY. Gompers Addresses Delegates of the Chicago Federation of Labor. CHICAGO, Dec. 5.—In an earnest address, President Samuel Gompers, of the American Federation of Labor, yesterday pleaded with the delegates to the Chicago Federation of Labor to unite.

FOR TWENTY YEARS. Not an Unusual Instance. "I used Pyramid Pile Cure and have not had any trouble since. I have been a sufferer with piles for 20 years. I think it is the best remedy on earth for piles. It is sold by an originator in whom you can confide, and a physician is seldom consulted until the pain and agony incident to piles becomes unbearable."

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NEW ADD TO DEBTS

Seattle Faces Demand for City Improvements.

ALL OPPOSED BUT NEW JAIL

Site for City Jail, and Adequate Building, Prison and Lighting Plant Extensions to Be Voted On.

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Inspect Road to Beach. HOQUIAM, Wash., Dec. 5.—(Special)—A special car with F. R. Levy, assistant to the president of the Northern Pacific Railroad; H. J. Horn, general manager; E. J. Pierson, chief engineer; A. E. Law, assistant general superintendent, and T. H. Crosswell, division engineer, came in this morning at 11 o'clock to inspect the road between here and the beach. They will return to Tacoma tomorrow morning.

Claim-Jumpers Busy. GRANT'S PASS, Or., Dec. 5.—Claim-jumpers continue to do their work in the Sucker Creek district. A claim owned by Sheriff Lewis, of this city, has recently been jumped, and as the law is not yet in force, the Sheriff and his men have had two years' possession of the claim.

They act like Exercise. Pyramid Pile Cure. "I used Pyramid Pile Cure and have not had any trouble since. I have been a sufferer with piles for 20 years. I think it is the best remedy on earth for piles. It is sold by an originator in whom you can confide, and a physician is seldom consulted until the pain and agony incident to piles becomes unbearable."

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\$5,000 of judgments and other indebtedness is not reported by warrants.

During the coming year the City Council has decided that \$2,033,346 must be expended to carry on municipal affairs. Of this amount only \$291,000 is to be raised by general taxation. There is \$500,000 in fixed income and some \$157,000 in the treasury at the present time. The income of the city is, of course, merely given in round figures, but it is estimated to be practically sufficient to meet the estimated expenditures of the year. To do this a tax levy of 14 mills in the old limits and of 13 mills in the new was fixed by the City Council.

LA GRANDE, Or., Dec. 5.—(Special)—The quarterly conference of the Union of the Mormon Church, which includes Eastern Oregon, and some parts of Idaho, closed last night after two days' meeting in this city, in which the general condition of the Sunday schools, societies, etc. were discussed. The attendance was greater than any time at the conferences heretofore, and prominent leaders of the Salt Lake church were here. A choir of 60 voices of the Mormon Church, Professor Edwards, of Baker City, was here for the occasion. It was decided at this conference that the immense tabernacle which is being erected in La Grande should be dedicated next summer and be ready for use early next fall.

Office Now Third Class. KALAMA, Wash., Dec. 5.—(Special)—W. H. Imus, Postmaster, received notice this morning from the Postoffice Department that on January 1 the Kalama office would be raised to the third class. The office cancelled stamps to the amount of \$32 during the quarter ending September 30, 1904, which was the lowest quarter during the year.

Ordered to Puget Sound Navy-Yard. OREGONIAN NEWS BUREAU, Washington, Dec. 5.—Naval Constructor J. D. Beuret was today detached from the Bureau of Construction and Repair in the Navy Department at Washington and will proceed to Puget Sound navy-yard for duty as head of the department of construction and repairs of that yard.

Drown in Log Boom. SPOKANE, Wash., Dec. 5.—The bodies of Percy Harris and Kenneth Willey were found under the logs in Lake Couer d'Alene, at Cameron's Ferry, Idaho, this morning. The boys, who were about 5 years old, were last seen about 4 P. M. Sunday. They had been playing about the logs.

Do not purge or weaken the bowels, but act especially on the liver and bile. A perfect liver corrector. Carter's Little Liver Pills.

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Correct Clothes for Men

A spruceness of dress is also very proper and becoming at your age; as the negligence of it implies an indifference about pleasing, which does not become a young fellow.

Be spry in your duty; spruce in your dress; Wear raiment bearing this label

Alfred Benjamin & Co. MAKERS \* NEW YORK

Equal to fine custom-made in all but price. The makers' guarantee, and ours, with every garment. We are Exclusive Agents in this city.

BUFFUM & PENDLETON 311 Morrison St., opp. the Post-Office

Electricity at Springfield. EUGENE, Or., Dec. 5.—Springfield, where is located the big plant of the Lane County Electric Company, which furnishes lights for Eugene and the Booth-Kelly Company's big sawmill, was lighted by electricity for the first time Saturday night. The city has contracted for quite a number of street lights, and many of the business houses and residences have discarded kerosene for electricity.

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Doctors of the St. Louis Medical and Surgical Dispensary. SPECIALISTS IN DISEASES OF MEN. VARICOCELE, HYDROCELE, NERVOUS DEBILITY, BLOOD POISON, RUPTURE, KIDNEY AND URINARY DISEASES. St. Louis Medical and Surgical Dispensary. Cor. Second and Yamhill Streets, Portland, Or.